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COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, MARCH 19, 1935 No. 31

## SENATE

TUESDAY, March 19, 1935.

The Senate met at 11 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O Heavenly Father, with the dawning of each day we behold anew Thy matchless beauty. Throughout the hours of each day we feel the guiding touch of Thy hand. At each day's close, as shadows lengthen and darkness enshrouds us, Thou dost keep watch over us while we sleep. How often are the dreams of our pillowed heads whisperings of Thy love!

As days come and go lead us with increasing tenderness until we reach the close of life's day.

Like each day, each life is short. Like each day, each life at its close brings sleep. When we awake from this sleep our eyes shall behold new scenes whose beauty shall transcend the glory of any earthly sunrise.

Grant us strength sufficient for the need of each day and wisdom to make its decisions, so that the sum of our earthly days may total an eternity of joy.

We thus pray in behalf of each member of this Senate and each soul here assembled, in the name of the Master. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RANKIN, the further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, March 18, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 25, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 25, at nine o'clock.

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 969 (Senate Bill No. 640), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "Vehicle Code" as amended, by increasing certain registration fees.

Which was committed to the Committee on Finance.

House Bill No. 970 (Senate Bill No. 641), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "Vehicle Code," as amended, by revising certain registration fees and revising existing regulations for length, height, and weight of certain vehicles.

Which was committed to the Committee on Finance.

House Bill No. 991 (Senate Bill No. 642), entitled:

An Act to further amend section five hundred two of the act, approved the first day of May, one thousand nine hundred twenty-nine, (P. L. 1005) entitled, "Tractor Code," by increasing certain registration fees.

Which was committed to the Committee on Finance.

House Bill No. 992 (Senate Bill No. 643), entitled:

An Act to further amend sections five hundred two, six hundred seven, and six hundred eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1005), entitled "Tractor Code," by revising certain registration fees and existing regulations for length and weight of certain vehicles.

Which was committed to the Committee on Finance.

### REPORT FROM COMMITTEES

Mr. EALY, from the Committee on County Government reported as committed, Senate Bill No. 424 (House Bill No. 677), entitled:

An act to amend sections three hundred eleven three hundred and twenty-nine (P. L. 1278), entitled "An act act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended further amplifying the powers of the retirement board in counties of the second class increasing the contributions of such counties county poor districts and employes and restricting rights to retire for disability in certain cases.

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Also from the Committee on State Government, reported as committed, Senate Bill No. 498 (House Bill No. 332), entitled:

An act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (P. L. 200, 1933-1934) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances."

## BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 141, as follows:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided and if the taxes due on such real estate for the tax year one thousand nine hundred and thirty-five are paid at the time prescribed by law for the payment of taxes

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six twenty per centum on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine

If any taxpayer availing himself of the provisions of this act shall fail to pay any instalment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid instalment or instalments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act.

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for non payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

Section 2 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. RANKIN. Mr. President, I move the question together with the further consideration of the bill be postponed for the present.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 29, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

(Abolishing the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I promised my colleagues not to make a speech on this bill, but I simply wish to call attention to the fact that Senate Bill No. 29 is the consummation devoutly looked forward to for ten years, I think, by all forward-looking people of Philadelphia; and if everybody votes "aye" we shall establish the milennium in the City of Brotherly Love.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, representing the firm of Howell and Woodward, I respectfully ask unanimous consent that Senate Bill No. 31, on third reading, entitled:

An Act to amend section six as amended and section eight of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled, "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punish-

ment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for office from being candidates for more than one party nomination, and requiring candidates affidavits from candidates for additional offices.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 58, entitled:

An Act creating in counties of the fourth class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property and occupations for county, borough, town, township, school and poor purposes; authorizing the appointment of subordinate assessors and clerks; providing for their compensation payable by such counties; abolishing the office of ward, borough and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. STAUDENMEIER. Mr. President and members of the Senate, I simply want to call attention to the bill that is now before you for your consideration. This bill, as some of the Senators who were formerly members of the House will recollect, was knawn in the House, years ago, as the Marshall Bill, and, after that, as the Ludlow Bill. It seems to be an annual bill, or, perhaps I should say, a biennial bill. It takes away from your local assesssors—the assesssors that are elected by your constituents—the right to assess properties, occupations and so on. In other words, this creates a board of three members—appointed by whom? By the County Commissioners?

You will note that the salaries of the three members of the Board are not fixed by this Act, but shall be fixed by the Salary Board in counties where you have Salary Boards, and in counties where you have no Salary Boards the salaries shall be fixed by the Commissioners.

This board of three men, or three persons, has the right to appoint an unlimited number of people to go out and assess properties. There is nothing in the Act which stipulates that the assessor for a particular district, that is appointed, shall come from the particular district. In other words, we are going to depart from the procedure of having somebody who is your neighbor, who is familiar with valuations, place an assessed valuation upon your property for taxation purposes. You can easily, without extending your imagination at all, see to what lengths this bill can go. It can be used as a powerful political weapon. There is no question in my mind that if a Board of County Commissioners shall have designs upon a group for their own political purposes they can send out hostile people, who are termed assessors, and they in turn can go to these various people affected and say, "Unless you do thus and so and so your property will be assessed to this extent."

Now, it is stated, of course, that you have the right of appeal. Well, let me give you the history in Schuylkill County. About twelve years ago, at a triennial assessment, the Board of County Commissioners, for some reason or other, stated that the assessed valuation of property in Schuylkill County was inequitable, and the special assessors went out, over the heads of the elected assessors, and asssessed property for the information of the County Commissioners, at various figures. The corporations in Schuylkill County appealed, but nine out of ten individuals did not appeal. And what happened? The case was carried to the Supreme Court of Pennsylvania, and the Supreme Court of Pennsylvania knocked out the assessment. The hardship was this: That your school districts and your borough councils, relying upon this assessed valuation, went ahead and built schools, made extensive improvements; boroughs used money which, in turn, after this Supreme Court decision, they were ordered to refund to these corporations affected, and we still have boroughs and townships up there, to this day, that have not been able to make refund of the moneys. And the individual who had not taken an appeal—he was out in the cold.

Now, if there is anything equitable in a system of that type, I would like to be shown what it is; and I think that what happened in the House to the Marshall and Ludlow Bills—and I think there was some other sponsor since 1923—there always was an overwhelming defeat; and I say to the fourth-class members, I want you to note particularly that the Act applies only to fourth-class counties. Now, if this is such a meritorious piece of legislation, I, for one, decline to deprive counties of the fifth, sixth, seventh and eighth classes of its benefits; I do not think we ought to be selfish and ask it for fourth-class counties alone. If it is not good for fifth, sixth, seventh and eighth-class counties—and after all that is only a distinction brought about by reason of population—if it is not good for fifth, sixth, seventh and eighth-class counties, then, I ask you other members of the Senate to help us members from the fourth-class counties to defeat this bill.

And the question, recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—11

| | | | |
|---|---|---|---|
| Bennett, | Graff, | Norton, | Trainer, |
| Cavalcante, | Howell, | Reed, | Woodward, |
| Ealy, | McClure, | (Dauphin) | Ziesenheim, |

NAYS—31

| | | | |
|---|---|---|---|
| Aron, | Hunsicker, | Pierson, | Rodgers, |
| Batchelor, | Kahle, | Prince, | Rupp, |
| Baumer, | Lanius, | Pytko, | Shapiro, |
| Buckman, | Law, | Rankin, | Staudenmeier, |
| Chapman, | Mallery, | Reed, | Thompson, |
| Coyne, | McCreesh, | (Washington) | (Centre) |
| Frey, | McGinnis, | Rice, | Thompson, |
| Harris, | Miller, | Roberts, | (Westmoreland) |
| Homsher, | Owlett, | | |

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 68, entitled:

An Act to amend sections five and nine of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring

certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended; changing the time for filing nomination papers and the time when the official list of candidates so nominated are sent by the Secretary of the Commonwealth to the respective county commissioners and sheriffs.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 70, entitled:

An Act to amend sections one, seven, fifteen and twenty-three, as amended, and sections twenty-four and twenty-six of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by making provisions for voting machines designed to be made secure by the use of two or more seals; changing the requirements as to the printing of return sheets and statements; providing the requirements of, and rules and regulations for, the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets; providing for the printing and distribution of said proof-sheets; providing for their use in canvassing the vote, making them part of the election returns; defining their probative value and effect; and enlarging the powers of return boards.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 71, entitled:

An Act to amend section forty-two of, and to add section thirty-five A to, the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-1934), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors, and changing certain penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

## BILL POSTPONED

Mr. HARRIS. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## MOTION TO RECOMMIT BILL

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 147, on third reading, entitled:

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties.

be recommitted to the Committee on Pensions for the purpose of a hearing.

Mr. ARON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, our able and industrious Senator from Philadelphia, Mr. Shapiro, has performed a public service by calling attention to the defects in this bill. It seems like the irony of fate that we should dispute over a bill which is intended to confer benefits on the blind, but the bill is defective. In the first place, it leaves in the Department of Welfare some of the blind, it transfers some of the blind to a board set up in the Department of Internal Affairs; and while I have the highest respect for our presiding officer, the Lieutenant-Governor, I do not believe in ex-officio boards. We went through that a good many years ago, and the general principle is for them to regard duties outside of their regular office as a nuisance, and very often they neglect these duties. Even in the case of the Employees' Retirement Fund they have trouble of that kind. So I thought it was pretty well established that ex-officio boards are not the best way of administering anything.

Now, the Secretary of Internal Affiairs is chairman of the board, and our respected Lieutenant-Governor is a member of the board, and a very prominent Democrat, whose name escapes me, the Secretary of the Commonwealth, is the third member of the board; and if these gentlemen know anything more about the blind than the Department of Welfare I would, for one, want to be told about it. But the point I am trying to make is that the Senator from Philadelphia, Mr. Pytko, puts in a resolution calling attention to the fact that we ought to be courteous and to do our duty, and it is very seldom indeed that the courtesy of a hearing is denied upon any bill where there is any controversy, yet last night this courtesy was denied by the sponsor of the bill and by the Senator from York, Mr. Lanius.

I cannot see any necessity for haste in the enactment of this legislation. Why should not the people who want to be heard be given the opportunity to discuss this bill? And therefore I have risen to my feet again to ask that this bill be recommitted for the courtesy of a hearing. I promised the people they would be heard next Tuesday, and I sent a telegram last night that everything was off, the hearing had been denied; but I do hope the Senate will grant the courtesy of a hearing.

Mr. REED, (Dauphin). Mr. President, the Senator from Philadelphia, Mr. Woodward, was recognized before I rose to my feet, and I ask permission, before the motion is put, to make the statement which I had intended to make.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, may proceed.

Mr. REED (Dauphin). Mr. President, it was my intention to secure the floor first in order to ask that this bill go over in its order. The Senator from Philadelphia, Mr. Shapiro, last night suggested a certain defect in the bill; that under this bill it would be possible for a blind person to receive a pension from the board to be set up and at the same time receive something from the Welfare. Personally I do not agree with that construction, but I am always of the opinion that an Act of Assembly should be made as clear as possible in order that there can be no doubt as to its interpretation, and therefore I directed the Legislative Reference Bureau, last evening, to prepare an amendment which would clarify that particular provision of the Act. I have not as yet received the amendment, and I ask unanimous consent that this bill now may go over in its order, until that proposed amendment arrives.

The PRESIDENT. Does the Senator from Philadelphia, Mr. Woodward, insist upon his motion?

Mr. WOODWARD. Mr. President, I certainly do.

And the question recurring,

Will the Senate agree to the motion?

The motion was not agreed to.

And the question recurring,

## BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 147, on third reading, entitled:

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 147, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 221, entitled:

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## RECESS

Mr. HOMSHER. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 355, entitled:

An Act to further amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of birth and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violation of this act," by providing that the fees due certain registrars, be paid by the State, instead by the respective counties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, and members of the Senate, I just want to explain that this bill provides that registrars of vital statistics shall be paid by the State, as is the case of registrars of vital statistics in cities of the first and second class.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenhelm, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## BILL OVER IN ORDER

Mr. ARON. Mr. President, I ask unanimous consent that Senate Bill No. 482, on third reading, entitled:

An Act providing for the filling of vacancies in certain county offices in counties of the first class and that such appointees shall hold office for the unexpired term

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 486, on third reading, entitled:

An Act to amend section six of article four of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the Commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said Commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and th provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation in consistent with or supplied by this act," providing that the counsel for the Commission shall be appointed by the Governor with the advice and consent of the Senate.

be recommitted to the Committee on State Government for further consideration.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 518, entitled:

An Act making an appropriation to the Home for Widows and Single Women of Reading Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 524, entitled:

An Act making an appropriation to the Saint Luke's and Children's Homeopathic Hospitals of Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 527, entitled:

An Act making an appropriation to the Harrisburg Hospital Harrisburg Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Represetatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 528, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Harvey, | Norton, | Rodgers, |
| Baumer, | Homsher, | Owlett, | Rupp, |
| Bennett, | Howell, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Coyne, | Law, | Reed, | Thompson, |
| Ealy, | Mallery, | (Dauphin) | (Westmoreland) |
| Frey, | McClure, | Reed, | Trainer, |
| Gelder, | McCreesh, | (Washington) | Woodward, |
| Graff, | McGinnis, | Rice, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 529, entitled:

An Act making an appropriation to the Harrisburg Polyclinic Hospital of Harrisburg Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 530, entitled:

An Act making an appropriation to the Children's Home of Harrisburg Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 531, entitled:

An Act making an appropriation to the Home for the Friendless of Harrisburg Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Hunsicker, | Pierson, | Staudenmeier, |
| Buckman, | Kahle, | Prince, | Thompson, |
| Cavalcante, | Lanius, | Pytko, | Rice, |
| Chapman, | Law, | Rankin, | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Dauphin) | Trainer, |
| Frey, | McCreesh, | Reed, | Woodward, |
| Gelder, | McGinnis, | (Washington) | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 532, entitled:

An Act making an appropriation to the Paoli Monument Association Trustees Paoli Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 533, entitled:

An Act making a deficiency appropriation to the West Chester State Teachers College in West Chester Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 534, entitled:

An Act making an appropriation to the Taylor Hospital Ridley Park Delaware County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 535, entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett. | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 536, entitled:

An Act making an appropriation to the Delaware County Hospital Lansdowne Avenue and Garrett Road Upper Darby Delaware County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill no. 537, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 538, entitled:

An Act making an appropriation to the Chester Hospital in the city of Chester Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 539, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 540, entitled:

An Act making an appropriation to the Chester Day Nursery and Children's Home at Chester Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 541, entitled:

An Act making an appropriation to the Wyoming Valley Homeopathic Hospital at Wilkes-Barre Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 542, entitled:

An Act making an appropriation to the Mercy Hospital Wilkes-Barre Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Owlett, | Norton, |
| Batchelor, | Homsher, | Pierson, | Rodgers, |
| Baumer, | Howell, | Prince, | Rupp, |
| Bennett, | Hunsicker, | Pytko, | Shapiro, |
| Buckman, | Kahle, | Rankin, | Staudenmeier |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |

| | | | |
|---|---|---|---|
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Trainer, |
| Gelder, | McGinnis, | Roberts, | Woodward, |
| Graff, | Miller, | | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 543, as follows:

An Act relating to the maintenance of insane feebleminded and other persons confined in various institutions by counties of the second class fixing liability for their support providing for the collection of the monies due the counties of the second class therefor and for proceedings relating thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person is maintained as an inmate of any hospital home sanitorium or other institution or elsewhere in whole or in part at the expense of any county of the second class the property or estate of such person shall be liable for such maintenance to be paid or recovered as hereinafter provided

Section 2 Every trustee committee guardian or other person nominated or appointed to take charge of the estate of any lunatic feeble-minded or any other person who is maintained in whole or in part by any county of the second class in any home asylum or other institution shall within six months after his appointment make a true and full report under oath to the County Commissioners of said county showing the amount and character of said estate and every year thereafter report to the County Commissioners of said county what if any changes there are in said estate and every executor or administrator of the estate of any deceased inmate of any asylum home or institution maintained in whole or in part by any county of the second class shall within six months after letters testamentary or of administration have been issued make a true full and complete report under oath to the County Commissioners of said county of the extent and character of such estate

Section 4 The Court of Common Pleas of the county of the residence of any inmate of any home hospital asylum or other institution maintained in whole or in part by any county of the second class shall have power upon the application of the County Commissioners of said county to make an order for the payment of maintenance to the county upon the trustees committee guardian or other person who has charge of the estate of any such inmate and said Court may also upon like application direct any trustee committee guardian or other person having charge of any such estate to file with the County Commissioners of said county the statement required by the second section of this Act

Section 5 The sworn statement of the superintendent steward or other person in whose custody are kept the records of any hospital home asylum or other institution wherein persons are maintained in whole or in part at the expense of the county shall be received as prima facie evidence in any Court of this Commonwealth of the amount expended by the county for the support or maintenance of any such person in any proceeding brought to recover the amount of such maintenance

Section 6 All claims by any county of the second class for maintenance as herein provided in the distribution of any of the estate of any person so maintained shall take precedence and be paid after other claims which by law are now given precedence and before any claims of general creditors

Section 7 When there is a claim against the estate of any person maintained in any home hospital asylum or other institution both on behalf of any county of the second class and on behalf of the Commonwealth and there is not sufficient in the estate to pay the claim in full the same shall be paid pro rata to the State and the County in the proportion of the amount of maintenance legally recoverable by each

Section 8 This Act of Assembly is intended to apply to the collection of claims for maintenance due any county of the second class at the time of its passage as well as those to become due hereafter

Section 9 All acts or parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED (Washington). Mr. President, I desire to interogate the Senator from Allegheny, Mr. Harris, on this bill.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I shall be very glad to be interrogated.

Mr. REED (Washington). Mr. President, I desire to ask the Senator from Allegheny, Mr. Harris, whether under this bill it is his idea that those able to pay are liable to pay for any members of a family committed to an institution, in counties of the second class.

Mr. HARRIS. Mr. President, that is correct, and it goes still farther; the bill provides that those who have any funds belonging to a person committed to an institution for the feebleminded, must make a report to the county commissioners every six months, so that the moneys they may have belonging to the one who has been committed to the institution cannot be dissipated.

Mr. REED (Washington). It holds the estate liable and not any member of the family?

Mr. HARRIS. Mr. President, that is correct.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bennett, | Howell, | Pierson, | Staudenmeier, |
| Buckman, | Hunsicker, | Prince, | Thompson, |
| Cavalcante, | Kahle, | Pytko, | (Centre) |
| Chapman, | Lanius, | Rankin, | Thompson, |
| Clark, | Law, | Reed, | (Westmoreland) |
| Coyne, | Mallery, | (Dauphin) | Trainer, |
| Ealy, | McClure, | Rice, | Woodward, |
| Frey, | McCreesh, | Roberts, | Ziesenheim, |
| Gelder, | McGinnis, | | |

NAYS—1

Reed,
(Washington)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 546, entitled:

An Act making an appropriation to the Easton Hospital at Easton Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 551 (House Bill No. 433), entitled:

An Act making an appropriation to the City of Philadelphia for monies advanced by said City to the Delaware River Bridge Commission jointly with the Commonwealth of Pennsylvania with interest which monies including the monies so advanced by the City of Philadelphia were repaid to the Commonwealth of Pennsylvania by the Delaware River Bridge Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 559, entitled:

An Act making an appropriation to the Suburban General Hospital of Bellevue Allegheny County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 561, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation for county purposes, and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 564, entitled:

An Act making an appropriation to the The Robert Packer Hospital of Sayre, Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Law, | Rankin, | (Centre) |
| Chapman, | Lanius, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative .

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON THIRD READING

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 147, on third reading, entitled:

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 147, entitled:

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to amend section 1, page 2, line 6, by inserting after the word "pension" the following: And provided further, That where a blind person has an income of less than twelve hundred dollars ($1,200) per year, the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars ($1,200) a year; also section 11, page 5, line 6, by inserting after the word "penalties" the following: but no person receiving a pension under this act shall be entitled to receive a pension under said act of January seventeenth, one thousand nine hundred and thirty-four, and no person receiving a pension under said act of January seventeenth, one thousand nine hundred and thirty-four shall be entitled to receive a pension under this act.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered ,That the bill as amended be printed for the use of the Senate.

## REPORTS FROM COMMITTEE

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection The Chair hears none.

Mr. MALLERY from the Committee on Judiciary General reported as committed Senate Bill No. 352, entitled:

An Act to reenact and amend the act, approved the twenty-third day of March, one thousand eight hundred and seventy-seven (P. L. 34), entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases," extending said act to all courts of record.

Mr. ARON. Mr. President, I ask unanimous consent to make report from the committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Finance reported as committed, the following Resolution, which was laid upon the table:

### REQUESTING TAX DATA FROM SECRETARY OF REVENUE

In the Senate, March 18, 1935.

Whereas, It is essential the General Assembly be in possession of available tax data so that its members may intelligently consider measures intended to produce additional revenue;

Therefore, Be It Resolved by the Senate of Pennsylvania, That the Secretary of Revenue be requested to furnish to the Senate at the earliest possible moment the following information:

FIRST—The total amount of State and Local taxes paid by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933;

SECOND—The total amount of Federal taxes paid by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933 as shown by returns filed with the Secretary of Revenue;

THIRD—The total amount of rentals paid by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933;

FOURTH—The total net income or loss by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933;

FIFTH—The total value of the Capital Stock of the manufacturing industry in Pennsylvania, as appraised by the Department of Revenue, for the year 1932 and for the year 1933.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Judiciary General reported as committee, Senate Bill No. 496 (House Bill No. 233), entitled:

An Act to amend and reenact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the contin-

uance of return days of writs of execution and authorizing sales thereon without issuance of further writs" extending the provisions thereof for two years and exempting mortagages issued under the National Housing Act.

Mr. THOMPSON (Westmoreland). Mr. President, I ask uninimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Judiciary General report as committed, Senate Bill No. 269, entitled:

An act relating to writs of execution, other than attachments, on goods and chattels, where Sheriffs Sales are delayed or plaintiffs fail to advance the costs for same, and providing that such writs, including any in the hands of Sheriffs when this Act becomes effective, may be returned as stayed for want of prosecution, unless the property levied upon be advertised for sale within three months after the levy thereon, exclusive of the duration of any stay of proceedings by order of Court of operation of law preserving the lien of such levy.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Law and Order re-reported as committed, Senate Bill No. 245, entitled:

An Act to further amend section five of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled "A supplement to the act, approved the twenty-seventh day of March, one thousand nine hundred and twenty-three (P. L. 34), entitled 'An act concerning alcoholic liquors; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing for penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws'; providing for the registering of federal permits; also regulating, under permit, through a Pennsylvania Alcohol Permit Board created in the Department of Welfare, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, recovery, reuse, holding in bond, holding in storage by bailees for hire, sale at wholesale, and transportation for hire, of any alcohol or alcoholic liquid, by certain persons; also providing for fees and the disposition thereof; also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid, also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," permitting limited wine making in homes for home consumption.

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Judiciary General reported as amended, Senate Bill No. 96, entitled:

An Act to amend section four of the act approved the twentieth day of March, one thousand eight hundred and ten, (P. L. 208), entitled "An act to amend and consolidate with its Supplements the Act entitled 'An act for the recovery of debts and demands, not exceeding one hundred dollars before a Justice of the Peace and for the election of Constables and for other purposes,'" by prescribing the time within which transcripts must be filed on appeals from judgments of justices of the peace in civil cases.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed,

Senate Bill No. 440, entitled:

An Act establishing as State highways, subjects to certain restrictions, all existing townships of the second class which have not heretofore been established as State highways, and providing for their maintenance and repair, and for the vacation of certain of said roads.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

## NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1935

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ADAMS COUNTY

Maurice J. Sterner, New Oxford.

ALLEGHENY COUNTY

M. R. Baldwin, Coraopolis.
Miss Sara Barnard, 1220 Berger Bldg., Pittsburgh.
Mrs. Anna N. Bitzer, Cheswick.
Paul W. Brandt, Perrysville.
Waldo P. Breeden, Law and Finance Bldg., Pittsburgh.
Frank F. Canuti, 450 Fourth Ave., Pittsburgh.
Arthur J. Davis, 628 Smithfield St., Pittsburgh.
C. D. Delphey, Jr., 623 Highland Bldg., Pittsburgh.
Leo R. Horstman, Sharpsburg.
Glenn C. Jones, 1204 Park Bldg., Pittsburgh.
Geo. P. Jordan, 939 Western Avenue, Pittsburgh.
Miss Miriam Levy, 104 Market St., Pittsburgh.
Miss Helen C. Maloney, 5972 Baum Blvd., Pittsburgh.
Leland O. McMasters, 537 Neville St., Pittsburgh.
Miss Anna M. Mertens, Commonwealth Bldg., Pittsburgh.
Miss W. Robinson, 414 Wood St., Pittsburgh.
Miss Gertrude E. Rothfuss, 1317 Investment Bldg., Pittsburgh.
William A. Tracey, Braddock.

BERKS COUNTY

Mrs. Marie B. Liever, Reading.

BRADFORD COUNTY

Mahlon C. Cranmer, Towanda.

BUTLER COUNTY

Miss Velma M. Crawford, Butler.

CAMBRIA COUNTY

Miss Helen F. Wehn, Johnstown.

CARBON COUNTY

Webster H. German, Lehighton.

CLARION COUNTY

Robert R. Whitmer, Clarion.

CLEARFIELD COUNTY

R. P. McCreight, Dubois.

COLUMBIA COUNTY

Raymond R. Beyer, Bloomsburg.

CRAWFORD COUNTY

Mrs. Josephine Worden, Titusville.

DELAWARE COUNTY

Mrs. E. B. Holden, Upper Darby.

ERIE COUNTY

Wm. F. Liljenberg, Erie.
James L. Meldon, Erie.
Mrs. Thora E. Swan, Erie.

FAYETTE COUNTY

Miss Madeline F. Moran, Uniontown.
Buell M. Saylor, Uniontown.
Herbert R. Sisler, Uniontown.

GREENE COUNTY

R. S. Kiger, Waynesburg.

LACKAWANNA COUNTY

Miss Gertrude S. Briskey, Scranton.
Miss Margaret Dockerty, Carbondale.
Miss Mary H. Fox, Scranton.
W. J. Lynott, Olyphant.

LANCASTER COUNTY

William J. Bradshaw, Lancaster.

LAWRENCE COUNTY

James E. Chambers, New Castle.
Miss Rosalie S. Ward, New Castle.

LEBANON COUNTY

LaVerd C. Gingrich, Palmyra.

LUZERNE COUNTY

Mrs. Adelaide B. Lewis, Plymouth.
Miss Ruth Y. Thomas, Hazleton.

LYCOMING COUNTY

Jas. G. Goodman, Jersey Shore.

MONTGOMERY COUNTY

Charles H. Davis, Yerkes.
John E. Rowland, Yerkes.
Edward G. Zepp, Ardsley.

MONTOUR COUNTY

G. S. Maiers, Danville.

NORTHAMPTON COUNTY

Harry Green, Bethlehem.

PHILADELPHIA COUNTY

Abraham L. Becker, Market St. Nat'l Bank Bldg., Philadelphia.
Harry B. Berks, Bankers Securities Bldg., Philadelphia.
Joseph B. Cassidy, 1251 S. Bucknell St., Philadelphia.
Antonio B. Donato, 809 S. 8th St., Philadelphia.
Frank Fingrutd, 810 Arch St., Philadelphia.
Miss Blanche Hackman, 21 N. 52nd St., Philadelphia.
Miss Eleanor S. Johnston, Land Title Bldg., Philadelphia.
Emanuel Kline, S. W. Cor. 5th and Ellsworth Sts., Philadelphia.
Miss Kathryne E. Madden, 536 Widener Bldg., Philadelphia.
Miss Anne H. Marlowe, 811 Chestnut St., Philadelphia.
Miss Marie F. Miller, 245 Master St., Philadelphia.
Andrew Pecsi, 1337 Germantown Ave., Philadelphia.
David Robinson, 4733 Chestnut St., Philadelphia.
Julius P. Schnell, 8530 Germantown Ave., Philadelphia.
Mrs. Eva Shevell, S. E. Cor. Broad and Pine Sts., Philadelphia.
Miss Mary F. Tempest, 1218 Chestnut St., Philadelphia.
Henry F. Tolson, 3104 N Broad St., Philadelphia.
Ernest R. Traynor, 5334 Chester Ave., Philadelphia.
Miss Beatrice S. Wolf, 3316 N. 17th St., Philadelphia.
Geo. W. Worman, N. E. Cor. 15th and Venango Sts., Philadelphia.

TIOGA COUNTY

John Bache, Wellsboro.
Howard H. Campbell, Wellsboro.

WASHINGTON COUNTY

F. R. McCleery, West Alexander.
Miss Margaret G. Patterson, Washington.
Mrs. Violet K. Stokes, Canonsburg.

WESTMORELAND COUNTY

E. N. Miller, Stahlstown.
C. A. Sherrick, Mount Pleasant.

YORK COUNTY

James R. Cousler, York.
J. R. Fleming, Hanover.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment at Notaries Public for terms of four years to compute from the date set opposite their names:

BRADFORD COUNTY

Martin P. Brenan, Jr., Towanda, March 20, 1935.

LEBANON COUNTY

Wilhelm R. Lieb, Lebanon, March 23, 1935.

MERCER COUNTY

R. A. Irvine, Sharon, March 23, 1935.

PHILADELPHIA COUNTY

Mrs. Lillian S. Fairfax, Philadelphia, March 23, 1935.
John Friedman, Philadelphia, March 24, 1935.
Emanuel O. Munzer, Philadelphia, March 25, 1935.

ALLEGHENY COUNTY

John K. Benn, Pittsburgh, March 29, 1935.

CUMBERLAND COUNTY

Mrs. Mildred Hoopy Stone, Lemoyne, March 30, 1935.

ALLEGHENY COUNTY

Irving E. Kemp, Neville Island, March 31, 1935.

PHILADELPHIA COUNTY

Morris Warhaftig, Philadelphia, March 31, 1935.

ALLEGHENY COUNTY

C. B. Church, Pittsburgh, April 1, 1935.
A. D. Dresser, Pittsburgh, April 1, 1935.
Theo. R. Foster, Pittsburgh, April 1, 1935.
Miss Nette A. Graham, Pittsburgh, April 1, 1935.
Miss S. R. Harnack, Pittsburgh, April 1, 1935.
Edgar Masters, Pittsburgh, April 1, 1935.
Geo. W. Robinson, McKeesport, April 1, 1935.

COLUMBIA COUNTY

Jerome B. DeLong, Orangeville, April 1, 1935.
T. Carl McHenry, Benton, April 1, 1935.

DAUPHIN COUNTY

Geo. W. Van Wagner, Harrisburg, April 1, 1935.

LACKAWANNA COUNTY

W. C. Hessinger, Scranton, April 1, 1935.

LUZERNE COUNTY

Michael T. Danko, Hazleton, April 1, 1935.
Robert M. Hewitt, Wilkes-Barre, April 1, 1935.

PHILADELPHIA COUNTY

Ralph J. Brodsky, Philadelphia, April 1, 1935.
Miss Anna M. Dornan, Philadelphia, April 1, 1935.
J. Warren Heebner, Philadelphia, April 1, 1935.
Isaac B. Rose, Philadelphia, April 1, 1935.
David Schorsch, Philadelphia, April 1, 1935.
Nathan Spering, Philadelphia, April 1, 1935.
Miss Elizabeth Williams, Philadelphia, April 1, 1935.

WASHINGTON COUNTY

Chas. M. Hull, Washington, April 1, 1935.

WESTMORELAND COUNTY

E. H. Green, Avonmore, April 2, 1935.

YORK COUNTY

John M. Young, York, April 3, 1935.

ALLEGHENY COUNTY

Mrs. Eva Butler Waldbaum, McKeesport, April 6, 1935.
John C. McGinnis, Pittsburgh, April 7, 1935.

PHILADELPHIA COUNTY

James H. Clemens, Philadelphia, April 7, 1935.

ALLEGHENY COUNTY

William M. Scheider, Pittsburgh, April 8, 1935.
C. E. Field, Pittsburgh, April 9, 1935.
Miss Katherine Uhlinger, Springdale, April 9, 1935.
Miss A. B. Wolf, Pittsburgh, April 9, 1935.

LAWRENCE COUNTY

Rufus C. McKinley, New Castle, April 9, 1935.

PHILADELPHIA COUNTY

Pierre H. Miconi, Philadelphia, April 12, 1935.
Simon Sagle, Philadelphia, April 12, 1935.

DELAWARE COUNTY

Miss Sophie Adaman, Lansdowne, April 13, 1935.

PHILADELPHIA COUNTY

Henry Saxe, Phildaelphia, April 13, 1935.

YORK COUNTY

Mrs. N. R. Burger, Hanover, April 13, 1935.

ALLEGHENY COUNTY

Miss J. A. Means, Pittsburgh, April 18, 1935.

DAUPHIN COUNTY

Paul M. Barmont, Harrisburg, April 20, 1935.

WESTMORELAND COUNTY

Wm. E. King, Arnold, April 20, 1935.

PHILADELPHIA COUNTY

Edgar J. Elliott, Philadelphia, April 21, 1935.

ALLEGHENY COUNTY

Jacob Mance, Pittsburgh, April 23, 1935.

WESTMORELAND COUNTY

C. L. Hugus, Greensburg, April 28, 1935.

ALLEGHENY COUNTY

Miss Rhoda M. Klose, Pittsburgh, April 30, 1935.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

March 18, 1935.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following persons:

Frank Elwell, of Star Junction, Fayette County, as Justice of the Peace in the Township of Perry, Fayette County, vice J. Cramer Echard, deceased, until the first Monday in January, 1936.

J. W. Dinsmore, of Greene, Lancaster County, as Justice of the Peace in the Township of Drumore, Lancaster County, until the first Monday in January, 1936.

GEORGE H. EARLE.

March 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

John R. Klima, 88 Pilgrim Road, Rosslyn Farms, Carnegie, Alllegheny County, as Justice of the Peace in the Borough of Rosslyn Farms Allegheny County, until the first Monday in January, 1936.

GEORGE H. EARLE.

Mr. HARRIS. Mr. President, I arise to inquire as to whether or not we have to vote on these names collectively. I wish to object to the confirmation of one name.

Mr. COYNE. Mr. President, what is the name?

Mr. HARRIS. Mr. President, the Justice of the Peace, John R. Klima, of Rosslyn Farms.

Mr. COYNE. Mr. President, I ask that this name be withdrawn for the present.

The PRESIDENT. The Senator from Allegheny, Mr. Coyne, withdraws the name of John R. Klima, Justice of the Peace, Rosslyn Farms, Allegheny County.

Is there objection?

The Chair hears no objection.

The name of John R. Klima, Justice of the Peace, Rosslyn Farms, Allegheny County, is withdrawn.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. THOMPSON (Centre),

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. THOMPSON,

That the Senate do advise and consent to the nominations reported, excluding the name of John R. Klima.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

Two thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. BAUMER. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

## RESOLUTION RELATIVE TO APPOINTMENT OF A DELEGATE TO BECOME A MEMBER OF A CONSTITUTIONAL SESQUI-CENTENNIAL COMMISSION

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON (Centre) offered the following resolution which was twice read:

In the Senate of Pennsylvania, March 19, 1935.

Whereas, The provisions of the Act of June 3, 1887, P. L. 338, clearly show that a constitutional centennial commission was organized in Philadelphia in 1886 for the purpose of providing for a proper celebration of the centennial anniversary of the adoption of the Federal Constitution by the convention which framed it, which commission was composed of commissioners appointed by the Governor of the several states and territories of the United States; and

Whereas, A celebration which became an outstanding event was held in the city of Philadelphia, September 15, 16 and 17, 1887; and

Whereas, The one hundred and fiftieth anniversary of the adoption of the Federal Constitution by the convention occurs on September 17th, 1937, and it is fitting and proper that said event should be celebrated in the City of Philadelphia where the instrument, which made a unique contribution to the political science of the world, was written and adopted; therefore be it

Resolved, (if the House of Representatives concur), That each state and territory of the United States be invited to arrange for the appointment of a delegate to become a member of a Constitutional Sesqui-Centennial Commission, that the name of the delegate so appointed be transmitted to the Governor of the Commonwealth of Pennsylvania, and that said commission meet at such time and place as may be fixed by the Governor of the Commonwealth of Pennsylvania for the purpose of arranging a suitable program for such celebration;

Resolved, That the Governor of the Commonwealth be authorized to appoint a delegate for the Commonwealth of Pennsylvania to serve on said Constitutional Sesqui-Centennial Commission;

Resolved, That the Secretary of the Commonwealth transmit a copy of this resolution to the Governor of each state and territory of the United States.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

## BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 120 entitled:

An Act to amend section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," authorizing boroughs to acquire and operate inclined plane passenger transportation facilities and bus feeder lines in connection therewith.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## RECESS

Mr. HOMSHER. Mr. President, I move that the Senate do now take a recess until 4:15 this afternoon.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## HOUSE MESSAGES

### HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 225 (Senate Bill No. 644), entitled:

An Act to amend section, eight sections two hundred and twenty-five, eight hundred and eight hundred and one as amended, sections eight hundred and two and eight hundred and three, and section one thousand and three as amended of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "General Poor Relief Act of 1925," authorizing county commissioners to loan money from the county funds to poor districts; changing the conditions under which non-residents may acquire legal settlements in this Commonwealth; providing that certain differences between poor districts may be settled by arbitration instead of petition to court; and changing the procedure whereby poor directors become guardians of any person becoming a public charge.

Which was committed to the Committee on County Government.

House Bill No. 665 (Senate Bill No. 645), entitled:

An Act to amend clause twenty-five as amended and renumbered clause eighteen of section three hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343) entitled "Fiscal Code" by establishing the State Forests and Waters Fund; abolishing the State School Fund; and transferring moneys and securities in the State School Fund to the General Fund.

Which was committed to the Committee on State Government.

House Bill No. 666 (Senate Bill No. 646), entitled:

An Act appropriating the moneys in the State Forests and Waters Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 902 (Senate Bill No. 147), entitled:

An Act making a deficiency appropriation to the Department of Military Affairs.

Which was committed to the Committee on Appropriations.

House Bill No. 1022 (Senate Bill No. 648), entitled:

An Act to amend section sseven hundred and two, seven hundred and three and seven hundred and four of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law" as amended, by prohibiting the trapping of raccoons.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1023 (Senate Bill No. 649), entitled:

An Act prohibiting the sale and distribution of medicines, drugs, poisons and articles intended for use in the cure, mitigation, treatment or prevention of disease in man or animal by means of vending machines.

Which was committed to the Committee on Public Health.

House Bill No. 1092 (Senate Bill No. 650), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads," extending the permissive length of roads affected by the act.

Which was committed to the Committee on Highways.

House Bill No. 1243 (Senate Bill No. 651), entitled:

An Act to amend title of and to add section three to the act approved the first day of June one thousand eight hundred and eighty-three (P. L. 52) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" so as to protect miners from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1307 (Senate Bill No. 652), entitled:

An Act relating to labor, guaranteeing the right of self-organization without interference by employers, and of collective bargaining by representatives chosen by employes defining and prohibiting unfair labor practice; and prescribing penalties.

Which was committed to the Committee on Judiciary General.

## HOUSE CONCURS IN SENATE BILL NO. 149

He also returned to the Senate, Senate Blil No. 149, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated.

with the information that the House has passed the same without amendment.

## BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the Geneneral Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 149, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## HOUSE MESSAGE

### REDUCTION OF TAXES IN SECOND CLASS TOWNSHIPS.

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Highways

In the House of Representatives, March 18, 1935.

Whereas, Under existing law the township supervisors in townships of the second class will be required to fix the annual tax levies for road and street purposes for their respective townships for the year 1935, on or before March 25, 1935, and

Whereas, It appears that sufficient time may not remain to enact suitable legislation before the said date to allocate to the townships the unencumbered balance of funds appropriated to the Department of Highways for expenditure in the second class, under the provisions of the Parkinson Act approved June 3, 1933, P. L. 1520, and

Whereas, It is the intention of the General Assembly to enact such legislation in order to secure to the owners of real estate, relief from the burden of taxation; therefore be it

Resolved, (if the Senate concur) That the General Assembly hereby authorizes and requests the township supervisors in all townships of the second class to reduce road tax levies for the year 1935, if any are to be made, as compared to the 1932 road tax levies, in the approximate amount of the allocation of funds to be made to them for expenditure in 1935 as herein set forth; the General Assembly hereby declares its purpose forthwith to enact suitable legislation to provide for the allocation and payment to the various townships of the second class for expenditure for general road and bridge purposes, of the unencumbered balance as of April 1, 1935, of the funds allo-

cated by the Department of Highways for expenditure under the terms of the above cited Parkinson Act, exclusive of the sum of $2,365,000, heretofore, transferred to the General Fund for relief purposes; the amount of such allocation to be approximately $4,400,000; the allocation of such funds to the various townships of the second class to be made on the basis of the number of miles of Township Roads in each township bears in proportion to the total mileage of Township Roads in all townships of the second class and shall provide for payment of the funds so allocated in three equal installments on June 15th, September 15th, and December 15th, 1935; such payment to be made only to townships which reduce their 1933 tax levy in accordance with the intent of this resolution; and to provide further that townships which levied no tax in 1932 shall receive an allocation on the basis of $50 per mile of public highway under the jurisdiction of such township, and that the Courts, in order to effectuate the tax relief intended by this legislation, may make appropriate changes in any agreements which have been made and approved under the provisions of existing laws for the maintenance and construction of township roads by taxpayers.

## BILLS INTRODUCED

Mr. GELDER. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER, read in place and presented to the Chair Senate Bill No. 653, entitled:

An Act to amend section three of the act, approved the third day of June, one thousand nine hundred and thirty-three (P. L. 1520), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five, and requiring political subdivisions to reduce their tax rates for road and street purposes for said years; providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act," providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships.

Which was committed to the Committee on Highways.

Mr. WOODWARD. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, read in place and presented to the Chair Senate Bill No. 654, entitled:

An Act making an appropriation to the Department of Forests and Waters for the maintenance and improvement of Fort Washington Park.

Which was committed to the Committee on Appropriations.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. CHAPPMAN read in place and presented to the Chair, Senate Bill No. 655, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Warren.

Which was committed to the Committee on Highways.

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER read in his place and presented to the Chair, Senate Bill No. 656, entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

Which was committed to the Committee on Judiciary General.

Also read in place and presented to the Chair, Senate Bill No. 657, entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

Which was committed to the Committee on Judiciary General.

Mr. BUCKMAN (By Request). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN read in his place and presented to the Chair, Senate Bill No. 658, entitled:

An Act to amend the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 903), entitled "A supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 312), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs'; so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal improvements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws, and primary, general, municipal, and special elections; and repealing inconsistent laws," extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate.

Which was committed to the Committee on Municipal Government.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair, Senate Bill No. 659, entitled:

An Act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 434), entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendent and attachment execution or in the nature of attachment execution against trusts, including those commonly known as spend-thrift trusts, no matter when such trusts were created in cases where an order award or decree has been made against a husband for the support of his wife or children or both, maikng such attachment execution against trusts a continuing lien and levy for fifty per centum of such money or property until the order, judgment or decree is paid in full with costs, and abolishing the benefit of the exemption law in such cases," by making such support orders, decrees and judgments liens against the real property of the husband.

Which was committed to the Committee on Judiciary General.

## REPORTS FROM COMMITTEE

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Public Health reported as amended, Senate Bill No. 379, entitled:

An Act providing for the purchase and distribution of milk to undernourished and needy children in the public schools; imposing duties on boards of school directors, teachers, principals, medical inspectors and the Department of Welfare; and making an appropriation.

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Municipal Government reported as committed, Senate Bill No. 429 (House Bill No. 276), entitled:

An Act to amend section three thousand two hundred and forty of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating joint sewer improvements.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Municipal Government reported as committed, Senate Bill No. 430 (House Bill No. 277), entitled:

An Act to amend section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements.

## REPORTS FROM COMMITTEES

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### CORONER OF DELAWARE COUNTY

March 18, 1935.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following persons:

Doctor Charles S. Aiken, Darby Road and Pennsylvania Avenue, Brookline, Delaware County, as Coroner of Delaware County, vice Doctor J. Evans Scheehle, resigned, to serve until the first Monday of January, 1936, and until his successor shall be duly qualified.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38 which requires nominations made by the Governor to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nomination,

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Municipal Government reported as committed, Senate Bill No. 428 (House Bill No. 275), entitled:

An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating joint sewer improvements.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Municipal Government reported as committed, Senate Bill No. 434 (House Bill No. 377), entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Municipal Government reported as committed, Senate Bill No. 431 (House Bill No .278), entitled:

An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 96, entitled:

An Act to amend section four of the act approved the twentieth day of March, one thousand eight hundred and ten (P. L. 208), entitled "An act to amend and consolidate with its Supplements the Act entitled 'An act for the recovery of debts and demands, not exceeding one hundred dollars before a Justice of the Peace and for the election of Constables and for other purposes,'" by prescribing the time within which transcripts must be filed on appeals from judgments of justices of the peace in civil cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 269, entitled:

An Act relating to writs of execution, other than attachments, on goods and chattels, where Sheriffs' Sales are delayed or plaintiffs fail to advance the costs for same, and providing that such writs, including any in the hands of Sheriffs when this Act becomes effective, may be returned as stayed for waver of prosecution, unless the property levied upon be advertised for sale within three months after the levy thereon, exclusive of the duration of any stay of procedings by order of Court or operation of law preserving the lien of such levy.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 352, entitled:

An Act to reenact and amend the act, approved the twenty-third day of March, one thousand eight hundred and seventy-seven (P. L. 34), entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases," extending said act to all courts of record.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 379, entitled:

A Act providing for the purchase and distribution of milk to undernourished and needy children in the public schools; imposing duties on boards of school directors, teachers, principals, medical inspectors and the Department of Welfare; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 424 (House Bill No. 677), entitled:

An Act to amend sections three hundred eleven three hundred eighteen and three hundred twenty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended further amplifying the powers of the retirement board in counties of the second class increasing the contributions of such counties county poor districts and employes and restricting rights to retire for disability in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 428 (House Bill No. 275), entitled:

An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating joint sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 429 (House Bill No. 276), entitled:

An Act to amend section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating joint sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 430 (House Bill No. 277), entitled:

An Act to amend section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 431 (House Bill No. 278), entitled:

An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 434 (House Bill No. 877), entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 440, entitled:

An Act establishing as State highways, subjects to certain restrictions, all existing township roads in townships of the second class which have not heretofore been established as State highways, and providing for their maintenance and repair, and for the vacation of certain of said roads.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 496 (House Bill No. 233), entitled:

An Act to amend and reenact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P. L. 826) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" extending the provisions thereof for two years and exempting mortgages issued under the National Housing Act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 498 (House Bill No. 332), entitled:

An Act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (P. L. 200, 1933-1934) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. EALY. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5.00 P. M. until Wednesday morning, March 20, 1935, at 11 o'clock A. M.

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# HOUSE OF REPRESENTATIVES

TUESDAY, March 19, 1935

The House met at 11:00 o'clock A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Howard T. Curtiss, Pastor of the First Presbyterian Church, Belle Vernon, Pa., offered the following prayer:

Our Heavenly Father: Above all the deliberations and decisions of men, Thou art God. Beyond the wisdom of men. Thou are wise. Beyond the goodness of men, Thou are good. Beyond the power and authority of men is Thy power and authority.

We humbly beseech Thee this day to govern the members of this Assembly toward justice and equity by a clear revelation of Thy truth. And may the prayers of millions of our fellow citizens in this Commonwealth find favor in Thy sight and execution through the honesty and sincerity of Thy servants in this house.

In the name of Jesus, Lord and Saviour of mankind, Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. Kelso, the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. HABERLEN. HOUSE BILL No. 1609.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Westmoreland.

Referred to the Committee on Highways.

By Mr. McCREARY. HOUSE BILL No. 1610.

An Act relating to the registration of motor vehicles and motor cycles and the licensing of operators, establishing county motor vehicle license bureaus, defining the powers and duties of said bureaus and providing for the salaries of the officers and employes thereof payable from the county treasury.

Referred to the Committee on Highways.

By Mr. PEARSON. HOUSE BILL No. 1611.

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth, establishing Ports of Entry to aid in the collection of said taxes; conferring powers, and imposing duties upon certain officials, boards and departments of this Commonwealth and political subdivisions thereof; providing for the collection and disposition of the tax and for the administration and enforcement of the act; providing penalties and making an appropriation.

Referred to the Committee on Ways and Means.

By Mr. VAN SICKLE. HOUSE BILL No. 1612.

An Act relating to the defense of alibi in criminal prosecutions.

Referred to the Committee on Judiciary General.

By Mr. HOOPES. HOUSE BILL No. 1613.

An Act to further amend clauses six and nine of section one, and section three of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," authorizing legislative journal reporters to become members of said retirement system; and opening the system further for original members.

Referred to the Committee on Pensions and Gratuities.

By Mr. WEIDEMANN. HOUSE BILL No. 1614.

An Act to further amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached, extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

Referred to the Committee on Municipal Corporations.

By Mr. WEIDEMANN. HOUSE BILL No. 1615.

An Act to amend section four hundred and twelve of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising, and consolidating the law relating thereto; and repealing existing laws," by providing for the assessment of seated lands divided by the boundary line between two townships.

Referred to the Committee on Counties.

By Mr. PFAFF. HOUSE BILL No. 1616.

An Act to amend section five hundred and six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, empowering school districts to incur or increase indebtedness to repair, rebuild or replace heating plants and equipment connected therewith and building equipment.

Referred to the Committee on Education.

By Mr. POWERS. HOUSE BILL No. 1617.

An Act making an appropriation to the Pittsburgh and Allegheny Home for the Friendless, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. POWERS. HOUSE BILL No. 1618.

An Act making an appropriation to the Presbyterian Hospital, of Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. POWERS. HOUSE BILL No. 1619.

An Act making an appropriation to the Curtis Home for Destitute Women and Children, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. GEORGE E. DOWNEY. HOUSE BILL No. 1620.

An Act making an appropriation to the Department of Public Instruction for the Thaddeus Stevens Industrial School, at Lancaster, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. SIMON. HOUSE BILL No. 1621.

An Act to amend sections two and five of the act, approved the second day of May, one thousand eight hundred eighty-nine (P. L. 66), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," as amended by extending the same to funds and money, estates or effects in the custody, or under the control, of certain United States courts; fixing jurisdiction; and providing proceedings relative thereto.

Referred to the Committee on Ways and Means.

By Mr. LONGAKER. HOUSE BILL No. 1622.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Montgomery.

Referred to the Committee on Highways.

By Mr. HOLSTROM. HOUSE BILL No. 1623.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding a new section, providing for the payment over by officers to the county treasurer of certain unclaimed moneys.

Referred to the Committee on Counties.

By Mr. McELROY. HOUSE BILL No. 1624.

An Act making an appropriation to the McKeesport Day Nursery, at McKeesport, Pennsylvania.

Referred to the Commitee on Appropriations.

By Mr. HAGERTY. HOUSE BILL No. 1625.

An Act to amend section five hundred and nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing the manner in which the sinking fund committee shall be constituted in school districts of the first class.

Referred to the Committee on Education.

By Mr. HIRSCH. HOUSE BILL No. 1626.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing of certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. PHILLIPS. HOUSE BILL No. 1627.

An Act making an appropriation to the Home for the Friendless of the City of Scranton.

Referred to the Committee on Appropriations.

By Mr. BARBER. HOUSE BILL No. 1628.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Referred to the Committee on Municipal Corporations.

By Mr. MORAN. HOUSE BILL No. 1629.

An Act authorizing cities, boroughs and towns to construct, acquire, own operate and control electric power or light plants and appurtenances thereto, and to sell electrical energy both within and without their corporate limits; and conferring the power of eminent domain to acquire property for such purposes.

Referred to the Committee on Public Utilities.

By Mr. SARRAF. HOUSE BILL No. 1630.

An Act consolidating all school districts within any county of the second class into a single school district of the first class; abolishing existing school districts and terminating the terms of the directors, treasurers, secretaries and solicitors thereof; defining the powers and duties of such consolidated school districts and of the elected directors and officers thereof; providing for the compensation of school directors; providing for the election by the school directors of a school controller and treasurer; and making the treasurer of such school district the tax collector thereof; vesting the property and rights of such abolished school districts in the consolidated district and preserving existing rights and liabilities; and repealing inconsistent laws.

Referred to the Committee on Education.

By Messrs. HABERLEN and MENTZER. HOUSE BILL No. 1631.

An Act to provide revenue by imposing a State excise tax upon all gifts, as herein defined, made within this Commonwealth, or of property situated therein; providing for the collection and lien of the tax, and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties upon certain persons, associations, partnerships, corporations, and State departments, and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. CAPUTO. HOUSE BILL No. 1632.

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission, for the purpose of rehabilitating, repairing, restoring and reconditioning the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society, and known as "Old Economy."

Referred to the Committee on Appropriations.

By Mr. LONGAKER. HOUSE BILL No. 1633.

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof," making further regulations for the election of justices of the peace in such consolidated boroughs.

Referred to the Committee on Boroughs and Townships.

By Mr. EROE. HOUSE BILL No. 1634.

An Act to amend section two thousand five hundred and sixty-eight of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing the city treasurer as collector of city, school and poor taxes shall proceed against the personal property before filing liens for such taxes, when instructed so to do by the taxing authorities, but otherwise at his own discretion.

Referred to the Committee on Cities.

By Mr. MERRELL. HOUSE BILL No. 1635.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Susquehanna.

Referred to the Committee on Highways.

By Mr. MERRELL. HOUSE BILL No. 1636.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Susqushanna.

Referred to the Committee on Highways.

By Mr. MERRELL. HOUSE BILL No. 1637.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Susquehanna.

Referred to the Committee on Highways.

By Mr. PANTON. HOUSE BILL No. 1638.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No, 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Clarion.

Referred to the Committee on Highways.

By Mr. MERRELL. HOUSE BILL No. 1639.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditons and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Susquehanna.

Referred to the Committee on Highways.

By Mr. SURFACE. HOUSE BILL No. 1640.

An Act to amend route 54021 of section fifty-five of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

By Mr. SURFACE. HOUSE BILL No. 1641.

An Act for the protection of producers of farm produce providing for the licensing, bonding and regulation of certain individuals and entities receiving, selling or offering for sale on consignment or on a net return basis within this Commonwealth, farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act, providing for appeals, and prescribing penalties.

Referred to the Committee on Agriculture.

By Messrs. COHEN AND BARBER.
HOUSE BILL No. 1643.

An Act providing for the creation of Public Welfare Districts and Public Welfare Boards for the purpose of and having power under this act and existing laws of administering general public assistance formerly known as Poor Relief, Mothers' Asistance, assistance for the indigent aged, and pensions for the blind and other welfare services or functions accepted by it and delegated to it by any public or private authorities; conferring powers and imposing duties upon the Public Welfare Boards, the Department of Welfare, the Auditor General, the Department of Public Instruction, other officers of the state and county governments and the courts; revising, amending, and changing the laws relating to the administration of poor relief, mothers' assistance for the indigent aged and pensions for the blind; establishing regulations for employes of Public Welfare Boards; providing for the disposition of property and the succession to liabilities of administrative authorities of poor districts; Trustees of Mothers' Assistance Funds, Trustees of Pension Funds for the Blind and Trustees of Old Age Assistance Funds; authorizing Public Welfare Boards to accept gifts, and appropriations and repealing inconsistent acts and parts thereof.

Referred to the Committee on Counties.

By Messrs. COHEN AND BARBER.
HOUSE BILL No. 1644.

An Act providing for the allocation and use of moneys appropriated to the Department of Welfare for use throughout the Commonwealth for General Public Assistance as herein defined.

Referred to the Committee on State Government.

By Mr. EDERER. HOUSE BILL No. 1645.

An Act authorizing the Department of Property and Supplies with the approval of the Governor, to sell and convey a certain plot of land.

Referred to the Committee on State Government.

By Mr. EDERER. HOUSE BILL No. 1646.

An Act making an appropriation to the Department of Property and Supplies for the erection and construction of new buildings and additions, alterations of improvements to and replacement of new or existing buildings of the Commonwealth, including fixtures and heating or sewage systems and service lines for the accommodation of buildings.

Referred to the Committee on Appropriations.

By Mr. RUFFENNACH. HOUSE BILL No. 1647.

An Act relating to bail, regulating the taking, release, forfeiture and denial thereof; fixing the qualifications of bondsmen and sureties; requiring the licensure of professional bondsmen; conferring certain powers and duties on the Insurance Commissioner, on district attorneys and clerks of courts; providing for the recording of bail and the effect of such recording and providing penalties.

Referred to the Committee on Judiciary General.

## SENATE MESSAGE

### SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 276. (HOUSE BILL No. 1642).

An Act making an appropriation to the Brookville Hospital, Brookville, Pennsylvania.

Referred to the Committee on Appropriations.

### RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. MURRIN and NAGLE (Concurrent).
RESOLUTION No. 91.

In the House of Representatives, March 18, 1935.

Whereas, Unless immediate relief is given, hundreds and thousands of additional farmers will lose their farms and their homes, and millions more will be forced into our cities and villages, and the army of the unemployed will necessarily increase to alarming proportions; and

Whereas, There is no adequate way of refinancing existing agricultural indebtedness, and the farmers are at the mercy of their mortgagees and creditors throughout this State and Nation; and

Whereas, The Frazier-Lemke Refinance Bill, being S. 212 and H. R. 2066 in the Congress of the United States, provides for the liquidating and refinancing of agricultural indebtedness at a reduced rate of interest, through the Farm Credit Administration and Federal Land Banks; and

Whereas, The Frazier-Lemke Bill has the endorsement of twenty-two state legislatures, and in addition, the lower Houses of the States of New York and Deleware and of many Commercial Clubs, Chambers of Commerce, bank organizations and of business and professional men and women, as well as the great majority of the farmers of this Nation; and

Whereas, The enactment of this bill will have a vital effect not only upon agriculture, but upon all classes of industry; and

Whereas, Agriculture is the basic industry of this country, and there can be no recovery until agriculture is put upon a sound basis, therefore be it

Resolved (if the Senate concur), That it is the sense of your memorialists, the members of the General Assembly of the State of Pennsylvania, that the Congress of the United States should enact the Frazier-Lemke Bill without further delay.

Resolved, That a copy of this Memorial, duly authenticated, be sent by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from this State, to the President of the United States, and to United States Senator Lynn J. Frazier and Congressman William Lemke.

Referred to the Committee on Agriculture.

By Mr. SHUGARTS (Concurrent).
RESOLUTION No. 92.

In the House of Representatives, March 18, 1935.

Whereas, Under existing law the township supervisors in townships of the second class will be required to fix the annual tax levies for road and street purposes for their respective townships for the year 1935, on or before March 25, 1935, and

Whereas, It appears that sufficient time may not remain to enact suitable legislation before the said date to allocate to the townships the unencumbered balance of funds appropriated to the Department of Highways for expenditure in townships of the second class, under the provisions of the Parkinson Act approved June 3, 1933, P. L. 1520, and

Whereas, It is the intention of the General Assembly to enact such legislation in order to secure to the owners of real estate, relief from the burden of taxation; therefore be it

Resolved (if the Senate concur), That the General Assembly hereby authorizes and requests the township supervisors in all townships of the second class to reduce road tax levies for the year 1935, if any are to be made, as compared to the 1932 road tax levies, in the approximate amount of the allocation of funds to be made to them for expenditure in 1935 as herein set forth; the General Assembly hereby declares its purpose forthwith to enact suitable legislation to provide for the allocation and payment to the various townships of the second class for expenditure for general road and bridge purposes, of the unencumbered balance as of April 1, 1935, of the funds allocated by the Department of Highways for expenditure under the terms of the above cited Parkinson Act, exclusive of the sum of $2,365,000, heretofore, transferred to the General Fund for relief purposes; the amount of such allocation to be approximately $4,400,000; the allocation of such funds to the various townships of the second class to be made on the basis of the number of miles of Township Roads in each township bears in proportion to the total mileage of Township Roads in all townships of the second class and shall provide for payment of the funds so allocated in three equal installments on June 15th, September 15th and December 15th, 1935; such payment to be made only to townships which reduce their 1933 tax levy in accordance with the intent of this resolution; and to provide further that townships which levied no tax in 1932 shall receive an allocation on the basis of $50 per mile of public highway under the jurisdiction of such township, and that the Courts, in order to effectuate the tax relief intended by this legislation, may make appropriate changes in any agreements which have been made and approved under the provisions of existing laws for the maintenance and construction of township roads by taxpayers.

Referred to the Committee on Highways.

By Mr. MELCHIORRE. RESOLUTION No. 93.

In the House of Representatives, March 18, 1935.

Whereas, The Philadelphia Branch of the Amalgamated Clothing Workers of America ostensibly represents the employes who are members of said organization but, according to common rumor, said organization has become too closely allied and affiliated with the employers in the clothing industry; and

Whereas, There have been numerous complaints that the Philadelphia Branch of the Amalgamated Clothing Workers of America no longer represents the interests of their member employes, and that as a result the workers in said

clothing industry are unprotected in their rights and interests, and the purposes for which said organization came into existence are being defeated; and

Whereas, While it has been reported that the funds of the workers of said organization were invested in a large building in Philadelphia, the said workers have not been able to obtain accurate information as to the name or names of the person or persons in whom title to said building has been vested; and

Whereas, It has been reported that the financial transactions of the said organization have become involved causing grave concern to the workers who have their moneys invested therein; therefore be it

Resolved, That the Speaker of the House of Representatives be authorized to appoint a special committee composed of five members of the House, whose duty it shall be to examine the officers, directors, employes, members, books, papers and records of the Philadelphia Branch of the Amalgamated Clothing Workers of America, for the purpose of determining the extent to which the rights, interests and privileges of their members are being protcted in relation to their employment, the condition of the finances of said organization, together with the determination as to the character of investments into which the funds of said association have been placed, and the name or names in which said investments are carried.

Resolved, That said committee shall make a report of its findings to the House of Representatives at the present session of the General Assembly as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Labor.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### MOTOR VEHICLE FUND

Petitions from the Morgantown Road Association protesting the diversion of Highway revenues.

A Petition from residents of Clearfield County protesting diversion and urging return of Motor Vehicle Fund.

Referred to the Committee on Highways.

### BLUE LAWS

A petition from residents of Armstrong County protesting amendment of Blue Laws.

Referred to Committee on Law and Order.

### MINE CAVES

A resolution from the Pittston Branch No. 4 of the Luzerne County Unemployed League urging passage of law protecting property and lives within area affected by caveins.

Referred to the Committee on Mines and Mining.

### PUBLIC UTILITIES

A petition from merchants from the county of Berks urging passage of law prohibiting public service companies to manufacture, sell, rent or lease certain appliances.

Referred to the Committee on Public Utilities.

### GASOLINE TAX

A communication from Claysville High School addressed to Mr. John E. Brown, protesting increase in gas tax.

A communication from Washington County, Pomona Grange addressed to Mr. John E. Brown, protesting increase in gasoline tax.

Referred to the Committee on Ways and Means.

### REAL ESTATE TAX

A resolution from Gretna Grange, Washington County protesting increase of tax on real estate.

A petition from real estate owners and taxpayers of Washington County addressed to Mr. John E. Brown, urging reduction in tax on real estate.

Referred to the Committee on Ways and Means.

### TAXES

A resolution from The Western Pennsylvania Legislative Conference, Pittsburgh, urging equalization of tax burden.

Referred to the Committee on Ways and Means.

## BILL SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

### HOUSE BILL NO. 120

An Act to amend section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate inclined plane passenger and vehicular traffic transportation facilities

Whereupon,

The SPEAKER, in the presence of the House, signed the name.

## LEAVES OF ABSENCE

Mr. Coakley asked and obtained leave of absence for Mr. SINWELL for the balance of the week on account of illness.

Mr. Carson asked and obtained leave of absence for Mr. CLIFF PATTERSON for the balance of the week on account of death in the family.

## REPORTS FROM COMMITTEES

Mr. KOBELAK from the Committee on Elections reported as committed, House Bill No. 1207, entitled:

An Act to amend clause (a) of section sixteen of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," requiring the registration commission to provide an additional registration day in each election district during the month of August, one thousand nine hundred and thirty-five.

Mr. FRANK E. SNYDER from the Committee on Agriculture reported as committed, House Bill No. 1139, entitled:

An Act to amend clause D of section ten of the act approved the second day of January, one thousand nine hundred and thirty-four (P. L. 174, 1933-34), entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuing of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," restraining milk dealers from specifying foreign requirements for milk other than milk actually sold outside the Commonwealth.

Mr. RINN from the Committee on Highways reported as committed House Bill No. 533, entitled:

An Act to amend section one thousand and seventeen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts, making an appropriation and providing for refunds," by prohibiting the owner of a vehicle from passing school busses in certain cases.

Mr. JOHN J. BAKER from the Committee on Elections re-reported as committed, House Bill No. 5563, entitled:

An Act to amend paragraph (b) of section six of the act approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," by providing for the requirements of this paragraph to apply also to candidates for ward, borough, township, school district or party offices.

Mr. FURMAN from the Committee on Highways reported as committed House Resolution No. 92.

RESOLUTION No. 92.

Mr. FURMAN asked and obtained unanimous consent to call up House Resolution No. 92.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 18, 1935.

Whereas, Under existing law the township supervisors in townships of the second class will be required to fix the annual tax levies for road and street purposes for their respective townships for the year 1935, on or before March 25, 1935, and

Whereas, It appears that sufficient time may not remain to enact suitable legislation before the said date to allocate to the townships the unencumbered balance of funds appropriated to the Department of Highways for expenditure in townships of the second class, under the provisions of the Parkinson Act approved June 3, 1933, P. L. 1520, and

Whereas, It is the intention of the General Assembly to enact such legislation in order to secure to the owners of real estate, relief from the burden of taxation; therefore be it

Resolved (if the Senate concur), That the General Assembly hereby authorizes and requests the township supervisors in all townships of the second class to reduce road tax levies for the year 1935, if any are to be made, as compared to the 1932 road tax levies, in the approximate amount of the allocation of funds to be made to them for expenditure in 1935 as herein set forth; the General Assembly hereby declares its purpose forthwith to enact suitable legislation to provide for the allocation and payment to the various townships of the second class for expenditure for general road and bridge purposes, of the unencumbered balance as of April 1, 1935, of the funds allocated by the Department of Highways for expenditure under the terms of the above cited Parkinson Act, exclusive of the sum of $2,365,000, heretofore, transferred to the General Fund for relief purposes; the amount of such allocation to be approximately $4,400,000; the allocation of such funds to the various townships of the second class to be made on the basis of the number of miles of Township Roads in each township bears in proportion to the total mileage of Township Roads in all townships of the second class and shall provide for payment of the funds so allocated in three equal installments on June 15th, September 15th and December 15th, 1935; such payment to be made only to townships which reduce their 1933 tax levy in accordance with the intent of this resolution; and to provide further that townships which levied no tax in 1932 shall receive an allocation on the basis of $50 per mile of public highway under the jurisdiction of such township, and that the Courts, in order to effectuate the tax relief intended by this legislation, may make appropriate changes in any agreements which have been made and approved under the provisions of existing laws for the maintenance and construction of township roads by taxpayers.

Mr. FURMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the imediate consideration of the resolution? Are there objections? The Chair hears none and consent is granted.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE APPOINTED TO INVESTIGATE UNIVERSITY OF PITTSBURGH

The SPEAKER. In accordance with the provisions of House Resolution No. 61, Printer's No. 282, adopted March 14th, the Chair appoints the following members as the Committee provided for in the resolution: Messrs. Caputo, Lovett, Harmuth, Zappala and Schrock.

RESOLUTION No. 71.

Mr. LYNCH. Mr. Speaker, I desire to call up at this time House Resolution No. 71, Printer's No. 310.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 26, 1935.

Unemployment, which has rested its heavy hand upon the people of our Commonwealth during the period of the past four or five years, is the greatest tragedy of the day, and must be met and relieved in so far as it is humanly possible.

The Nation, the State, its political subdivisions and private agencies, have and are expending millions—nay, billions of dollars to this end, and still the funds available are sufficient only to meet the barest necessities of those who are actually in need of assistance.

There are those, who, even in the face of most pitiful disaster, will and do steal from and rob the helpless that their own conditions may be bettered. Among these are the unscrupulous individuals who being of sufficient means to maintain themselves and their dependents in whole or in part, apply for and receive unemployment relief in amounts larger than is necessary for their immediate needs, thereby leaving their neighbors utterly destitute; therefore be it

Resolved, That this House of Representatives, not unappreciative of the magnitude of the task before the State Emergency Relief Board and its subordinate agencies, is of the opinion that greater care is needed in the selection of the persons entitled to relief, and that more effective efforts should be made in recovering back moneys expended in unemployment relief to persons not entitled thereto, and in putting to shame, and, if possible, to inflict punishment upon such persons; and be it further

Resolved, That this House of Representatives urges and upon all of its subordinate agencies, and request that these necessities upon the State Emergency Relief Board investigations be made more thorough and painstaking. and that no means be overlooked to bring to justice the undeserving parasites who, through their greed, deprive those who are really in need; and be it further

Resolved, That the Chief Clerk of this House transmit copies of this resolution to each member of the State Emergency Relief Board and to each county relief board.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION NO. 42.

Mr. BRADLEY. Mr. Speaker, I desire to call up at this time Resolution No. 42, Printers No. 72.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 6, 1935.

Whereas, A terrible mine disaster happened on the morning of January 21st, between the hours of nine and ten o'clock at Gilberton, in Schuylkill County, which resulted in the loss of many lives; therefore be it

Resolved, That the Committee on Mines and Mining of the House of Representatives shall have power to fully investigate the mine disaster referred to in the preamble hereof to determine the cause thereof, whether said disaster was due to negligence of any person or company or failure on the part of the laws of this Commonwealth to make ample provision to safeguard the lives of persons employed in the anthracite coal mines, and what provision, if any, shall be made to correct such laws.

Resolved, That the Committee on Mines and Mining shall make a report of its findings to the House of Representatives as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the Courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the law of the Commonwealth in such cases.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION NO. 80

Mr. FURMAN. Mr. Speaker, I desire to call up at this time Resolution No. 80, Printer's No. 311.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 5, 1935.

Whereas, The General Assembly in the year one thousand nine hundred and thirty-two, created a State Emergency Relief Board to supervise the distribution of moneys appropriated for relief to unfortunate citizens of the Commonwealth; and

Whereas, The State Emergency Relief Board has constituted a local relief board for the counties of Washington and Greene to administer relief and welfare to the people of those counties; and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in said relief board for the counties of Washington and Greene and it is reported that groups and individuals have been discriminated against; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House of Representatives, whose duty it shall be to make a rigid investigation of the conduct and operation of the emergency relief board for the counties of Washington and Greene, dating back to its inception and to investigate such other facts and circumstances surrounding the conduct of said board as it deems necessary for the information of the House of Representatives;

Resolved, That said committee shall make a report to the House of Representatives during this session as early as possible;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases;

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid board for such stenographic help and other service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearings.

On the question,

Will the House adopt the resolution?

It was adopted.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1209, as follows:

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definition The following words and terms as used in this act shall be construed as defined in this section

(a) The term "collection agency" shall mean a person other than an attorney at law duly admitted to practice in any court of record in this Commonwealth who as a business enforces collects settles adjusts or compromises claims or holds himself out or offers as a business to enforce collect settle adjust or compromise claims

(b) The word "person" means and includes an individual partnership association or corporation and any employe agent director or officer thereof

(c) The word "claim" means and includes any claim demand account note or any other chose in action or liability of any kind whatsoever

(d) The word "debtor" means and includes any person against whom a claim is asserted and

(e) The word "creditor" means and includes a person having or asserting such a claim

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of a hearing this afternoon.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 179, as follows:

An Act to repeal section eight of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) entitled "An act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by further regulating the affairs of such counties imposing penalties for certain violations of said act as amended and repealing certain existing laws"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) entitled "An act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by further regulating the affairs of such counties imposing penalties for certain violations of said act as amended and repealing certain existing laws" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. KANE. Mr. Speaker, as this bill affects my own county and practically all others, may I inquire of the gentleman from Washington Mr. Brown, as to the effect of this bill? I just want to ask the gentleman one question for the information of the House.

The SPEAKER. Will the gentleman from Washington Mr. Brown, permit himself to be interrogated?

Mr. JOHN E. BROWN. Mr. Speaker, I will.

Mr. KANE. Mr. Speaker, just as a matter of information for the members from the smaller counties, I would like to ask the gentleman from Washington Mr. Brown, what is the purpose of this bill and its effect.

Mr. JOHN E. BROWN. Mr. Speaker, I do not blame the gentleman for wanting a little information on this bill. When I took the matter up, I did not know what it meant myself, so I went down to the library and I looked at the Act of nineteen thirty-one, section eight, which this bill will repeal. It creates an attorney for the recorder that is, the recorder may appoint one. Needless to say if the recorder happens to be a Republican, he puts in his Republican friend; if he happens to be a Democrat, he puts in his Democratic friend, and the taxpayer is made the goat, because he doesn't need an attorney. We don't need any attorney. We have a county attorney, and you know very well that the recorder who transcribes the records will not have any need of an attorney.

I happen to have here a copy of the Act and it is open to any of you gentlemen to read it before it comes up for third reading.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman if in view of the widespread lack of knowledge of this act, he would object to this bill being placed on the postponed calendar until the members likewise familiarize themselves with the law as it is.

Mr. JOHN E. BROWN. Not at all, Mr. Speaker. I would be very glad to do so. I have the book here, and it is the property of this House. Any member can read up on this Act so that he can thoroughly understand it.

Mr. KANE. Mr. Speaker, I do not wish my interrogation to be construed as being hostile to this bill, but I don't think the majority of the rural members understand it. Will the gentleman from Washington agree to place the bill on the postponed calendar?

Mr. JOHN E. BROWN. Yes.

## BILL POSTPONED

Mr. JOHN E. BROWN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 138, entitled:

An Act to amend section eight hundred and twenty-four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as added requiring certain vehicles between sunset and sunrise to carry danger or caution signals and to display the same when the vehicle becomes disabled

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and twenty-four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeiture fees and miscellaneous receipts making an appropriation and providing for refunds" as added by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand sixty-four) is hereby amended to read as follows

Section 824 Danger and Caution Signals Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial motor vehicle having a carrying capacity of two tons or over shall between the hours of sunset and sunrise be equipped with at least two red or yellow burning danger or caution signals with friction cap ignition similar in type to a time-burning railway fusee signal and so constructed as to burn with a brilliant red or yellow light for not less than fifteen minutes

Whenever between the hours of sunset and sunrise any such vehicle becomes disabled while within the limits of the traveled part of a highway to such an extent that it cannot proceed under its own power and its lighting is so disabled that it constitutes a menace to other vehicular traffic the operator thereof shall cause to be continuously displayed on the surface of the highway the red or yellow-burning danger or caution signals as herein required in such manner as to prevent personal injuries loss of life and damage to property by collision

Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. FRANCIS T. BAKER. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for further study.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 464, entitled:

An Act to amend section eight hundred and twenty-four as added to the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" making certain changes in the danger or caution signals required of certain vehicles to carry

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and twenty-four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and pro-

viding for refunds" as added by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand sixty-four) is hereby amended to read as follows

Section 824 Danger and Caution Signals Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial motor vehicle having a carrying capacity of two tons or over shall be equipped with [at least two red or yellow burning danger or caution signals with friction cap ignition similar in type to a time-burning railway fusee signal and so constructed as to burn with a brilliant red or yellow light for not less than fifteen minutes] a sufficient number of flares not less than three or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours

Whenever any such vehicle becomes disabled while within the limits of the traveled part of a highway to such an extent that it cannot proceed under its own power and its lighting is so disabled that it constitutes a menace to other vehicular traffic the operator thereof shall cause to be continuously displayed on the surface of the highway [the red or yellow-burning danger or caution signals] such flares or signals as herein required in such manner as to prevent personal injuries loss of life and damage to property by collision

And owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. SHREINER. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 62, entitled:

An Act to amend article three section one clause (c) of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by abolishing deposits to secure future payments and penalties for delayed payments of rates and requiring the crediting of minimum charges towards the payment for service

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Rrepresentatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (c) of article three section one of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings

to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" is hereby amended to read as follows

(c) To have reasonable rules and regulations subject to existing law and the provisions of this act governing the conduct of its business and the conditions under which it shall be required to render service

It may require the payment of charges in advance and the making of reasonable minimum payments [and deposits to secure future payments of such charges] or it may allow discounts for prompt payments of [the same or impose penalties for failure to pay promptly] its charges Provided That such advance charges minimum payments [deposits] or discounts [or penalties] are reasonable and apply equally and without discrimination or preference to all shippers consumers and patrons under like conditions and under similar circumstances Provided further That all minimum charges be credited towards the payment for service rendered at the current rate

On the question,

Will the House agree to the section?

Mr. STEVENS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 6, line 20, by striking out the word "and"

Amend Sec. 1, page 6, line 20, by striking out the light-faced bracket before the word "and"

Amend Sec. 1, page 6, line 21, by striking out the light-faced bracket after the word "charges"

Amend Sec. 1, page 6, line 22, by striking out the light-faced bracket before the word "the"

Amend Sec. 1, page 6, line 23, by striking out the following:
"[ its charges"

Amend Sec. 1, page 6, line 25, by striking out the light-faced bracket before the word "deposits"

Amend Sec. 1, page 6, line 25, by striking out the following:
"[ or"

Amend Sec. 1, page 6, line 25, by striking out the light-faced brackets before and after the words "or penalties"

Amend Sec. 1, page 7, line 1, by inserting after the word "charges" the following: "of water companies"

Amend Sec. 1, page 7, line 2, by striking out the words "service rendered" and inserting in lieu thereof: "water actually consumed during the current billing period"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend article three, section one, clause (c) of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled, 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by abolishing deposits to secure future payments and penalties for delayed payments of rates and requiring the crediting of minimum charges towards the payment for service.

On the question,

Will the House agree to the title?

Mr. STEVENS. Mr. Speaker, I desire, to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 3, last three lines on said page, by striking out the words "abolishing deposits to secure future payments and penalties for delayed payments of rates and"

Amend title, page 4, first line on said page, by inserting after the word "charges" the following: "of water companies"

Amend title, page 4, second line on said page, by striking out the word "service" and inserting in lieu thereof: "water actually consumed"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 918, entitled:

An Act to prohibit deductions from wages of employes for the payment of store bills for goods wares and merchandise declaring certain contracts agreements and understandings against public policy and void and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no employer shall hereafter enter into any contract agreement or understanding with any person association copartnership of corporation operating a store or what is commonly called a company store or general supply store as the result of which the employer agrees to withhold or permit to be withheld wages due or becoming due an employe of such employer by reason of the sale or furnishing of goods wares and merchandise to such employe and to pay over the wages so withheld to such person association copartnership or corporation operating such store or company store or general supply store in cancellation of the amount due at such store by such employe Any such contract agreement or understanding is hereby declared to be against public policy and void

No employer who operates a company store or general supply store for the sale of goods wares and merchandise to his employes engaged in mining manufacturing or other industrial work shall deduct from the wages of his employes any amount due by reason of the sale of goods wares and merchandise to such employes at such company or general supply store other than for such articles as are furnished to the employe to carry on his work in any mine factory or industrial establishment No employer or employe shall have the right to enter into any contract agreement or understanding to avoid the provisions of this clause and every such contract agreement or understanding is hereby declared to be against public policy and void

Any person association copartnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or such person or the member officer or agent of any association copartnership or corporation responsible for such violation shall be sentenced to imprisonmeut for not more than six months or both at the discretion of the court

On the question,

Will the House agree to the Section?

Mr. HALUSKA. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 11, by inserting after the word "merchandise" the following: "other than coal"

Amend sec. 1, page 2, line 10, by inserting after the word "for" the following: "coal and"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to prohibit deductions from wages of employes for the payment of store bills for goods wares and merchandise declaring certain contracts agreements and understandings against public policy and void and providing penalties

On the question,

Will the House agree to the title?

Mr. HALUSKA. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 3 of title, by inserting before the word "declaring" the following: "with certain exceptions"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1227, as follows:

An Act authorizing the courts of quarter sessions to stay sales of goods and chattels distrained upon by sureties of defaulting tax collectors and providing a procedure to exonerate the sureties where delinquent taxpayers are unable to pay taxes and to direct satisfaction of the taxes charged in duplicates where it appears such taxes have been paid

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the surety or sureties on the bond of any defaulting tax collector shall undertake to collect delinquent taxes charged in any duplicate or duplicates delivered to such defaulting tax collector

by distress and sale of the goods and chattels of the delinquent or shall distrain on the goods and chattels of any person who shall allege that the taxes with which he stands charged have actually been paid and any such delinquent taxpayer is by reason of economic circumstances unable to pay such taxes or such person whose goods and chattels have been distrained upon shall deny liability for such taxes then in either event the taxpayer may petition the court of quarter sessions of the county for a stay of any such sale of goods and chattels distrained upon setting forth that by reason of economic circumstances he is unable to pay such taxes or that such taxes have actually been paid to such defaulting tax collector

The court shall have power to stay any such sale pending a hearing of the matter The court shall have power to fix a day for hearing of which due notice shall be given the surety or sureties of such defaulting tax collector as the court may prescribe

Section 2 The court may after hearing if it be of the opinion that delinquent taxpayer is by reason of economic circumstances unable to pay such taxes order the surety or sureties to return the property on which such taxes are due to the county commissioners in accordance with existing law or direct the taxing authority to accept a certification of such real estate for the filing of a lien in accordance with existing law and direct the exoneration of the surety or sureties from the further collection of such taxes and from liability on the bond for such taxes

If the court after hearing shall be of the opinion that a taxpayer has actually paid such taxes with which he stands charged on the duplicate it shall direct satisfaction to be entered on such duplicate by the surety or sureties

Section 3 The surety or sureties on the bond of any such defaulting tax collector shall have the right upon demand made to have a jury pass upon the question whether or not a taxpayer has paid taxes with which he stands charged and if the jury shall find such taxes have been so paid the court shall direct the surety or sureties to enter satisfaction on the duplicate

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensd with

The House proceeded to the second reading and consideration of House Bill No. 320, entitled:

An Act providing for and regulating the appointment promotion reduction in rank and removal of the paid members of the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities boroughs towns and townships creating a county civil service commission in each county the members thereof to receive salaries to be payable by counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Appointees in Police and Fire Departments in all Political Subdivisions Placed Under Civil Service Hereafter all apointments to and promotions in the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police and fire protection work in all counties cities boroughs towns and townships shall be made only according to qualifications and fitness to be ascertained by examinations which so far as practicable shall be competitive as hereinafter provided The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies except superintendents of police and chief engineers of the Bureau of Fire. These positions shall be filled by a member of the Police or Fire Bureaus who has had at least ten years experience in the police or fire departments

No person shall hereafter be appointed reinstated promoted or discharged as a paid employe in any of the aforesaid bureaus departments or agencies except in accordance with the provisions of this act

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporation for the purpose of further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 955, entitled:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever public funds are held in trust for public school purposes by any corporation which is or may become subject to the provisions of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) known as the "Non-profit Corporation Law" and in the opinion of such corporation and of the board of school directors of the school district entitled to the benefits of such fund and in the opinion of the Superintendent of Public Instruction such funds should be paid over into the general fund of such school district and used for general school purposes and in order to carry out such purposes the corporate trustee applies in the manner provided in article ten of said Nonprofit Corporation Law to the court of common pleas for the dissolution of the corporation the consent of the Commonwealth of Pennsylvania is hereby given to the transfer of any such funds to the general fund of such school district and to their use for general school purposes

Section 2 All acts and parts of acts geenral local and special inconsistent herewith are hereby repealed

The third section was read as follows:

Section 3 The provisions of this shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. STOCKHAM. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 2, line 11, by inserting after the word "this" the word: "act."

On the question,
Will the House agree to the amendment?
It was agreed to,

On the question,
Will the House agree to the section as amended?
It was agreed to.
The title was read and agreed to as follows:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes

And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 1242, as follows:

An Act relating to the maintenance of insane feebleminded and other persons confined in various institutions by counties of the second class fixing liability for their support providing for the collection of the monies due the counties of the second class therefor and for proceedings relating thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person is maintained as an inmate of any hospital home sanitorium or other institution or elsewhere in whole or in part at the expense of any county of the second class the property or estate of such person shall be liable for such maintenance to be paid or recovered as hereinafter provided

Section 2 Every trustee committee guardian or other person nominated or appointed to take charge of the estate of any lunatic feeble-minded or any other person who is maintained in whole or in part by any county of the second class in any home asylum or other institution shall within six months after his appointment make a true and full report under oath to the County Commissioners of said county showing the amount and character of said estate and every year thereafter report to the County Commissioners of said county what if any changes there are in said estate and every executor or administrator of the estate of any deceased inmate of any asylum home or institution maintained in whole or in part by any county of the second class shall within six months after letters testamentory or of administration have been issued make a true full and complete report under oath to the County Commissioners of said county of the extent and character of such estate

Section 3 The husband wife father mother child or children of any person who is an inmate of any asylum hospital home or other institution maintained in whole or in part by any county of the second class and who is legally able so to do shall be liable to pay for the maintenance of any such person as hereinafter provided

Section 4 The Court of Common Pleas of the county of the residence of any inmate of any home hospital asylum or other institution maintained in whole or in part by any county of the second class shall have power upon the application of the County Commissioners of said county to make an order for the payment of maintenance to the county upon the trustee committee guardian or other person who has charge of the estate of any such inmate or against the father wife mother child or children of any person so maintained and any order made against the husband wife father mother child or children shall be in such amount as the Court in its discretion deems proper taking into consideration their ability to pay for said maintenance and said Court may also upon like application direct any trustee committee guardian or other person having charge of any such estate to file with the County Commissioners of said county the statement required by the second section of this Act

Section 5 The sworn statement of the superintendent steward or other person in whose custody are kept the records of any hospital home asylum or other institution wherein persons are maintained in whole or in part at the expense of the county shall be received as prima facie evidence in any Court of this Commonwealth of the amount expended by the county for the support or maintenance of any such person in any proceeding brought to recover the amount of such maintenance

Section 6 All claims by any county of the second class for maintenance as herein provided in the distribution of any of the estate of any person so maintained shall take precedence and be paid after other claims which by law now are given precedence and before any claims of general creditors

Section 7 When there is a claim against the estate of any person maintained in any home hospital asylum or other institution both on behalf of any county of the second class and on behalf of the Commonwealth and there is not sufficient in the estate to pay the claim in full the same shall be paid pro rata to the State and the County in the proportion of the amount of maintenance legally recoverable by each

Section 8 This Act of Assembly is intended to apply to the collection of claims for maintenance due any county of the second class at the time of its passage as well as those to become due thereafter

Section 9 All acts or parts of Acts inconsistent with this Act are hereby repealed

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 436, entitled:

An Act providing for the reimbursement by the State to counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code and liquor laws providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any costs are imposed on counties by verdicts of juries or by operation of law as the result of criminal prosecutions brought under the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) known as "The Vehicle Code" or its amendments or any reenactment thereof or under any laws of this Commonwealth relating to alcoholic liquors which provide that the fines and penalties recovered under such laws shall be payable into the State Treasury for the use of the Commonwealth or into any special fund of the Commonwealth the counties shall be entitled to recover such aggregate costs together with the cost of the maintenance of prisoners committed to its penal institutions as the result of all such prosecutions to the extent of the total amount of all such fines and penalties as may be recovered and shall be entitled to deduct such costs and the cost of the maintenance of prisoners from such aggregate fines and penalties so recovered

On the question,
Will the House agree to the section?

## BILL RECOMMITTED

Mr. CARSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 749, as follows:

An Act to amend section two hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended reducing the number of assistant district attorneys in counties of the fifth and sixth class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" which was amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 256 Assistant District Attorneys Number Compensation In counties of the second third fourth fifth and sixth classes the district attorney may appoint such number of assistants learned in the law to assist him in the discharge of his duties as is fixed by this section

In counties of the second class the district attorney shall have authority to appoint one or more assistants learned in the law not exceeding sixteen in number One of said assistant district attorneys who shall be designated as the first assistant shall receive a salary of seventy-five hundred dollars ($7,500) per annum One of said assistant district attorneys who shall be designated as the second assistant shall receive a salary of sixty-five hundred dollars ($6,500) per annum Two of said assistant district attorneys shall receive salaries of six thousand dollars ($6,000) per annum each Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars ($5,500) per annum each Two of said assistant district attorneys shall receive salaries of five thousand dollars ($5,000) per annum each Two of said assistant district attorneys shall receive salaries of forty-five hundred dollars ($4,500) per annum each and four of said assistant district attorneys shall receive salaries of four thousand dollars ($4,000) per annum each In the event of the appointment of a less number of assistants than sixteen the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed Said salaries herein provided shall be paid out of the county treasury

For all counties of the third class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of four thousand dollars ($4,000) and three assistant district attorneys at annual salaries of three thousand five hundred dollars ($3,500) each and two assistant attorneys at annual salaries of three thousand dollars ($3,000) each

In all counties of the fourth class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of three thousand five hundred dollars ($3,500) and three assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In counties of the fifth class and in counties of the sixth class [with the approval of the court] the district attorney shall have authority to appoint [not more than two assistant district attorneys] one assistant district attorney The [first] assistant district attorney shall receive a salary of two thousand five hundred dollars ($2,500) per annum [and the second assistant district attorney attorney shall receive a salary of two thousand dollars ($2,000) per annum]

The salary board of any county of the third class in case of an emergency or an account of increased business or unusual circumstances or conditions may authorize the district attorney to appoint such additional assistant district attorneys as may be approved by the court Provided however That the salary of said appointees shall not exceed the minimum salary provided for assistants in the respective offices

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1059, entitled:

An Act Imposing the costs in certain cases of summary convictions upon cities boroughs incorporated towns or townships

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases of summary convictions where under the provisions of any law any fines penalties or forfeited bail collected by justices of the peace aldermen or magistrates are payable to the treasurer of any city borough incorporated town or township for the use of such city borough incorporated town or township and where the evidence is not sufficient to convict and the defendant dismissed or where the defendant is convicted and sentenced to jail in default of payment of the fine and costs imposed the costs of suit or the costs of prosecution as the case may be shall be paid by the city borough incorporated town or township that would have received the fine penalty or forfeited bail if the same had been collected and such costs shall in no such case be paid by the county

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1287, entitled:

An Act providing when how and under what circumstances and conditions a claimant being a county municipality township or school district may at a judicial sale on a tax or municipal claim bid in the real estate for record costs or postpone the sale for the procedure in such cases by petition rule notice hearing and decree of Court to sell said real estate freed and cleared of all taxes municipal claims liens mortgages ground rents charges and estates and to prorate the proceeds of said sale if insufficient to pay all tax and municipal claims in full for the stay of proceedings for redemption and priority thereof and of the status of liens during said period and for

the right of a tax or municipal claimant to purchase the real estate at the sale pursuant to said petition

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That (a) When at a sheriff's sale on a tax or municipal claim the real estate cannot be sold for a sum sufficient to pay all taxes and municipal claims together with the costs thereon the plaintiff being a county municipality township or school district may bid in the said real estate for record costs and purchase same subject to taxes municipal claims liens mortgages ground rents charges and estates or said plaintiff may postpone the sale without the payment of costs and file a petition in the Court of Common Pleas of the proper county setting forth that a tax claim is due and unpaid for three calendar years that no extension for the payment thereof is in effect under any state law or a municipal claim has been filed of record for three full calendar years and remains unpaid that no extension for the payment thereof is in effect under any state law that plaintiff has exposed the real estate to sheriff's sale and was unable to obtain a bid sufficient to pay the upset price in full

(b) Upon the production of a certification by a title insurance company or official certificates where a title insurance company certification is not available showing the state of the record and the ownership of the real estate and all tax and municipal claims mortgages ground rents and other charges on or estates in the land the Court shall grant a rule upon all parties thus shown to be interested to appear and show cause why a decree should not be made that said real estate be sold freed and cleared of their respective claims mortgages ground rents charges and estates

(c) Twenty days' notice of the filing of said petition and rule shall be given personally to all parties shown to be interested in the real estate or upon their attorneys of record In the event personal service cannot be had upon any of the parties in interest then twenty days' notice computed from the date of the last advertisement of the filing of said petition and rule shall be advertised once a week for two successive weeks in one newspaper published printed and distributed in the county or city in which the said real estate is located and in the legal periodical if any designated by the Court for that purpose provided that where notice by advertisement is required twenty days' notice by registered mail shall also be given to all mortgagees or last assignees in interest of record Said notice shall contain the caption of said proceedings a brief description of the real estate to be sold and the essential parts of the rule

(d) If upon a hearing thereafter the Court is satisfied that service has been made as herein required upon the parties in interest and that the facts stated in the petition are true it shall order and decree that said real estate be sold to the highest bidder at a subsequent sheriff's sale day to be fixed by the Court free and clear of all claims liens mortgages ground rents charges and estates without further advertisements or further notice to the parties in interest except that a copy of the final Order of Court with the caption of the case and a description of the real estate shall be posted in the Court House and at a conspicuous place on the premises twenty days before the date of sale The purchaser at such sale shall take and forever thereafter have an absolute title to the real estate freed and dischargd from all taxes municipal claims liens mortgages ground rents charges and estates subject only to the right of redemption hereinafter provided for

On the question,

Will the House agree to the Section?

Mr. RUFFENNACH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 6, by inserting after the word "taxes" the following: "due and payable"

Amend sec. 1, page 2, line 6, by inserting after the word "claims" the following: "where the amount is definite and determined"

Amend sec. 1, page 2, line 16, by striking out the word "or" and insert in lieu thereof "and/or"

Amend sec. 1, page 2, line 21, by striking out the words "the upset price" and insert in lieu thereof "all taxes due and payable and municipal claims where the amount is definite and determined"

Amend sec. 1, page 3, line 25, by striking out the word "ture" and insert in lieu thereof "true"

Amend sec. 1, page 4, line 1, by striking out the word "advertisements" and insert in lieu thereof "advertisement"

Amend sec. 1, page 4, line 6, by inserting after the word "premises" the following: "at least"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections were separably read and agreed to as follows:

Section 2 When a county municipality township or school district being a claimant bids in real estate for record costs at a tax or municipal claim sale it may after it has held said real estate for two years petition the Court to sell said real estate freed and cleared of all claims liens mortgages ground rents charges and estates in the same manner and with the same effect as provided where a tax claim is due and unpaid for three full calendar years but without the right of redemption Provided however That during said two year period the owner lien creditor or anyone interested in said real estate may redeem it on the terms provided in this act for redemption

Section 3 Any person interested in said real estate may at any time before the sale pay the petitioner the whole of its claim with interest and costs whereupon the petition proceedings shall at once determine

The fourth section was read as follows

Section 4 If sufficient money is not bid at any sale pursuant to petition and rule as herein provided to pay all tax claims and municipal claims in full then the real estate may be sold to the highest bidder and the proceeds realized shall be prorated among all the tax and municipal claimants and said tax and municipal claims shall thereupon be fully discharged

On the question,

Will the House agree to the Section?

Mr. RUFFENNACH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4, page 5, line 3, by inserting after the word "claims" where it first appears in the line, the following: "due and payable"

Amend sec. 4, page 5, line 3, by inserting after the word "claims" where it appears before the word "in" the following: "where the amount is definite and determined"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth and sixth sections were separately read and agreed to as follows:

Section 5 (a) Any real estate sold pursuant to petition and rule as herein provided may be redeemed by the owner lien creditor or by anyone interested in said real estate at any time within two years after said sale by

paying all taxes and municipal claims accrued and chargeable against the real estate prior to the sale thereof together with the cost and interest thereon and also all taxes and claims whether filed or not which would have accrued and become chargeable against the real estate had the same been purchased at the sale by some party other than the county city or other municipal division

(b) If both owner and creditor desire to redeem the owner shall have the right so to do only in case he pays the creditor's claim in full If more than one creditor desires to redeem the one who was lowest in lien at the time of sale shall have the prior right upon payment in full of the claim of the one higher in lien Within the two years one who was lower in lien may redeem from one higher in lien who has already redeemed and the owner may redeem from him and so on throughout in each case by paying the claim of the one whose right was higher and one higher in lien may redeem from one lower in lien unless his claim is paid but in each case the right must be exercised within the two year period dating from the time the real estate was first sold

(c) Any person entitled to redemption may present his petition to the proper Court setting forth the facts and his readiness to pay the redemption money whereupon the Court shall grant a rule to show cause why the purchaser should not reconvey to him the premises sold and if upon hearing the Court shall be satisfied of the facts it shall make the rule absolute and upon payment of the money into Court or to the proper person shall enforce it by attachment

(d) When any real estate is sold as provided in this act no lien whatsoever against such real estate shall be deemed to be discharged during the period of redemption but if said real estate is not redeemed then all liens against the same shall be deemed discharged from the date that the right of redemption expired

Section 6 Any county municipality township or school district being a claimant shall have the right and is hereby empowered to bid and become the purchaser of the real estate at any sale and while said real estate so bid in is held and owned by a county municipality township or school district it shall not be subject to tax claims unless it is redeemed by the former owner lien creditor or by anyone interested in said real estate

The seventh section was read as follows:

Section 7 Nothing contained in this act shall be construed to repeal the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" except insofar as said act is inconsistent with this act All acts and parts of acts inconsistent herewity are hereby repealed

On the question,

Will the House agree to the section?

Mr. RUFFENNACH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 7, page 7, line 18, by striking out the word "herewity" and insert in lieu thereof "herewith"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eight section was read and agreed to as follows:

Section 8 This act shall become effective the first day of October one thousand nine hundred and thirty-five

The title was read as follows:

An Act providing when, how, and under what circumstances and conditions a claimant, being a county, municipality, township or school district may at a judicial sale on a tax or municipal claim bid in the real estate for record costs or postpone the sale; for the procedure, in such cases, by petition, rule, notice, hearing and decree of Court to sell said real estate freed and cleared of all taxes, municipal claims, liens, mortgages, ground rents, charges and estates and to prorate the proceeds of said sale if insufficient to pay all tax and municipal claims in full; for the stay of proceedings; for redemption and priority thereof and of the status of liens during said period; and for the right of a tax or municipal claimant to purchase the real estate at the sale pursuant to said petition.

On the question,

Will the House agree to the title?

Mr. RUFFENNACH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendents will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 15 of title, by striking out the word "the" where it appears before the word "sale" and insert in lieu thereof "any."

Amend title, page 1, lines 15 and 16 of title, by striking out the words "pursuant to said petition."

On the question,

Will the House agree to the amendments?

Thy were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1373, entitled:

An Act relating to local taxation establishing a centralized system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of all county borough town township and certain school and poor taxes through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughs towns townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second third fourth fifth sixth seventh and eighth classes a centralized county system for the collection of all county borough town township school and poor taxes is hereby established

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. MOOMAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further consideration and amendment.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1065, as follows:

An Act to amend section one of the act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws seven hundred forty-seven) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice" as amended providing for the sale of municipal bonds at private sale under certain circumstances

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws seven hundred forty-seven) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice" as amended by the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred eighteen) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when any county city borough township school district or other municipality or incorporated district of this Commonwealth having authority so to do shall borrow money and issue bonds or other securities therefor except in the case of the giving of notes for temporary loans as may be authorized by law the authorities thereof shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such county city borough township or school district or other municipality or incorporated district shall be situated Provided That no bid for such bonds or securities at less than their par value shall be accepted And provided further That where bonds and securities shall have been heretofore or shall hereafter be advertised for sale as provided in this act and either no bids have been received or the bids received have not been satisfactory then it shall be lawful for such county city borough township school district or other municipality or incorporated district to sell the same at private sale for not less than par and accrued interest of a better bid can be obtained at private sale than was obtained at the public offering

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for further study.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1240, as follows:

An Act relating to the purchase and sale of old gold and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person copartnership association or corporation shall buy any old gold from any person under the age of eighteen

Section 2 Any person copartnership association or corporation engaged in the business of buying old gold for the purpose of resale shall keep a record of the names and addresses of all persons from whom he or it purchases any old gold and shall hold all old gold purchased for a period of at least forty-eight hours before selling the same and before giving up possession thereof

Section 3 Any person copartnership association or corporation violating any of the provisions of this act shall upon summary conviction thereof be sentenced to pay a fine of not more than one hundred dollars ($100) and upon default of the payment of such fine and costs any person the members of any copartnership or the officers of any association or corporation shall undergo imprisonment for not more than twenty days

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 711, as follows:

An Act to abolish the Journal of the House of Representatives and to adopt the Legislative Journal as the official Journal of the House of Representatives

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That at the expiration of the present contract for printing the Journal of the House of Representatives and the keeping compiling and publication of the said Journal is hereby abolished and the Legislative Journal now provided for by law shall become the official Journal of the House of Representatives required to be kept and published by article two section twelve of the Constitution

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The house proceeded to the second reading and consideration of House Bill No. 1010, entitled:

An Act to amend article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for a retirement system for county and poor district employes in counties of the third class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(q) Retirement System Counties of the Third Class

Section 331 "County Employe" Defined A county employe for the purpose of this subdivision of this act is any person employed by the county or by the county poor district at a wage or salary payable at stated intervals that is to say semi-monthly monthly quarterly or annually The term may at the option of the Retirement Board include any person elected by the vote of the people

Section 331.1 Retirement System and Fund to be Established Each county of the third class shall provide a county employes' retirement system for such county for employes of the county and the county poor district and shall establish and regulate a retirement fund in connection therewith

Section 331.2 Retirement Board The retirement system shall be under the sole direction of a retirement board hereinafter designated the board which shall consist of the county commissioners the treasurer the controller of the county and two persons elected from among the members of the retirement system one to serve for two years and one for four years Following the completion of the initial terms the stated terms of such members shall be four years A vacancy occurring during the term of any member of the retirement board shall be filled for the unexpired term by the appointment or election of a successor in the same manner as his predecessor A majority of the members of the retirement board shall constitute a quorum for the transaction of any business

Section 331.3 Treasurer and Secretary of Board The county treasurer shall be the treasurer of the board and shall give such bond for the proper performance of his duties as is required by the board The premium on said bond shall be paid from the retirement fund on warrants of the board The treasurer shall receive for his services the sum of one hundred dollars ($100.00) per annum from the retirement fund payable on warrants of the board The county controller shall be the secretary of the board

Section 331.4 Register of Employes Regulations of Board The board shall keep a register of employes containing the names ages residence nature of employment time of entering the employ of the county or of the county poor district and such other information as the board deems necessary in the performance of its duties The board may adopt amend revise and abolish in its discretion such regulations not inconsistent with law as it deems necessary

Section 331.5 List of Employes The head of each department or office of the county or of the county poor district shall file with the board a list of all employes of such department or office with the amount of the salary or wage received by each the age of the employe time of entering the county or county poor district employ and such other information relative to such employes as is required by the board From time to time and whenever requested by the board all dismissals appointments resignations transfers changes in salaries or in employment and other information relative to employes shall be furnished to the board by the head of each such department or office

Section 331.6 Appropriations to Retirement Fund The county and county poor district shall pay into the retirement fund a sum equal to six per centum of the amount received by each county employe as salary of wages from the county or the poor district during each year The county commissioners and the directors of the poor district shall prior to February fifteenth of each year appropriate out of county taxes and poor taxes of said county and county poor district a sum of money sufficient to pay the amount hereby required to be paid by such counties and poor districts The amount so appropriated shall be paid into the fund on or before August fifteenth of each year

Section 331.7 Payment by Employes Each county employe shall each month pay into the retirement fund three per centum of the amount received by him or her as salary or wages from the county or the county poor district during the preceding calendar month In no event however paying at a rate greater than eight dollars ($8.00) a month Such amount shall be collected by the county treasurer and by him paid into the retirement fund No employe shall be entitled to a retirement allowance who does not make the monthly payment herein required

Section 331.8 Investment or Deposit of Fund The board may in its discretion invest the money of the retirement fund or any part thereof in obligations of the United States or of this State or of any political subdivision of this State or it may deposit such moneys or any part thereof in one or more banks or trust companies of the county selected by the board The banks or trust companies offering to pay the highest rate of interest and that have a paid-in capital and surplus of not less than three hundred thousand dollars shall be selected A contract with a depository shall be for a period covering the term of the county treasurer No moneys shall be paid to a depository until it shall have executed to the board a bond for the proper safeguarding of the funds so deposited The bonds shall have such surety as is approved by the court of common pleas No moneys exceeding in the aggregate the amount of the bond shall be paid to any depository

Section 331.9 Persons Entitled to Retirement Allowances Every person now or hereafter in the employ of the county or the county poor district who has reached the age of sixty years or upwards and who shall have been in the employ of the county or the county poor district during a period of not less than twenty years shall upon application to the board be retired from service and shall thereafter receive during life a retirement allowance as herein provided for The time spent in the employ of the county or the county poor district need not necessarily have been continuous Provided That when any employe has had twenty or more years of service and has reached the age of fifty years and shall be or shall have been separated from the service by reason of no cause or act of his own he shall thereafter receive during life a retirement allowance as herein provided for The time spent in the employ of the county or the county poor district need not necessarily have been continuous

Section 331.10 Exception in Favor of Persons Totally and Permanently Disabled Any employe who has been in the county or county poor district employe for a period of not less than fifteen years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled even though such employe has not reached the age of sixty years Proof of total and permanent disability shall be by the sworn statement of three practicing physicians of the county designated by the board to the effect that such employe is totally and permanently disabled from performing the duties of his or her position or office

Section 331.11 Amount of Retirement Payment The retirement allowance paid under the provisions of this act shall equal annually fifty per centum of the average annual amount received by the employe as salary or wages during the two years immediately preceding the date of retirement of the employe receiving the retirement allowance except that ten per centum of such amount shall be deducted in equal monthly installments and be paid into the retirement fund as the contribution of the person receiving such retirement allowance to the said fund for such length of time as may be required by the retirement board No retirement allowance shall exceed the sum of one hundred dollars per month Retirement allowances shall be paid in monthly installments on warrant on the board.

Section 331.12 Retirement Allowance After Leaving County or County Poor District Service If any employe after twenty years in the county or county poor district

employ is dismissed or retires voluntarily or is in any other manner deprived of his or her employment before attaining the age of sixty years such employe if he continues to contribute to the retirement fund monthly a sum equal to the last monthly contribution paid while in the county or county poor district employ shall when he or she reaches the age of sixty years be entitled to a retirement allowance

Section 331.13 Refund of Contributions If any county or county poor district employe contributing monthly to the retirement fund shall for any cause cease to be an employe of the county or county poor district before he shall receive the benefits of the retirement allowances the total amount of the contributions paid into the retirement fund by such employe shall upon demand in writing be repaid to him or her or to his or her personal representatives or to such person or persons as are legally entitled thereto out of the fund

Section 331.14 Reinstatement Should any county or county poor district employe who has withdrawn his contribution paid into the retirement fund desire to be reinstated and again become a beneficiary he or she may do so by the payment in full of the amount withdrawn and by paying the assessments provided for in section three hundred thirty-one and seven-tenths of this act

Section 331.15 Retirement Allowance Not Subject to Attachment or Assignment Suspension of Retirement Allowance No retirement allowance herein provided for shall be subject to execution or to attachment It shall be payable only to the beneficiary herein provided for and shall not be subject to assignment or transfer If any member of the retirement system is receiving a retirement allowance and he or she shall or may hereafter be employed by the government of the United States or the Commonwealth of Pennsylvania or any political subdivision thereof then the retirement board shall and is hereby given the authority to suspend the retirement allowance to such member of the retirement system during such employment

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. MASON. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for further study.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1245, entitled:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" eliminating compensation to owners whose property is destroyed to abate nuisances

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 4141 Power of Viewers The viewers appointed as aforesaid (may

First Determine) Shall determine whether or not the property premises building business or occupation is a nuisance and if they shall find it is a nuisance shall so return in their award (and

Second Find what if any compensation shall be paid by the said city to the owner or owners of said property premises building business or occupation for the abatement of the same and if the findings of the said viewers be in favor of the said city and direct the abatement of said nuisance then judgment shall be entered upon their award within thirty days after the same is filed unless the said award be appealed from or exceptions there to be filed within thirty days No execution or other process for the collection of any sum of money awarded to any person or persons corporation or corporations as compensation for the abatement of any nuisance shall issue until the said nuisance has been fully and completely abated and return thereof made to the court)

Section 4142 Appeals Any of the parties interested in any proceedings provided by the preceding two sections may appeal to the court of common pleas of the proper county within thirty days from the date of filing an award such appeal to be in the same form as now governs appeals from the awards of viewers appointed pursuant to this act to assess damages for property taken injured or destroyed the party appealing to pay the costs incurred and to give bond with one surety for the payment of all costs which may thereafter be incurred Upon such appeal being perfected the court shall frame an issue which issue shall be placed at the head of the next trial list then open and shall be tried by the court and jury in the same manner as feigned issues are now tried Upon such trial the jury shall have power to find the same facts as are provided may be found by the viewers (If the jury shall find in favor of the city and award any compensation to the owner or owners of said property premises building business or occupation judgment shall be entered upon the verdict of a jury No execution or other process for the collection of such judgment shall issue until the nuisance complained of shall have been fully and completely abated and return thereof made to the court upon which the court shall have power to award execution or other process necessary to enforce the collection of the judgment)

Section 4143 Abatement of Nuisance After Award by Viewers Whenever the award of viewers or the verdict of a jury shall find that a nuisance exists and the owner or owners of any property premises building business or occupation causing the same shall fail to abate the same within sixty days from the date of the findings of the viewers or the judgment in case of an appeal the authorities of said city shall have full power and authority to enter upon said property premises or building where said nuisance exists and abate the same and shall not be liable in any form of action for so doing The cost and expense of abating the same shall be (deducted from any compensation awarded in said proceeding) paid by the owner of the property and may be recovered by the city in an action of assumpsit

On the question,

Will the House agree to the section?

Mr. SHREINER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 5, by striking out the parenthesis before the word "May" and insert in lieu thereof a light-faced bracket, thus: "["

Amend sec. 1, page 2, line 6, by striking out the parenthesis after the word "Determine" and insert in lieu thereof a light-faced bracket, thus: "]"

Amend sec. 1, page 2, line 9, by striking out the parenthesis before the word "and" and insert in lieu thereof a light-faced bracket, thus: "["

Amend sec. 1, page 2, line 23, by striking out the paren-

thesis after the word "court" and insert in lieu thereof a light-faced bracket, thus: "]"

Amend sec. 1, page 3, line 11, by striking out the parenthesis before the word "If" and insert in lieu thereof a light-faced bracket, thus: "["

Amend sec. 1, page 3, line 20, by striking out the parenthesis after the word "judgment" and insert in lieu thereof a light-faced bracket, thus: "]"

Amend sec. 1, page 3, line 28, by underscoring the word "appeal"

Amend sec. 1, page 4, line 5, by striking out the parenthesis before the word "deducted" and insert in lieu thereof a light-faced bracket, thus: "["

Amend sec. 1, page 4, line 6, by striking out the parenthesis after the word "ceeding" and insert in lieu thereof a light-faced bracket, thus: "]"

Amend sec. 1, page 4, line 7, by underscoring the entire line

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" eliminating compensation to owners whose property is destroyed to abate nuisances.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1247 entitled:

An Act to amend section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" changing the method of service of writs on persons who are without the Commonwealth and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collecting of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of the act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

Section 18 The sheriff to whom the scire facias is given for service shall add to the writ as parties defendant all persons other than those named therein who may be found in possession of the property described or any part thereof and in case no one is found in possession by the sheriff he shall post a true copy of the writ on the most public part of said property and he shall add to the said writ the names of any persons not already named therein whom he may ascertain to have an interest in the property described or any part thereof which writ shall then be further served as follows

(a) By serving as in the case of a summons such of those named in the writ or added thereto as may be found in the county in which the writ issued and

(b) Where the sheriff has information that those named in the writ or added thereto or any of them may be found in any other county of this Commonwealth the said person shall be served as in the case of a summons by the sheriff of the county in which the said defendants of any of them may reside as being deputized for that purpose by the sheriff of the county in which the writ issues and

(c) In case any of those named in the writ or added thereto [cannot be found by the sheriff or their residences within this Commonwealth are unknown to him or in case they] are known to reside without the Commonwealth the said writ may be served by [advertising a copy thereof or a brief notice of the contents of the same once a week for three successive weeks in one newspaper of general circulation in the county and in the legal periodical if any designated by the court for that purpose] mailing a true and attested copy of the writ to such persons in a registered letter to their post office addresses But if the sheriff shall certify in his return of service that he has been unable to find certain of those named in the writ or added thereto or their addresses and alleges service as above set forth on those who can be served such return of nihil habet as to the ones he was unable to locate shall constitute a full service of such writ Provided however That any defendent may accept service of said writ in person or by counsel with the same effect as if duly served therewith by the sheriff

Where the said writ [or the brief notice of the contents thereof have been advertised as aforesaid the same shall have the same effect as if the writ had been personally served and all those named therein or added thereto as to whom publication has been made shall file their affidavit of defense as required by the said writ within fifteen days after the date of the last weekly advertisement of the said writ and] has been so served all those named therein or added thereto who have been so served [as in case of a summons] shall file their affidavit of defense as required by said writ within fifteen days after such service Service of any such writ may be made at any time within three months from the date on which it was issued but it shall be served and returned at the earliest date possible and the plaintiff may require its return at any time whether or not it be actually served

On the question,

Will the House agree to the Section?

Mr. SHREINER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 18, by striking out the word "as" and insert in lieu thereof "he"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to, as follows:

An Act to amend section eighteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales; and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," changing the method of service of writs on persons who are without the Commonwealth, and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1248, as follows:

An Act to amend section five of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by providing that all property owned by any county city or other municipality or municipal division and actual places of religious worship places of burial not held or used for private or corporate profit and institutions of purely public charity shall be subject to roadway paving claims

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims under other and prior acts of Assembly" as last amended by the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 733) is hereby further amended to read as follows

Section 5 All real estate by whomsoever owned and for whatsoever used other than property owned by the State or the United States shall be subject to all tax and municipal claims herein provided for except all property owned by any county city or other municipality or municipal division and actual places of religious worship places of burial not held or used for private or corporate profit and institutions of purely public charity shall not be subject to tax or municipal claims on property by law exempt from taxation except for the removal of nuisances for roadway paving claims for sewer claims and sewer connections or for the curbing recurbing paving repaving or repairing the footways in front thereof All other real estate by whomsoever owned and for whatsoever purpose used shall be subject to all tax claims and municipal claims herein provided for Provided however That nothing in this act contained shall hinder or prevent any municipality from providing that any municipal work may be done at the expense of the public generally and be paid out of the general funds of the municipality.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1479, as follows:

An Act to amend the title and section three of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1667) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" by transferring the control management supervision restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section three of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1667) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" are hereby amended to read as follows

An Act authorizing the Pennsylvania Historical Commission on behalf of the Comonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof by the Department of Forests and Waters authorizing the [commission] department to make and enforce rules and regulations for

the preservation and visitation thereof and making an appropriation therefor

Section 3 [Upon acquiring the property aforesaid the Pennsylvania Historical Commission] The Department of Forests and Waters shall have full control management and supervision [thereof] of the Conrad Weiser Memorial Park and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the park and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1480, as follows:

An Act to amend the title and section one as amended and section three of the act approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" by transferring the control and supervision of said park to the Department of Forests and Waters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred seventy-two) are hereby further amended to read as follows

An Act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the [Pennsylvania Historical Commission providing for cooperation by the] Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth hereby accepts free and clear of all encumbrances except reservations of oil gas and minerals any grant of lands by the American Petroleum Institute of not less than one-half and not more than thirty-five acres with the improvements thereon located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County upon which is the site where Colonel Edwin L Drake drilled the first successful oil well in the world in the year one thousand eight hundred and fifty-nine to be hereafter used as a public park and as a memorial to Colonel Drake and the petroleum industry The said park and memorial shall be known as the Drake Well Memorial Park

The acceptance of said grant shall be completed upon delivery to the Commonwealth of a deed in fee simple (subject to reservation if any of oil gas and minerals) approved by the Attorney General.

Said property after its acceptance shall be under full control and supervision of the [Pennsylvania Historical Commission] Department of Forests and Waters subject however to the aforesaid reservations The Department of Forests and Waters shall [at all times cooperate with the] Pennsylvania Historical Commission in developing] developing the forest resources of said lands

Section 2 Section three of said act is hereby amended to read as follows

Section 3 The [Pennsylvania Historical Commission] Department of Forests and Waters is hereby authorized subject to its approval to permit the donor of such property to erect structures upon and to make improvements to such property after the same has been accepted by the Commonwealth and to accept such structures and improvements on behalf of the Commonwealth and to use the same in connection with and for the protection of such park and memorial

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 88 as follows:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That within six months after this act becomes effective the Adjutant General of the Commonwealth shall organize and equip two colored battalions of infantry in the Commonwealth one of which shall have headquarters in the city of Philadelphia and the other in the city of Pittsburgh Such battalions when organized and equipped shall become a part of the National Guard of the Commonwealth

The officers of such battalions shall be commissioned by the Governor in the same manner as provided by law for the commissioning of officers of other units of the National Guard of the Commonwealth

The Armory Board of the Department of Military Affairs shall provide quarters for such regiment or the different units thereof as may be necessary

Section 2 The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the organization equipment and uniforming of the officers and enlisted men of such battalions

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1299 (Senate Bill No. 148), entitled:

An Act authorizing counties cities, boroughs, townships, poor districts, school districts or other municipalities or incorporated districts to rent lease and hire suitable office and warehousing space and provide suitable accommodations therein within said districts or municipalities for distributing funds and merchandise or both by emergency relief boards.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1160 (Senate Bill No. 89), entitled:

An Act to validate acts done and contracts, conveyances, transfers, and mortgages of property made, to or by any corporations of the first class, created or intended to be created by decree of the courts of common pleas, granting a charter, where the applicants for incorporation had failed to register its proposed name as required by law; and to validate charters of corporations of the first class, granted since the sixteenth day of May, one thousand nine hundred and twenty-three, where there was a failure to register the name of title of the proposed corporation at the time of filing its application for a charter as required by law; providing for the subsequent filing of such registration; and providing for the amendment of names or titles of such corporations in certain cases.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1485 (Senate Bill No. 152), entitled:

An Act authorizing the exoneration of taxes assessed or levied against any property purchased for hospital uses upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

## BILL ON SECOND READING

Mr. COLEMAN. Mr. Speaker, I desire to call up at this time House Bill No. 628, Printer's No. 104, on page 14, of today's calender, bills on second reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. Coleman and

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House resumed the consideration on second reading of House Bill No. 628, as follows:

An Act to further amend section seventeen of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" by providing lesser fees for parts of a year

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seventeen of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710) entitled "An act allowing and regulating boxing and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" as last amended by the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (P. L. 1084) is hereby further amended to read as follows

Section 17 License Fees Amateur Exhibitions and Matches Each applicant for a license shall before a license is issued by the commission and annually thereafter during the life of such license pay to the commission a license fee as follows Corporations or persons in cities of the first class two hundred and fifty dollars in cities of the second class one hundred dollars in cities of the third class and elsewhere twenty-five dollars physicians twenty-five dollars referees twenty-five dollars judges fifteen dollars timekeepers ten dollars professional boxers ten dollars professional wrestlers fifteen dollars managers forty dolars seconds ten dollars announcers fifteen dollars and matchmakers twenty-five dollars but the commission may issue without fee licenses to referees or physicians authorizing such referees or physicians to officiate only at boxing sparring or wrestling matches or exhibitions between amateurs and only without receiving any compensation for their services Permits for matches or exhibitions in which only amateurs participate shall be issued without fee and may be issued for a single match or exhibition or a series of matches or exhibitions or for a period not exceeding one year Permits for amateur boxing exhibitions or wrestling matches shall not be issued to any person or persons when such exhibitions or matches are conducted for individual profit Permits for amateur boxing exhibitions or wrestling matches shall be issued only to bona fide amateur athletic associations as approved by the commission

All fees when applied for and issued on or after

April first prior to July first shall be three-fourths of the annual fee

July first but prior to October first shall be one-half of the annual fee

October first but prior to January first shall be one-fourth of the annual fee

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 132, entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners board providing for the appointment of such boards and defining their powers and duties and providing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. JOHN E. BROWN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON SECOND READING

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time House Bill No. 371, Printer's No. 226, on page 14, of today's calendar, bills on second reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. Yourishin and

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House resumed the consideration on second reading of House Bill No. 371, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to [work] farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for amendment.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 225 as follows:

An Act to amend section eight sections two hundred and twenty-five eight hundred and eight hundred and one as amended sections eight hundred and two and eight hundred and three and section one thousand and three as amended of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" authorizing county commissioners to loan money from the county funds to poor districts changing the conditions under which non-residents may acquire legal settlements in this Commonwealth providing that certain differences between poor districts may be settled by arbitration instead of petition to court and changing the procedure whereby poor directors become guardians of any person becoming a public charge

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 8 Act Supersedes and Prevails over Previous Enactments Found Inconsistent or Incompatible The provisions of this act shall supersede and prevail over any previous enactments ordinances regulations and rules general local and special found to be inconsistent or incompatible herewith

Section 2 Section two hundred and twenty-five of said act which was added by section one of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred twenty-four) is hereby amended to read as follows

Section 225 Temporary Loans For the purpose of meeting unusual or unforseen demands for maintenance or support of the poor of the district and expeditures in the operation of the district arising therefrom the directors may borrow money and give temporary notes therefor Such temporary notes shall not be for a longer period than six months shall not bear interest at a higher rate than six per centum shall not be negotiated for less than par The amount of such temporary loans shall be included in the requisition of the directors of the poor and payment thereof shall be provided for by the county commissioners in the next annual tax levy

It shall be lawful for the county commissioners to loan to the directors such moneys from the General Fund of the county and to take the temporary notes of the directors therefor under the same conditions as any individual corporation or partnership lending such moneys to the directors

Section 3 Section eight hundred of said act which was last amended by section one of the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred sixty-six) is hereby further amended to read as follows

Section 800 Legal and Quasi Settlements Liability for Support (1) Except as otherwise provided by subdivision (2) of this section questions relating to settlements shall be determined as follows

(a) A legitimate person is first settled in the poor district of birth unless the father shall then have a known settlement elsewhere in which case the first settlement of such person is in the district where the father was then settled

(b) An illegitimate person is first settled in the poor district of birth unless the mother shall then have a known settlement elsewhere in which case the first settlement of such person is in the district where the mother was then settled

(c) The settlement of a person in a poor district continues until a new one is acquired in this State or elsewhere A settlement is lost only by acquiring a new one

(d) Except as hereinafter otherwise provided every adult and every emancipated minor whether married or single legitimate or illegitimate may acquire a new settlement in any poor district of this Commonwealth by coming bona fide to establish a permanent abode therein and continuing to reside therein for one whole year if such person or minor is of sufficient mental ability to make a bargain and is not or does not become a public charge during said year

(e) The settlement of a married woman during converture follows that of her husband and continues after his death in the district where he was last settled but she may thereafter acquire a new settlement for herself If the husband has no known settlement then she is settled whether he be living or dead in the district where she was last settled The settlement of a woman after divorce absolute or from bed and board or desertion by the husband or withdrawal by the wife from cohabitation with the husband on account of his cruelty inebriety or lack of support continues in the district where the husband was last settled but she may acquire a new settlement for herself

(f) A minor whether legitimate or illegitimate cannot be emancipated before age sixteen and becomes emancipated absolutely at age twenty-one if then of sufficient mental ability to make a bargain After age sixteen and before age twenty-one a minor of sufficient mental ability to make a bargain may become emancipated by his own acts or the acts of the parent stepfather or stepmother having had the custody When a person is emancipated he or she is capable of establishing a new settlement

(g) A minor whether legitimate or illegitimate who is so mentally deficient as to be unable to make a bargain cannot be emancipated after age sixteen and such a person does not become emancipated at age twenty-one and so long thereafter as said mental condition continues The settlement of such a person shall at all times during mental disability be ascertained as provided in clauses (h) and (i) of this section for the settlement of minors not emancipated

(h) Before emancipation the settlement of a legitimate minor is and remains that of the father unless

(1) The father is dead and the mother acquires a new settlement in which case it follows that of the mother or

(2) The father deserts his family in which case it follows that of the mother or

(3) The mother withdraws from cohabitation with the husband on account of his cruelty inebriety or lack of support in which case it follows that of the parent having the custody or

(4) The parents are divorced either absolutely or from bed and board in which case it follows that of the parent having the exclusive custody but where custody is divided between the parents the settlement remains that the father or

(5) Both parents are dead and the minor is in the custody of a stepfather or stepmother in which case it follows that of the stepfather or stepmother having the custody

(i) Before emancipation the settlement of an illegitimate minor at all times follows that of the mother and in case of her death before emancipation of such minor continues in the poor district in which she was last settled until such person established a new settlement after emancipation

(j) If a person has no known settlement in this Commonwealth and cannot for any reason whatever be removed into the state or country where settled he shall have a quasi settlement in the poor district where he or she becomes a public charge which district shall be liable for his or her support

(k) If a person becomes a public charge in a poor district other than the one in which settled such district shall be liable for support until the district of settlement is discovered and removal to such district takes place but the poor district of settlement shall be liable to the district in which the person became a charge for the amount of relief advanced costs and the expenses of removal

(2) When a person enters this Commonwealth from any other state the same length of residence and the same conditions and requirements perquisite to acquiring a legal settlement in any poor district in this Commonwealth shall prevail against such person as the state from which he came shall by law impose upon persons entering such state from this Commonwealth

Section 4 Section eight hundred and one of said act which was amended by section two of the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred sixty-six) is hereby further amended to read as follows

Section 801 Order of Removal In case any person shall have no settlement in the district wherein he has become or is likely to become a public charge it shall be the duty of the directors as soon as may be to notify the directors of the district of his settlement of the facts If the directors so notified refuse or neglect to receive him or to make arrangements for his proper support and maintenance and to pay the amount of relief advanced the directors furnishing such relief may unless the question is settled by arbitration as hereinafter provided apply to the court of quarter sessions of their county or to any judge thereof by petition asking for a citation to the directors so refusing or neglecting requiring them to appear before such court at a time specified therein and show cause why an order should not issue for the removal of such person into their district The said court shall proceed to hear and determine the cause upon its merits and their decree shall be final unless an appeal therefrom be taken within thirty days

The citation herein provided for accompanied by a copy of the petition shall be served by the sheriff of the county who may for that purpose deputize the sheriff of the county of the respondent upon one or more of the directors named therein or with the approval of the court service may be had by sending such copy by registered mail and shall be served or mailed at least ten days before the day fixed for such hearing Provided That upon the hearing and argument before said court of quarter sessions of said citation for an order of removal of paupers from one district to another it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law which exception shall be noted by the court and filed of record as in civil cases and an appeal to an appellate court may be taken by either party from the judgment or decree of the court with like effect as in civil cases

In any case arising under this section wherein there is a controversy between the directors of different poor districts over the question of whether or not a person shall be removed from the one district to the other such question may be decided by arbitration if the directors of both districts consent In such cases the directors from each district shall appoint one arbitrator who shall thereupon agree upon a third person to act with them The said three arbitrators shall proceed to hear and determine the cause upon its merits and their decision which shall be final shall be recorded in the office of the clerk of the court of quarter sessions of the county containing the poor district from which the directors thereof seek an order of removal

The decision of such arbitrators when filed as above provided shall have the same force and effect as a judgment of the court

Section 5 Section eight hundred and two of said act is hereby amended to read as follows

Section 802 Liability for Costs In case an order of removal is granted by any court of quarter sessions or by any arbitrators under the provisions of this act [the court in the same] such order shall require the directors of the district of settlement to pay the petitioners or the directors seeking such removal the cost of the proceedings the expense of removing and the proper charges for the

relief of the poor person from the date of the notice first above provided for all of which expense cost and charges shall be ascertained and allowed by the court or arbitrators If an order of removal is refused the cost of the proceeding shall be paid by the directors petitioning [therefor] or seeking such removal

Section 6 Section eight hundred and three of said act is hereby amended to read as follows

Section 803 Jurisdiction of Quarter Sessions The court of quarter sessions shall have full and complete authority and jurisdiction to enforce by appropriate methods its orders or directions and the orders and directions of any arbitrators made in any such proceeding

Section 7 Section one thousand and three of said act which was amended by section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred seven) is hereby further amended to read as follows

Section 1003 Guardianship of Pauper [When any person shall become a public charge the directors may make application by petition to the court of common pleas where such person is of full age or to the orphans' court where such person is a minor for a citation upon such person to show cause why the said directors shall not become the legal custodians of all the property real personal and mixed of such person Such petition shall set forth the fact of chargeability and shall have attached thereto an inventory of all property real personal and mixed which may be owned by such poor person or to which the directors may believe the said poor person to be entitled Whereupon the proper court shall fix a day when the matter shall be determined and due notice thereof shall be served upon the said person

On the day fixed the proper court may after due hearing in open court make an order constituting the directors guardians of the person and estate of such poor person (whether all of such estate be enumerated in the] [inventory or not] When any person shall become a public charge whether or not such person is an inmate of an institution the directors may file a certificate setting forth the fact of chargeability in the office of the prothonotary of the court of common pleas of such county where such person is of full age or in the office of the clerk of the orphans' court of such county where such person is a minor and attach thereto an inventory of all property real personal and mixed which may be owned by such poor person or to which the directors may believe the said poor person to be entitled and thereupon the said directors shall be and become to all intents and purposes guardian of the person and estate of such poor person (whether all of such estate be enumerated in the inventory or not) with all the rights at law now enjoyed by guardians of the persons and estates of adults or minor children The prothonotary shall index the filing of such certificate [the record of such proceedings and order] in the name of such poor person in the adsectum equity index and the clerk of the orphans' court shall index such certificate [record] filed in his office in the orphans' court index which indexing in either office shall be regarded as notice to the world of such facts No poor person in such case shall be discharged from such guardianship and his property shall not be released therefrom until he has made application to the proper court by petition for a citation upon the directors and after service thereof has fully satisfied the court that he has become able and willing to resume control of his own person and estate and that the said district has been fully reimbursed for the expense of his maintenance or that all of his estate has been applied thereon The cost of such proceedings shall be paid by the petitioner unless otherwise ordered by the court Provided That nothing herein shall prejudice the right of an innocent purchaser for value of any personal property of said pauper

Section 8 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shaw, |
| Alexander, | Falkenstein, | Mason, | Shepard, |
| Allen, | Ferko, | McCreary, | Shortz, |
| Altenburg, | Finnerty, | McDermott, | Shreiner, |
| Andrews, | Fitch, | McDevitt, | Shugarts, |
| Arnold, | Flanagan, | McElroy, | Siegel, |
| Atkins, | Flinchbaugh, | McHenry, | Simon, |
| Aukerman, | Flynn, | McKinney, | Simpson, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Habbyshaw, | Moul, | Stank, |
| Boose, | Haberlen, | Muir, | Stevens, |
| Boyd, R., | Hagerty, | Munley, | Stewart, |
| Boyer, | Haluska, | Murrin, | Stockham, |
| Bradley, | Hamilton, F. P., | Nagel, | Stone, |
| Brancato, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brennan, | Harkins, | O'Keefe, | Sumney, |
| Brown, H. S., | Harmuth, | Ominsky, | Surface, |
| Brown, J. E., | Hart, | O'Neill, | Tahl, |
| Brownfield, | Hartman, | Panton, | Terry, |
| Brumbaugh, | Hefferon, | Parks, | Tronzo, |
| Burke, | Hermansen, | Patterson, C., | Trout, |
| Cannon, | Hetrick, | Patterson, J. W., | Tumelty, |
| Carr, | Hindman, | Pearson, | Turner, |
| Carson, | Hirsch, | Perry, | Van Allsburg, |
| Castor, | Hoffner, | Peters, | Van Sickle, |
| Chervenak, | Holland, | Pfaff, | Walker, |
| Coakley, | Holstrom, | Phillips, | Wall, |
| Cochran, | Hoopes, | Piole, | Wasserman, |
| Cohen, | Horst, | Powers, | Weidemann, |
| Coleman, | Jackson, | Reising, | Weiss, |
| Condon, | Jones, | Reynolds, | Welliver, |
| Conner, | Kane, | Rhys, | Welsh, |
| Coolahan, | Kelso, | Rinn, | Westrick, |
| Cordier, | Kilroy, | Roan, | White, |
| Davies, | Kinney, | Robinson, | Wickersham, |
| Decker, | Klingler, | Rooney, | Wilson, |
| Denning, | Kobelak, | Root, | Witkin, |
| Dent, | LaRue, | Ruffennach, | Wood, |
| Diehl, | Linderman, | Sarraf, | Woodside, |
| Dilley, | Long, | Scanlon, | Yeakel, |
| Downey, G. E., | Longaker, | Schrock, | Yourishin, |
| Downey, J. J., | Lovett, | Schrope, | Zappala, |
| Duffort, | Lynch, | Schwab, | Zimmerman, |
| Eberharter, | Male, | Schwartz, | Sarig, |
| Ederer, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 909, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care of indigent persons injured in motor accidents; imposing powers and duties upon certain State departments; and making an appropriation from the Motor License Fund.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. WELSH. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for further study.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 501, entitled:

An Act authorizing the Department of Highways to build, construct and maintain sidewalks along State highways in townships of the second class, for the protection of public school pupils; requiring townships of the second class to contribute to the cost of such building and construction; and appropriating moneys from the Motor License Fund.

On the question,

Will the House agree to the bill on third reading?

Mr. FURMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Page 1, line 3 of the title by inserting after the word "the" the words "first and."

Amend Page 1, line 4, of the title, by inserting after the word "the," the words "first and."

Amend Section 1, page 1, line 7, by inserting after the word "the," the words "first and."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 180, entitled:

An Act to provide for wash rooms in connection with certain employments to protect the health of employes and secure their comfort.

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. JOHN E. BROWN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Mr. LaRUE. Mr. Speaker, I desire to call up at this time House Bill No. 112, Printer's No. 259, on page 25, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. LaRue.

The House resumed the consideration on third reading of House Bill No. 112, entitled:

An Act to amend section two hundred sixty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," making Sunday fishing with rods and lines lawful.

On the question,

Will the House agree to the bill on third reading?

Mr. LaRUE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 2, line 17, by striking out the words "the owner or lessee shall first have been secured. It" and insert in lieu thereof "the manner above provided in a stream or body of"

Amend sec. 1, page 2, line 18, by inserting after the word "owned" the following: "or Federal"

Amend sec. 1, page 2, line 19, by inserting after the word "is" the following: "publicly"

Amend sec. 1, page 2, lines 19 and 20, by striking out the words "by the Commonwealth"

Amend sec. 1, page 2, line 21, by striking out the word "in" where it appears after the word "consent" and before the word "of"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1023, entitled:

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Ederer, | Male, | Shaw, |
| Alexander, | Eroe, | Mallen, | Shepard, |
| Allen, | Falkenstein, | Mason, | Shortz, |
| Altenburg, | Ferko, | McCreary, | Shreiner, |
| Andrews, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |

| | | | |
|---|---|---|---|
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Carr, | Hetrick, | Pearson, | Turner, |
| Carson, | Hindman, | Perry, | Van Allsburg, |
| Castor, | Hirsch, | Peters, | Van Sickle, |
| Chervenak, | Hoffner, | Pfaff, | Walker, |
| Coakley, | Holstrom, | Phillips, | Wall, |
| Cochran, | Hoopes, | Piole, | Wasserman, |
| Cohen, | Horst, | Powers, | Weidemann, |
| Coleman, | Jackson, | Reising, | Weiss, |
| Condon, | Jones, | Reynolds, | Welliver, |
| Conner, | Kane, | Rhys, | Welsh, |
| Coolahan, | Kelso, | Rinn, | Westrick, |
| Cordier, | Kilroy, | Roan, | White, |
| Davies, | Kinney, | Robinson, | Wickersham, |
| Decker, | Klingler, | Rooney, | Wilson, |
| Denning, | Kobelak, | Root, | Witkin, |
| Dent, | LaRue, | Ruffennach, | Wood, |
| Diehl, | Linderman, | Sarraf, | Woodside, |
| Dilley, | Long, | Scanlon, | Yeakel, |
| Downey, G. E., | Longaker, | Schrock, | Yourishin, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 902, entitled:

An Act making a deficiency appropriation to the Department of Military Affairs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Ederer, | Male, | Shaw, |
| Alexander, | Eroe, | Mallen, | Shepard, |
| Allen, | Falkenstein, | Mason, | Shortz, |
| Altenburg, | Ferko, | McCreary, | Shreiner, |
| Andrews, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Carr, | Hetrick, | Pearson, | Turner, |
| Carson, | Hindman, | Perry, | Van Allsburg, |
| Castor, | Hirsch, | Peters, | Van Sickle, |
| Chervenak, | Hoffner, | Pfaff, | Walker, |
| Coakley, | Holland, | Phillips, | Wall, |
| Cochran, | Holstrom, | Piole, | Wasserman, |
| Cohen, | Hoopes, | Powers, | Weidemann, |
| Coleman, | Horst, | Reising, | Weiss, |
| Condon, | Jackson, | Reynolds, | Welliver, |
| Conner, | Jones, | Rhys, | Welsh, |
| Coolahan, | Kane, | Rinn, | Westrick, |
| Cordier, | Kelso, | Roan, | White, |
| Davies, | Kilroy, | Robinson, | Wickersham, |
| Decker, | Kinney, | Rooney, | Wilson, |
| Denning, | Klingler, | Root, | Witkin, |
| Dent, | Kobelak, | Ruffennach, | Wood, |
| Diehl, | LaRue, | Sarraf, | Woodside, |
| Dilley, | Linderman, | Scanlon, | Yeakel, |
| Downey, G. E., | Long, | Schrock, | Yourishin, |
| Downey, J. J., | Longaker, | Schrope, | Zappala, |
| Duffort, | Lovett, | Schwab, | Zimmerman, |
| Eberharter, | Lynch, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Mr. SHUGARTS. Mr. Speaker, I desire to call up at this time House Bill No. 1243, Printer's No. 242, on page 26, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Shugarts.

The House resumed the consideration on third reading of House Bill No. 1243, entitled:

An Act to amend title of and to add section three to the act approved the first day of June, one thousand eight hundred and eighty-three (P. L. 52), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" so as to protect miners from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHUGARTS. Mr. Speaker and members of the House, I do not want to take up much of your time on this bill. It is a check weigh bill or measure to protect the weights of the miner and give them the right to appoint check weighmen.

This bill was passed by the House of Representatives on June first, eighteen eighty-three. When it was passed by the Legislature it failed to provide a proper title. The bill was recognized as law for a number of years. Finally a case was carried to the Allegheny courts, and the bill was declared unconstitutional by reason of the fact that the title did not cover Section three. All this bill does is to clear up that title. It amends the title to conform with what was really intended back in eighteen eighty-three.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Flynn, | Melchiorre, | Sloan, |
| Baine, | Forrest, | Mentzer, | Smith, J. A., |

| | | | |
|---|---|---|---|
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Munley, | Stewart, |
| Boyd, R., | Hagerty, | Murrin, | Stockham, |
| Boyer, | Haluska, | Nagel, | Stone, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stott, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brennan, | Harkins, | Ominsky, | Surface, |
| Brown, H. S., | Harmuth, | O'Neill, | Tahl, |
| Brown, J. E., | Hart, | Panton, | Terry, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Ffaff, | Walker, |
| Chervenak, | Holland, | Phillips, | Wall, |
| Coakley, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welsh, |
| Condon, | Jones, | Rhys, | Welliver, |
| Conner, | Kane, | Rinn, | Welsh, |
| Coolahan, | Kelso, | Roan, | Westrick, |
| Cordier, | Kilroy, | Robinson, | White, |
| Davies, | Kinney, | Rooney, | Wickersham, |
| Decker, | Klingler, | Root, | Wilson, |
| Denning, | Kobelak, | Ruffennach, | Witkin, |
| Dent, | LaRue, | Sarraf, | Wood, |
| Diehl, | Linderman, | Scanlon, | Woodside, |
| Dilley, | Long, | Schrock, | Yeakel, |
| Downey, G. E., | Longaker, | Schrope, | Yourishin, |
| Downey, J. J., | Lovett, | Schwab, | Zappala, |
| Duffort, | Lynch, | Schwartz, | Zimmerman, |
| Eberharter, | Male, | Shaw, | Sarig, |
| Ederer, | | | |

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## QUESTION OF PERSONAL PRIVILEGE

Mr. WITKIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. WITKIN. Mr. Speaker and members of the House in today's "Morning Telegraph," under date of Tuesday, March nineteen, nineteen thirty-five, there is printed a story which reads as follows: "Ninety Republican leaders held a caucus in the Penn-Harris and decided to confer with Governor Earle today in an effort to reach a compromise on the gasoline tax program. Republicans want Earle to cut his proposed tax increase one cent." Then it gives the names of some of the men who were at the Caucus. There also appears a statement, "The Sub-committee, led by Morton Witkin, of Philadelphia, will urge the Governor to reduce the proposed increase in the gasoline tax from two cents to one cent, making the net levy four cents a gallon instead of the five cents provided in the Governor's program,"

Members of the House, there is no truth in the allegations set forth in that newspaper item, and from where the story emanated or how it got into the newspaper, I do not know, but it is not so, and I want particularly the Republican members to know that it did not emanate either from the Republican Steering Committee or any member thereof but is made up from the whole cloth.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 357, entitled:

An Act to amend clause (b) of section eight hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by requiring front registration plates to be illuminated.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. SCHWARTZ. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1022, entitled:

An Act to amend sections seven hundred and two, seven hundred and three and seven hundred and four of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended, by prohibiting the trapping of raccoons.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lovett, | Schwartz, |
| Alexander, | Ederer, | Lynch, | Shaw, |
| Allen, | Eroe, | Male, | Shepard, |
| Altenburg, | Falkenstein, | Mallen, | Shortz, |
| Andrews, | Ferko, | Mason, | Shreiner, |
| Arnold, | Finnerty, | McCreary, | Simon, |
| Atkins, | Fitch, | McDermott, | Simpson, |
| Aukerman, | Flanagan, | McDevitt, | Sloan, |
| Baine, | Flinchbaugh, | McElroy, | Smith, J. A., |
| Baker, F. T., | Flynn, | McHenry, | Smith, W. G., |
| Baker, J. J., | Forrest, | McKinney, | Snyder, F. E., |
| Baldi, | Furman, | Melchiorre, | Snyder, J. L., |
| Barber, | Gates, | Mentzer, | Sowers, |
| Barnhardt, | Gerard, | Merrell, | Sproul, |
| Bernhard, | Gillette, | Moomaw, | Stank, |
| Blumberg, | Green, | Mooney, | Stevens, |
| Boose, | Greenstein, | Moore, | Stewart, |
| Boyd, R., | Habbyshaw, | Moran, | Stockham, |
| Boyer, | Haberlen, | Moul, | Stone, |
| Bradley, | Hagerty, | Munley, | Stott, |
| Brancato, | Haluska, | Murrin, | Sumney, |
| Brennan, | Hamilton, F. P., | Nagel, | Surface, |
| Brown, H. S., | Hamilton, R. S., | Nothnagle, | Tahl, |
| Brown, J. E., | Harkins, | O'Keefe, | Terry, |
| Brownfield, | Harmuth, | Ominsky, | Tronzo, |
| Brumbaugh, | Hart, | O'Neill, | Trout, |
| Burke, | Hartman, | Panton, | Tumelty, |
| Cannon, | Hefferon, | Parks, | Turner, |
| Carr, | Hermansen, | Patterson, J. W., | Van Allsburg, |
| Carson, | Hetrick, | Pearson, | Van Sickle, |
| Castor, | Hindman, | Perry, | Walker, |
| Chervenak, | Hirsch, | Peters, | Wall, |
| Coakley, | Hoffner, | Pfaff, | Wasserman, |
| Cochran, | Holland, | Phillips, | Weidemann, |
| Cohen, | Holstrom, | Piole, | Weiss, |
| Coleman, | Hoopes, | Powers, | Welliver, |
| Condon, | Horst, | Reising, | Welsh, |
| Conner, | Jackson, | Reynolds, | Westrick, |
| Coolahan, | Jones, | Rhys, | White, |
| Cordier, | Kane, | Rinn, | Wickersham, |
| Davies, | Kelso, | Roan, | Wilson, |
| Decker, | Kilroy, | Robinson, | Witkin, |
| Denning, | Kinney, | Rooney, | Wood, |
| Dent, | Klingler, | Root, | Woodside, |
| Diehl, | Kobelak, | Ruffennach, | Yeakel, |
| Dilley, | LaRue, | Sarraf, | Yourishin, |
| Downey, G. E., | Linderman, | Scanlon, | Zappala, |
| Downey, J. J., | Long, | Schrock, | Zimmerman, |
| Duffort, | Longaker, | Schrope, | Sarig, |
| | | Schwab, | |

NAYS—3

| | | |
|---|---|---|
| Muir, | Shugarts, | Siegel, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1092, entitled:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 409) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads" extending the permissive length of roads affected by the act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Ederer, | Male, | Shaw, |
| Alexander, | Eroe, | Mallen, | Shepard, |
| Allen, | Falkenstein, | Mason, | Shortz, |
| Altenburg, | Ferko, | McCreary, | Shreiner, |
| Andrews, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Carr, | Hetrick, | Pearson, | Turner, |
| Carson, | Hindman, | Perry, | Van Allsburg, |
| Castor, | Hirsch, | Peters, | Van Sickle, |
| Chervenak, | Hoffner, | Pfaff, | Walker, |
| Coakley, | Holland, | Phillips, | Wall, |
| Cochran, | Holstrom, | Piole, | Wasserman, |
| Cohen, | Hoopes, | Powers, | Weidemann, |
| Coleman, | Horst, | Reising, | Weiss, |
| Condon, | Jackson, | Reynolds, | Welliver, |
| Conner, | Jones, | Rhys, | Welsh, |
| Coolahan, | Kane, | Rinn, | Westrick, |
| Cordier, | Kelso, | Roan, | White, |
| Davies, | Kilroy, | Robinson, | Wickersham, |
| Decker, | Kinney, | Rooney, | Wilson, |
| Denning, | Klingler, | Root, | Witkin, |
| Dent, | Kobelak, | Ruffennach, | Wood, |
| Diehl, | LaRue, | Sarraf, | Woodside, |
| Dilley, | Linderman, | Scanlon, | Yeakel, |
| Downey, G. E., | Long, | Schrock, | Yourishin, |
| Downey, J. J., | Longaker, | Schrope, | Zappala, |
| Duffort, | Lovett, | Schwab, | Zimmerman, |
| Eberharter, | Lynch, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1300 (Senate Bill No. 149), entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

On the question,

Will the House agree to the bills on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SCANLON. Mr. Speaker, I wish someone in the House would explain why we must have two additional jurors.

The SPEAKER. Is there any member in the House who wishes to explain this bill?

Mr. TURNER. Might I suggest, Mr. Speaker, that the gentleman from Allegheny, Mr. Brown, who is a member of the Committee on Judiciary General and who had, I

think, these bills in the sub-committee, explain it to the House.

The SPEAKER. Will the gentleman from Allegheny, Mr. Brown, volunteer to explain the bill?

Mr. HOMER S. BROWN. Yes, Mr. Speaker. There has been much agitation recently concerning the matter of jurors who perhaps may become incapacitated and for that reason a mistrial might be had costing the state a considerable sum of money to retry the case.

There have been presented three or four bills—I don't recall the exact number now—some of them asking for the right to call one additional juror and this Senate bill, which is before you, is asking for the right to call two additional jurors. This bill, of course, originated in the Senate. The two bills that were before the Committee on Judiciary General asked for the right to call two additional jurors. The Committee on Judiciary General, after much debate, decided in favor of this bill, which we have before us for consideration now.

All the bills were carefully studied by a sub-committee of Judiciary General and, of course, an answer to the gentleman who has asked me the question cannot be had, as to why there should be two additional jurors. There is no more reason for one than there is for two or three, but the Committee felt that this bill might meet the situation, as I have before stated, in a trial where it might cost the State a tremendous sum of money because the Court was compelled to declare a mistrial on account of a juror becoming sick. We have had one or two cases right in our own county where a trial consumed considerable time and a juror fell ill, resulting in a mistrial.

I do not know whether there is any answer categorically as to whether or not there should be two or three or four or five additional jurors provided for but, as I have already stated, the Committee felt that this bill placing two additional jurors in the box was a bill which could be passed upon favorably by this House.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—184

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Male, | Shepard, |
| Alexander, | Eberharter, | Mallen, | Shortz, |
| Allen, | Ederer, | Mason, | Shreiner, |
| Altenburg, | Ferko, | McCreary, | Shugarts, |
| Andrews, | Fitch, | McDermott, | Siegel, |
| Arnold, | Flanagan, | McDevitt, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sloan, |
| Baine, | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J J., | Gates, | Merrell, | Snyder, F. E., |
| Baldi, | Gerard, | Moomaw, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Munley, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Hamilton, R. S., | O'Neill, | Surface, |
| Brennan, | Harkins, | Panton, | Tahl, |
| Brown, H. S., | Harmuth, | Parks, | Terry, |
| Brown, J. E., | Hart, | Patterson, J. W., | Tronzo, |
| Brownfield, | Hartman, | Pearson, | Trout, |
| Brumbaugh, | Hefferon, | Perry, | Turner, |
| Burke, | Hermansen, | Peters, | Van Allsburg, |
| Carr, | Hetrick, | Pfaff, | Van Sickle, |
| Castor, | Hirsch, | Phillips, | Walker, |
| Chervenak, | Hoffner, | Piole, | Wall, |
| Coakley, | Holland, | Powers, | Wasserman, |
| Cochran, | Holstrom, | Reising, | Weidemann, |
| Cohen, | Hoopes, | Reynolds, | Weiss, |
| Coleman, | Horst, | Rhys, | Welliver, |
| Condon, | Jackson, | Rinn, | Westrick, |
| Conner, | Jones, | Roan, | White, |
| Coolahan, | Kane, | Robinson, | Wickersham, |
| Cordier, | Kilroy, | Rooney, | Wilson, |
| Davies, | Kinney, | Root, | Witkin, |
| Decker, | Klingler, | Ruffennach, | Wood, |
| Denning, | LaRue, | Sarraf, | Woodside, |
| Dent, | Linderman, | Schrock, | Yeakel, |
| Diehl, | Long, | Schrope, | Yourishin, |
| Dilley, | Longaker, | Schwab, | Zappala, |
| Downey, G. E., | Lovett, | Schwartz, | Zimmerman, |
| Downey, J. J., | Lynch, | Shaw, | Sarig, |

NAYS—16

| | | | |
|---|---|---|---|
| Cannon, | Finnerty, | McElroy, | Scanlon, |
| Carson, | Hindman, | Mooney, | Sumney, |
| Eroe, | Kelso, | Moran, | Tumelty, |
| Falkenstein, | Kobelak, | Murrin, | Welsh, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 925, entitled:

An Act to provide revenue for State and county purposes, and, in cities coextensive with counties, for State and city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

HOUSE BILL NO. 925 MADE SPECIAL ORDER.

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be made a special order of business on third reading and final passage on Wednesday, March 20th, at 8:30 o'clock P. M.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 665, as follows:

An Act to amend clause twenty-five as amended and renumbered clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals

to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause twenty-five of section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended and renumbered clause eighteen by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

18 State School Fund All moneys received by the Treasury Department [from the Department of Revenue arising from the net receipts and proceeds derived in any way from or on account of the forest reservations together with all water powers and water rights belonging to this Commonwealth in the streams rivers lakes or other waters of this Commonwealth] from all real estate owned by this Commonwealth which is not used for State or other public purposes from all escheated estates in this Commonwealth and from all other property or money which shall in any way accrue to such fund whether by devise gift or otherwise shall be credited to the State School Fund

20 State Forests and Waters Fund All moneys received by the Treasury Department from the Department of Revenue arising from the receipts and proceeds derived in any way from or on account of the State Forests State Parks Recreational Areas and other lands and waters under the jurisdiction of the Department of Forests and Waters together with all water powers and water rights belonging to this Commonwealth in the streams rivers lakes or other waters of this Commonwealth under the jurisdiction of the Department of Forests and Waters and all receipts and proceeds resulting from the collection of the costs of forest fire extinction and all other activities of the Department of Forests and Waters shall be credited to the State Forests and Waters Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Shaw, |
| Alexander, | Ederer, | Mallen, | Shepard, |
| Allen, | Eroe, | Mason, | Shortz, |
| Altenburg, | Falkenstein, | McCreary, | Shreiner, |
| Andrews, | Ferko, | McDermott, | Shugarts, |
| Arnold, | Finnerty, | McDevitt, | Siegel, |
| Atkins, | Fitch, | McElroy, | Simpson, |
| Aukerman, | Flanagan, | McHenry, | Sloan, |
| Baine, | Flinchbaugh, | McKinney, | Smith, J. A., |
| Baker, F. T., | Flynn, | Melchiorre, | Smith, W. G., |
| Baker, J. J., | Forrest, | Mentzer, | Snyder, F. E., |
| Baldi, | Furman, | Merrell, | Snyder, J. L., |
| Barber, | Gerard, | Moomaw, | Sowers, |
| Barnhardt, | Gillette, | Mooney, | Sproul, |
| Bernhard, | Green, | Moore, | Stank, |
| Blumberg, | Greenstein, | Moran, | Stevens, |
| Boose, | Habbyshaw, | Moul, | Stewart, |
| Boyd, R., | Haberlen, | Muir, | Stone, |
| Boyer, | Hagerty, | Munley, | Stott, |
| Bradley, | Haluska, | Murrin, | Sumney, |
| Brancato, | Hamilton, F. P. | Nagel, | Surface, |
| Brennan, | Hamilton, R. S. | Nothnagle, | Tahl, |
| Brown, J. E., | Harkins, | O'Keefe, | Terry, |
| Brown, H. S., | Harmuth, | Ominsky, | Tronzo, |
| Brownfield, | Hart, | O'Neill, | Trout, |
| Brumbaugh, | Hartman, | Panton, | Tumelty, |
| Burke, | Hefferon, | Parks, | Turner, |
| Cannon, | Hermansen, | Patterson, J. W., | Van Allsburg, |
| Carr, | Hetrick, | Pearson, | Van Sickle, |
| Carson, | Hindman, | Perry, | Walker, |
| Castor, | Hirsch, | Peters, | Wall, |
| Chervenak, | Hoffner, | Pfaff, | Wasserman, |
| Coakley, | Holland, | Phillips, | Weidemann, |
| Cochran, | Holstrom, | Piole, | Weiss, |
| Cohen, | Hoopes, | Powers, | Welliver, |
| Coleman, | Jackson, | Reising, | Welsh, |
| Condon, | Jones, | Reynolds, | Westrick, |
| Conner, | Kelso, | Rhys, | White, |
| Coolahan, | Kilroy, | Rinn, | Wickersham, |
| Cordier, | Kinney, | Roan, | Wilson, |
| Davies, | Klingler, | Robinson, | Witkin, |
| Decker, | Kobelak, | Rooney, | Wood, |
| Denning, | LaRue, | Root, | Woodside, |
| Dent, | Linderman, | Ruffennach, | Yeakel, |
| Diehl, | Long, | Sarraf, | Yourishin, |
| Dilley, | Longaker, | Schrock, | Zappala, |
| Downey, G. E., | Lovett, | Schrope, | Zimmerman, |
| Downey, J. J., | Lynch, | Schwab, | Sarig, |
| Duffort, | | Schwartz, | |

NAYS—2

| | |
|---|---|
| Gates, | Kane, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 666 as follows:

An Act appropriating the moneys in the State Forests and Waters Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the moneys in the State Forests and Waters Fund from time to time are hereby specifically appropriated to the Department of Forests and Waters for the development of the State forest and park lands other lands and waters under the jurisdiction of the Department of Forests and Waters and for payment to the Government of the United States of such proportion of direct profits derived from the sale of land or its

products resulting from Emergency Conservation Work projects and for the payment of net profits accruing from the administration of lands acquired from the Federal Government and its agencies as may be required by Federal law or order or as may be agreed upon from time to time by the Secretary of the United States Department of Agriculture and the Secretary of the Pennsylvania Department of Forests and Waters

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Shaw, |
| Alexander, | Eroe, | Male, | Shepard, |
| Allen, | Falkenstein, | Mallen, | Shortz, |
| Altenburg, | Ferko, | Mason, | Shreiner, |
| Andrews, | Finnerty, | McCreary, | Shugarts, |
| Arnold, | Fitch, | McDermott, | Siegel, |
| Atkins, | Flanagan, | McDevitt, | Simpson, |
| Aukerman, | Flinchbaugh, | McElroy, | Sloan, |
| Baine, | Flynn, | McHenry, | Smith, J. A., |
| Baker, F. T., | Forrest, | McKinney, | Smith, W. G., |
| Baker, J. J., | Furman, | Melchiorre, | Snyder, F. E., |
| Baldi, | Gates, | Mentzer, | Snyder, J. L., |
| Barber, | Gerard, | Merrell, | Sowers, |
| Barnhardt, | Gillette, | Moomaw, | Sproul, |
| Bernhard, | Green, | Mooney, | Stank, |
| Blumberg, | Greenstein, | Moore, | Stevens, |
| Boose, | Habbyshaw, | Moran, | Stewart, |
| Boyd, R., | Haberlen, | Moul, | Stone, |
| Boyer, | Hagerty, | Muir, | Stott, |
| Bradley, | Haluska, | Munley, | Sumney, |
| Brancato, | Hamilton, F. P., | Murrin, | Surface, |
| Brennan, | Hamilton, R. S., | Nagel, | Tahl, |
| Brown, H. S., | Harkins, | Nothnagle, | Terry, |
| Brown, J. E., | Harmuth, | O'Keefe, | Tronzo, |
| Brownfield, | Hart, | Ominsky, | Trout, |
| Brumbaugh, | Hartman, | O'Neill, | Tumelty, |
| Burke, | Hefferon, | Panton, | Turner, |
| Cannon, | Hermansen, | Parks, | Van Allsburg, |
| Carr, | Hetrick, | Patterson, J. W., | Van Sickle, |
| Carson, | Hindman, | Pearson, | Walker, |
| Castor, | Hirsch, | Perry, | Wall, |
| Chervenak, | Hoffner, | Peters, | Wasserman, |
| Coakley, | Holland, | Pfaff, | Weidemann, |
| Cochran, | Holstrom, | Phillips, | Weiss, |
| Cohen, | Hoopes, | Piole, | Welliver, |
| Coleman, | Horst, | Powers, | Welsh, |
| Condon, | Jackson, | Reising, | Westrick, |
| Conner, | Jones, | Reynolds, | White, |
| Coolahan, | Kane, | Rhys, | Wickersham, |
| Cordier, | Kelso, | Rinn, | Wilson, |
| Davies, | Kilroy, | Roan, | Witkin, |
| Decker, | Kinney, | Robinson, | Wood, |
| Denning, | Klingler, | Root, | Woodside, |
| Dent, | Kobelak, | Ruffennach, | Yeakel, |
| Diehl, | LaRue, | Sarraf, | Yourishin, |
| Dilley, | Linderman, | Schrock, | Zappala, |
| Downey, G. E., | Long, | Schrope, | Zimmerman, |
| Downey, J. J., | Longaker, | Schwab, | Sarig, |
| Duffort, | Lovett, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1307 as follows:

An Act relating to labor guaranteeing the right of self-organization without interference by employers and of collective bargaining by representatives chosen by employes defining and prohibiting unfair labor practice and prescribing penalties

Whereas Equality of bargaining power between employers and employes is not attained when the organization of employers in the corporate and others forms of ownership association is not balanced by the free exercise by employes of the right to bargain collectively through representatives of their own choosing and

Whereas Experience has proved that in the absence of such equality the resultant failure to maintain equilibrium between the rate of wages and the rate of industrial expansion impairs economic stability and aggravates recurrent depressions with consequent detriment to the general welfare and

Whereas Denials of the right to bargain collectively lead also to strikes and other manifectations of economic strife and

Whereas It is hereby declared to be the policy of the Commonwealth of Pennsylvania to provide for the general welfare by encouraging the practice of collective bargaining and by promoting the exercise by the worker of full freedom of association self-organization and designation of representatives of his own choosing for the purpose of negotiating the terms and conditions of his employment or other mutual aid or protection therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be citied as the "Labor Relations Act of one thousand nine hundred thirty-five"

Section 2 When used in this act

(a) The term "person" includes one or more individuals partnerships associations corporations legal representatives trustees trustees in bankruptcy or receivers

(b) The term "employer" includes any person acting in the interest of an employer directly or indirectly but shall not incude the Federal Government the Commonwealth or any political subdivision thereof or any labor organization or any one acting in the capacity of officer or agent of such labor organization

(c) The term "employe" shall include any employe and shall not be limited to the employes of a particular employer and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment

(d) The term "representative" includes any individual or labor organization

(e) The term "labor organization" means any organization of any kind or any agency or employe representation committee or plan in which employes participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay or hours of employment

(f) The term "unfair labor practice" means any unfair labor practice listed in section four

(g) The term "labor dispute" includes any controversy concerning terms tenure or conditions of employment or concerning the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employe

Section 3 Employes shall have the right of self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 4 It shall be unfair labor practice for an employer

(a) To interfere with restrain or coerce employes in the exercise of the rights guaranteed in section three

(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it Provided That an employer shall not be prohibited from permitting employes to confer with him during working hours without loss of time or pay

(c) By discrimination in regard to hire or tenure of

employment or of any term or condition of employment to encourage or discourage membership in any labor organization Provided That nothing in this act shall preclude an employer from making an agreement with a labor organization (not established maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the majority of the employes in the appropriate collective bargaining unit covered by such agreement when made

(d) To discharge or otherwise discriminate against an employe because he has filed charges or given testimony under this act or in any proceedings arising under this act or out of a labor dispute as herein defined

Section 5 Unfair labor practice as listed in section four hereof is hereby declared unlawful and any person copartnership association or corporation or agent manager superintendent or officer thereof who or which shall be guilty of such unfair labor practice shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars or to suffer imprisonment for not more than six months or both in the discretion of the court

Section 6 If any section sentence clause or part of this act is for any reason held to be unconstitutional such decision shall not affect the remaining provisions of this act The Legislature hereby declares that it would have passed this act and each section sentence clause or part thereof irrespective of the fact that one or more sections sentences clauses or parts be declared unconstitutional

Section 7 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. KANE. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks, Mr. Hoopes, permit himself to be interrogated?

Mr. HOOPES. Mr. Speaker I will.

Mr. KANE. Mr. Speaker, for the information of the House, I would like to ask the gentleman from Berks what changes his bill makes in the existing laws of Pennsylvania with regard to collective bargaining.

Mr. HOOPES. Mr. Speaker, in answer to the gentleman from McKean, Mr. Kane, I wish to say that this bill definitely guarantees the laborer the right of collective bargaining and prohibits employers from setting up dummy unions and company unions or employe associations or whatever they may be called for the purpose of controlling the actions of their workers and preventing them from organizing into genuine trade unions.

Mr. KANE. Mr. Speaker, I am not satisfied with a part of the answer. I would like to know whether they do not have the right to so organize without interference at the present time.

Mr. HOOPES. Mr. Speaker, in further answer to the gentleman, I will say that theoretically they have the right. Our laws have been so amended or rather the common law doctrine of conspiracy was changed by an act of eighteen sixty-nine to offset the effect of court decisions to the effect that a union organization was a conspiracy under the criminal law.

In the judgment of those interested in trade unions, and who believe that it is good public policy to encourage their organization the mere permitting of the organization of trade unions is not sufficient.

Experience has shown that while the law permits their organization, the employers are also permitted to do many things to prevent their organization. In other words, the law at the present time in effect says that it is legal to organize a trade union but that it is also legal for an employer to do practically anything that he wants to do to prevent the organization of a trade union. The purpose of this bill is to definitely guarantee the right to organize a trade union, the right of collective bargaining and to forbid what is defined in Section four of this act as unfair labor practice on the part of the employer: such actions as are taken for the purpose of preventing the organization of truly representative trade unions among employes.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Berks in what respect the provisions of this act differ from Section seven (a) of the NRA and whether or not his act will not be more broad and more severe than the famous section seven (a).

Mr. HOOPES. Mr. Speaker, I will answer the latter part of the question unqualifiedly in the affirmative. If it were not broader and more effective than Section seven (a) has proven to be I would not take up the time of this House by introducing it.

Mr. KANE. Mr. Speaker, in Section four, page four, it recites many of the acts defined as unfair practices and discrimination under the bill. I note that there is a provision that a majority may require as a condition of employment by agreement with the employer membership of all employes in the majority organization. I would like to ask the gentleman from Berks whether as a person who has enjoyed during his life-time the privilege of representing a minority group—I would like to ask the gentleman what provision he has made in this bill for the representation of any minority groups that may exist.

Mr. HOOPES. Mr. Speaker, in further answer to the gentleman, I wish to state that he misunderstands Section four, to which he is referring. That particular part of sub-section (c), page four of the bill, line seventeen, reads, "Provided That nothing in this act shall preclude an employer from making an agreement with a labor organization (not established maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the majority of the employes in the appropriate collective bargaining unit covered by such agreement." I wish to state that all this act does is to permit closed shop agreements where the workers organize a union and are in a position to enforce it. Such agreements are in force in a number of industries in Pennsylvania today. They have not worked to the disadvantage of the minority and I must say that this argument that you are interfering with the right of a minority on this particular point seems to me to be rather beside the question.

The employers have prevented a majority from organizing and being represented and then when you pass a bill that has a provision in it which says it shall not prevent a closed shop agreement, then they talk about affecting the rights of a minority. There is nothing in this bill at all to prevent the rights of a minority from being fully protected or that in any way puts a heavier burden upon minorities than are upon them today.

Mr. KANE. Mr. Speaker, I am not arguing the merits of the bill. There are several things here which are clearly not understood by a number of the members and one of the things which it seems to me is not understood I would like to ask the gentleman from Berks about. May I interrogate the gentleman from Berks further?

The SPEAKER. Will the gentleman from Berks permit himself to be further interrogated?

Mr. HOOPES. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to point out to the gentleman from Berks that this bill provides in rather general terms against an employer interfering with, dominating or otherwise influencing the membership of employes in labor organizations. It further provides at the end thereof, in the last part of Section five that the employer may if he has done any of the things described in this bill as unfair practices—which are perhaps subject to misunderstanding—the sentence to six months imprisonment in addition to a considerable fine. I would like to ask the gentleman from Berks whether or not in his opinion if the employer sought to interfere with a majority of his employes in joining a Communist Union—whether or not such interference on his part, using his influence against their joining that organization in his own plant might make him subject to six months imprisonment.

Mr. HOOPES. Mr. Speaker, I will answer that question in the affirmative.

Mr. BERNHARD. Mr. Speaker, may I interrogate the gentleman fom Berks, Mr. Hoopes?

The SPEAKER. Will the gentleman from Berks, Mr. Hoopes, permit himself to be interrogated?

Mr. HOOPES. Mr. Speaker, I will.

Mr. BERNHARD. Mr. Speaker, on page four, section four, paragraph (b) in that part of paragraph (b) pertaining to financial or other support: A lot of corporations have baseball teams, football teams and bands and such things. Would this act prevent a corporation from contributing to the financial support of those different organizations.

Mr. HOOPES. Mr. Speaker, in answer to the gentleman I wish to say that the act will not prevent any such contribution. In support of that answer I wish to point out that Section four refers to domination or interference with labor organizations. Labor organizations are defined in Section two of this act, paragraph (e), on page three: "The term 'labor organization' means any organization of any kind or any agency or employe representation committee or plan in which employes participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay or hours of employment." It will not prevent employers from financing baseball teams or other things of that nature, but it will prevent them from dominating labor organizations which deal with the employer on the question of terms and conditions of employment.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks, Mr. Hoopes, permit himself to be interrogated?

Mr. HOOPES. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, referring to the same question which was asked by the gentleman from Carbon, does the gentleman from Berks mean to say that if there is an organization of employes such we will say, as the employes' association of the Philadelphia Electric Company, and that association is the only organization of employes in the company and that association has a golf course—does the gentleman from Berks mean to say that if the Philadelphia Electric Company made a contribution toward the maintenance of that golf course, they would not be subject to the penalties under this act?

Mr. HOOPES. Mr. Speaker, I did not mean to say that at all for the reason that the employes' association of the Philadelphia Electric Company is an association organized for the purpose of preventing the workers of that particular industry from organizing a genuine trade union, and deal with the employer on questions of wages, rates of pay and things of that sort. It will not prevent, however, the employer from financing baseball teams and things of that sort, but it will prevent the organization which operates the baseball teams and which is financed by the employer from dealing with the employer on questions of rates of pay, conditions of employment and things of that sort.

Mr. HART. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes?

The SPEAKER. Will the gentleman from Berks, Mr. Hoopes, permit himself to be interrogated?

Mr. HOOPES. Mr. Speaker, I will.

Mr. HART. Mr. Speaker, may I ask the gentleman if there are any provisions in this bill which will compel labor unions to take in colored members?

Mr. HOOPES. Mr. Speaker, in answer to that question I wish to state that there are no such provisions in this bill.

Mr. SPROUL. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks, Mr. Hoopes, permit himself to be interrogated?

Mr. HOOPES. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, do I interpret a portion of this act as meaning that where a company union has been dealing with a company in perfect accord that this bill will outlaw such an agreement?

Mr. HOOPES. Mr. Speaker, absolutely yes. If it is dealing with questions of wages, hours of employment and the things which are outlined in this bill, unquestionably it will outlaw such activities on the part of a fake union organized by the employer.

Mr. SPROUL. Mr. Speaker, and members of the House, I am not in accord with Mr. Hoopes in this regard, because I do not believe all of these unions are fake unions. Where a company has been dealing collectively with its employes who are satisfied with the working conditions, this bill is evidently going to outlaw that agreement. I also think it precludes the right of the employe to decide who shall agree as to his working conditions. I believe also that it would set aside the accepted bargaining powers of the American Federation of Labor as such and allow them to join unions that might not be recognized by them.

I, therefore, ask the members to vote against this bill.

Mr. HOLLAND. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Sproul?

The SPEAKER. Will the gentleman from Delaware, Mr. Sproul, permit himself to be interrogated?

Mr. SPROUL. I will, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, I would like to ask the gentleman from Delaware who wrote the rules for the company unions?

Mr. SPROUL. Mr. Speaker, I cannot answer that except that the American Federation of Labor, I presume, did.

Mr. HOLLAND. Mr. Speaker, I will answer the question for the gentleman. The companies wrote the rules for the company unions.

Mr. SPROUL. Mr. Speaker, may I answer the gentleman further by saying that we have a small company in our own town where the workers have written their own agreement, and we have always been in absolute accord. We had nothing to do with writing their agreement, and we have been satisfied. This company is only a small one employing some one hundred and twenty-five men.

Mr. HOLLAND. Mr. Speaker, and Members of the House, I represent an industrial section of Pittsburgh—the South Side, and I have had a lot of acquaintance with company unions. These company unions were given their rules by the mills. They are jokes, and I am fully in accord with Mr. Hoopes' bill, that the men in those mills should write their own rules and their own regulations, and not be given a mere pamphlet by those mills to live up to. They are jokes. Who are the heads of the company unions but people who are looking for better jobs in those companies.

I certainly hope that his House votes in favor of Mr. Hoopes' bill and gives the workingman of Pennsylvania a real chance to make a union—a union by the men and the men only.

Mr. TURNER. Mr. Speaker and members of the House, I have no quarrel with the question as to whether the working man belongs to an organized labor union under the American Federation of Labor or any other recognized group, nor do I have any quarrel on the question as to whether the workers in any of our mills belong to any union or any other kind of organization that they themselves may voluntarily desire to set up, and which they, in the true American spirit, determine is the best thing for them in their work, and the best in working out the conditions under which they labor.

I believe it is perfectly proper to safeguard for labor all of its opportunities to organize in whatever respects they may desire to do so, but that which tries to compel them to go along on certain lines does not seem to me to be either fair or American in its spirit. But beyond all of that, I am opposed to this measure chiefly for the reason which was developed in the interrogation here that under this bill any employer or any company that contributes to any of the many wonderful organizations which we have in the County of Delaware for the benefit of the employes in that county, those organizations would more than likely go out of business because the employer would be unable to contribute.

We have baseball leagues, we have football leagues, we have basket ball leagues, we have bowling leagues and we have almost every form of athletic organization that you can think of throughout our county, among the employes in our great industries.

The gentleman from Allegheny County, Mr. Holland, says he comes from an industrial section. You cannot find any greater industrial section than that in which we live along the Delaware River, with its great industries stretching from beyond Philadelphia down to the Delaware line. I, therefore, would feel myself derelict in my duty if I would allow a bill to go through without protest here, that would prevent these men and women in our great plants from enjoying many of the recreations they have at the present time, that are given to them through their organizations of employes, and these organizations are helped by the contributions from their employers. Therefore, I say that this bill should be voted down.

Mr. YOURISHIN. Mr. Speaker and members of the House, this bill does not prevent any employer from contributing to any organization such as sports, and so forth, as has been told to you here a little while ago. It is purely a labor measure, and Section 3 of the bill, which gives the right, says: "Employes shall have the right to self-organization to form, join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection."

Then Section 4 defines what shall be unfair labor practices, as follows: "To interfere with, restrain or coerce employes in the exercise of the rights guaranteed in section three."

In other words, all it prevents is that if a group of workers in any industry wants to organize a labor union for their own protection, for their own welfare, this bill will prevent the employer from interfering with that group of employees from organizing such a labor organization. Where you have a labor organization to-day, where you even have company union where the people are entirely satisfied and do not complain, this bill does not prevent them from continuing, but if a group of the employees of that so-called company union want to organize a labor union for their own protection and get away from the influence of the employer, and the employer then interferes with that organization, then this bill will apply to that employer.

This bill as written, was submitted to one of the best attorneys in the country for his examination, and he said,—and that was Judge Warren of Indiana,—the General Counsel of the United Mine Workers of America,—that the bill is O.K. and will give protection to the people who want to organize themselves into labor organizations for their own social welfare in such communities as they may want to organize, and prevent the employer from interfering in any such organization.

Mr. SOWERS. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. HOOPES. Mr. Speaker, I will.

Mr. SOWERS. Mr. Speaker, may I ask the gentleman from Berks, Mr. Hoopes, if he would be willing to amend the bill, page 3, clause "e", by inserting after the words "in which" the words "all employees," and then after the word "employees" the word "may," and then after the word "participate" the words "if they so desire, regardless of race, color or religion?"

Mr. HOOPES. Mr. Speaker, I certainly will have to sub-divide the question. In answer to the last part of it first, I certainly have no objection to the inclusion of any race, color or religion. When it comes to the question of requiring a labor organization to represent all of the employees, thereby placing the employer in the position that so long as he can prevent his secretary or anybody else in the entire establishment from going along with the labor union, from having an organization of their own, I most certainly will not agree to any such amendment.

Mr. SOWERS. Mr. Speaker and members of the House, if it is intended that the employees of an employer may organize a labor union and thus deal collectively with the employer, this bill does not do that. This bill permits a certain group of employees to get together and exclude the employees that they do not care to have in their group. If we are to have collective bargaining, we must

have collective bargaining for all employees, whether they be colored or white, whether they be Jewish or Gentile, whether they be anything else, and unless the framers of this bill are willing to concede the principle and amend the bill that every employee shall be taken care of by that union, if he so desires, then the bill is bad and it should be voted down.

## MOTION TO RECOMMIT BILL

Mr. SOWERS. Mr. Speaker, I move you that the bill be referred to the Committee on Labor for the purpose of amendment along the lines I have indicated.

On the question,

Will the House agree to the motion?

Mr. HOOPES. Mr. Speaker, I ask the members of the House to vote "no" upon this motion. The bill has been carefully considered; it does take care of the workers; it very definitely carries out the sixth plank of the State platform of the majority party in this House at the last election, which declared for the absolute right of collective bargaining and the unionization of labor.

If I am not mistaken, the minority party in this House is also on record in favor of that principle, and I ask you to vote against the motion, which in my judgment is simply an attempt to muddy the waters. Let us vote it down and then consider the bill on its merits.

Mr. DENT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Sowers.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SOWERS. Mr. Speaker, I will.

Mr. DENT. Mr. Speaker, I would like to ask the gentleman from Philadelphia, in making his motion for recommittment he stated that he wanted it recommited for the purpose of following out the policy laid down by the gentleman, that it ought to be amended in conformity therewith. In his discussion of those said amendments, which it is the purpose of the motion to recommit to fulfill, he stated something about the exclusion of certain individuals. I would like to ask the gentleman if he knows any labor organization that excludes anybody for race, color or creed.

Mr. SOWERS. Mr. Speaker, yes, plenty of them.

Mr. DENT. Will the gentleman please name them, Mr. Speaker?

Mr. SOWERS. Well now, Mr. Speaker, there is a bricklayers' union which does not let my colored constituents in. Oughtn't they to have the right to be in?

There is another union down there,—I can't just recall its name,—where some of my Jewish constituents are denied admission to that union.

The yeas and nays were required by Mr. SOWERS and Mr. KANE.

Mr. HOOPES. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—53

| | | | |
|---|---|---|---|
| Baker, F. T., | Greenstein, | Moore, | Stewart, |
| Baldi, | Habbyshaw, | Muir, | Stockham, |
| Blumberg, | Hart, | Nothnagle, | Stott, |
| Boose, | Hoffner, | Peters, | Trout, |
| Boyd, R., | Horst, | Reynolds, | Turner, |
| Boyer, | Jackson, | Schrock, | Wall, |
| Brennan, | Kane, | Schwartz, | Weidemann, |
| Castor, | Linderman, | Siegel, | White, |
| Condon, | Longaker, | Simpson, | Wickersham, |
| Denning, | Mallen, | Sloan, | Witkin, |
| Duffort, | McDevitt, | Snyder, F. E., | Wood, |
| Flynn, | McKinney, | Sowers, | Woodside, |
| Forrest, | Merrell, | Sproul, | Yeakel, |
| Green, | | | |

NAYS—127

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Lovett, | Robinson, |
| Alexander, | Downey, G. E., | Lynch, | Ruffennach, |
| Allen, | Downey, J. J., | Male, | Sarraf, |
| Andrews, | Eberharter, | Mason, | Scanlon, |
| Arnold, | Falkenstein, | McCreary, | Schrope, |
| Aukerman, | Finnerty, | McDermott, | Shepard, |
| Baine, | Fitch, | McElroy, | Shortz, |
| Baker, J J., | Flanagan, | McHenry, | Shugarts, |
| Barber, | Furman, | Melchiorre, | Smith, J. A., |
| Barnhardt, | Gates, | Mentzer, | Smith, W. G., |
| Bernhard, | Gerard, | Moomaw, | Snyder, J. L., |
| Bradley, | Haberlen, | Mooney, | Stank, |
| Brancato, | Hagerty, | Moran, | Stevens, |
| Brown, H. S., | Haluska, | Moul, | Stone, |
| Brown, J. E., | Hamilton, F. P., | Munley, | Sumney, |
| Brownfield, | Harkins, | Murrin, | Tahl, |
| Brumbaugh, | Harmuth, | Nagel, | Terry, |
| Burke, | Hartman, | O'Keefe, | Tronzo, |
| Cannon, | Hefferon, | Ominsky, | Tumelty, |
| Carson, | Hermansen, | O'Neill, | Van Allsburg, |
| Chervenak, | Hetrick, | Panton, | Van Sickle, |
| Coakley, | Hindman, | Patterson, J. W., | Walker, |
| Cochran, | Hirsch, | Pearson, | Weiss, |
| Cohen, | Holland, | Perry, | Welliver, |
| Coleman, | Holstrom, | Pfaff, | Welsh, |
| Conner, | Hoopes, | Phillips, | Westrick, |
| Coolahan, | Kilroy, | Piole, | Wilson, |
| Cordier, | Kinney, | Powers, | Yourishin, |
| Davies, | Klingler, | Reising, | Zappala, |
| Decker, | Kobelak, | Rhys, | Zimmerman, |
| Dent, | LaRue, | Rinn, | Sarig, |
| Diehl, | Long, | Roan, | |

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. FURMAN. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Stank, Pearson, Piole, Tumelty, Cannon, Schwab, Pfaff, George E. Downey, Harmuth, Welliver, Powers, McDermott, Hartman, Fitch, Brumbaugh, Murrin, Klingler, Holland, J. J. Baker, Bradley, Harkins and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McCreary, | Shreiner, |
| Alexander, | Ferko, | McDermott, | Shugarts, |
| Allen, | Finnerty, | McDevitt, | Siegel, |
| Andrews, | Fitch, | McElroy, | Simon, |
| Arnold, | Flanagan, | McHenry, | Sloan, |
| Atkins, | Flinchbaugh, | McKinney, | Smith, J. A., |
| Aukerman, | Forrest, | Melchiorre, | Smith, W. G., |
| Baine, | Furman, | Mentzer, | Snyder, F. E., |
| Baker, J J., | Gates, | Merrell, | Snyder, J. L., |
| Baldi, | Gerard, | Moomaw, | Sowers, |
| Barber, | Gillette, | Mooney, | Sproul, |
| Barnhardt, | Green, | Moore, | Stank, |
| Bernhard, | Greenstein, | Moran, | Stevens, |
| Blumberg, | Haberlen, | Moul, | Stockham, |
| Boyd, R., | Hagerty, | Muir, | Stewart, |
| Bradley, | Haluska, | Munley, | Stone, |
| Brancato, | Hamilton, F. P., | Murrin, | Stott, |
| Brennan, | Hamilton, R. S., | Nagel, | Sumney, |

| | | | |
|---|---|---|---|
| Brown, H. S., | Harkins, | Nothnagle, | Surface, |
| Brown, J. E., | Harmuth, | O'Keefe, | Tahl, |
| Brownfield, | Hart, | Ominsky, | Terry, |
| Brumbaugh, | Hartman, | O'Neill, | Tronzo, |
| Burke, | Hefferon, | Panton, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Carson, | Hetrick, | Pearson, | Turner, |
| Castor, | Hindman, | Perry, | Van Allsburg, |
| Chervenak, | Hirsch, | Pfaff, | Van Sickle, |
| Coakley, | Holland, | Phillips, | Walker, |
| Cochran, | Holstrom, | Piole, | Wall, |
| Cohen, | Hoopes, | Powers, | Wasserman, |
| Coleman, | Horst, | Reising, | Weidemann, |
| Condon, | Jackson, | Reynolds, | Weiss, |
| Conner, | Jones, | Rhys, | Welliver, |
| Coolahan, | Kelso, | Rinn, | Welsh, |
| Cordier, | Kilroy, | Roan, | Westrick, |
| Davies, | Kinney, | Robinson, | White, |
| Decker, | Klingler, | Rooney, | Wickersham, |
| Denning, | Kobelak, | Root, | Wilson, |
| Dent, | LaRue, | Ruffennach, | Witkin, |
| Diehl, | Linderman, | Sarraf, | Wood, |
| Dilley, | Long, | Scanlon, | Woodside, |
| Downey, G. E., | Longaker, | Schrope, | Yeakel, |
| Downey, J. J., | Lovett, | Schwab, | Yourishin, |
| Duffort, | Lynch, | Schwartz, | Zappala, |
| Eberharter, | Male, | Shaw, | Zimmerman, |
| Ederer, | Mallen, | Shepard, | Sarig, |
| Eroe, | Mason, | Shortz, | |

NAYS—9

| | | | |
|---|---|---|---|
| Baker, F. T., | Flynn, | Kane, | Schrock, |
| Boose, | Hoffner, | Peters, | Simpson, |
| Boyer, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Public Health and Sanitation will meet tomorrow morning at 10:00 o'clock in Room 323.

The Committee on Boroughs and Townships will meet tomorrow morning at 10:30 o'clock in Room 326.

The Committee on Labor will hold a hearing on House Bill No. 340 after final adjournment in the House Caucus Room.

The Committee on Cities will hold a hearing on House Bill No. 1156 this afternoon at 2:30 o'clock in Room 324.

The Committee on Judiciary General will hold a hearing on House Bills No. 473 and 1209 at 2:00 o'clock P. M. in the Senate Caucus Room.

There will be a meeting of all members from Third Class Cities immediately after this morning's session in Room 323.

The Committee on Banking will not meet today.

The Committee on Judiciary Special will not meet today.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will recess shortly until 3:45 o'clock. It is very important that every member should be in his seat at that time, because at 4:00 o'clock we will have on special order four very important bills, and it is, therefore, important, that every member should be in his seat at 3:45 o'clock.

## QUESTION OF PERSONAL PRIVILEGE

Mr. MUIR. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Warren will state his question of personal privilege.

Mr. MUIR. Mr. Speaker and members of the House, on Monday night, March 11th, on Senate Bills Nos. 450, 451 and 452 on pages 998 and 999 through a misunderstanding I was recorded as voting "no" and I was so recorded in the Legislative Journal. I would like to correct that to show that I voted "aye" on each one of those bills.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 3:45 o'clock P. M. Are there objections? The Chair hears none and declares a recess until 3:45 P. M.

## AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The SPEAKER. The time of recess having expired the House will be in order.

### HOUSE BILLS NOS. 1127, 936, 862 and 839 MADE SPECIAL ORDER

Mr. FURMAN. Mr. Speaker, I move that the House rescind the special order on third reading and final passage of House Bills Nos. 1127, 936, 862, and 839 which was fixed for 4:00 o'clock this afternoon, and that these bills be made a special order on third reading and final passage at 8:00 o'clock tonight.

The motion was agreed to.

### ANNOUNCEMENT BY MR. SHREINER

Mr. SHREINER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, the Republican members of the House will have a caucus meeting in the House Caucus Room at 7:00 o'clock tonight and it is the wish that every Republican member attend.

## BILLS INTRODUCED AND REFERRED

By Mr. FINNERTY. HOUSE BILL No. 1648.

An Act to further amend section five of the act approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," by providing for the issue of licenses in special cases.

Referred to the Committee on Education.

By Mr. TUMELTY. HOUSE BILL No. 1649.

An Act to amend section five hundred and twenty-four of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to sstablish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing for the computation of the tax rate to pay interest on and principal of the indebtedness of a district; and for the employment of an actuary.

Referred to the Committee on Education.

By Mr. HOMER S. BROWN. HOUSE BILL No. 1650.

An Act making an appropriation to the Coleman Industrial Home for Colored Boys, of one thousand seven hundred and twenty-one Bedford Avenue, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. SPROUL. HOUSE BILL No. 1651.

An Act to amend section six of the act approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five, of article fourteenth, of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants," providing that certain county officers shall be entitled to their salaries out of the receipts of their office before the deputies and clerks.

Referred to the Committee on Counties.

By Mr. EBERHARTER. (By request)
HOUSE BILL No. 1652.

An Act to amend section one as amended, and section two of, and adding section two and one-tenth to, the act approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended, "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the qualifications and appointment of the members of the courts of inquiry and trial authorized to hear and determine charges against such police officers, detectives and firemen; providing that charges preferred before the effective date of this act shall be invalid; and providing penalties.

Referred to the Committee on Cities.

By Mr. MELCHIORRE. HOUSE BILL No. 1653.

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance has become non-collectible.

Referred to the Committee on Appropriations.

By Mr. SOWERS. HOUSE BILL No. 1654.

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury, regulating such trials, and conferring a jurisdiction upon the judges of the several courts in such cases.

Referred to the Committee on Judiciary General.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 29. (HOUSE BILL No. 1655).

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 68. (HOUSE BILL No. 1656).

An Act to amend sections five and nine of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended changing the time for filing nomination papers and the time when the official list of candidates so nominated are sent by the Secretary of the Commonwealth to the respective county commissioners and sheriffs.

Referred to the Committee on Elections.

SENATE BILL No. 70. (HOUSE BILL No. 1657).

An Act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards.

Referred to the Committee on Elections.

SENATE BILL No. 221. (HOUSE BILL No. 1658).

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 355. (HOUSE BILL No. 1659).

An Act to further amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws nine hundred) entitled

"An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of birth and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by providing that the fees due certain registrars be paid by the State instead by the respective counties.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 518. (HOUSE BILL No. 1660).

An Act making an appropriation to the Home for Widows and Single Women of Reading Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 524. (HOUSE BILL No. 1661).

An Act making an appropriation to the Saint Luke's and Children's Homeopathic Hospitals of Philadelphia Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 527. (HOUSE BILL No. 1662).

An Act making an appropriation to the Harrisburg Hospital Harrisburg Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 528. (HOUSE BILL No. 1663).

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 529. (HOUSE BILL No. 1664).

An Act making an appropriation to the Harrisburg Polyclinic Hospital of Harrisburg Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 530. (HOUSE BILL No. 1665).

An Act making an appropriation to the Children's Home of Harrisburg Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 531. (HOUSE BILL No. 1666).

An Act making an appropriation to the Home for the Friendless of Harrisburg Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 532. (HOUSE BILL No. 1667).

An Act making an appropriation to the Paoli Monument Association Trustees Paoli Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 533. (HOUSE BILL No. 1668).

An Act making a deficiency appropriation to the West Chester State Teachers College in West Chester Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 534. (HOUSE BILL No. 1669).

An Act making an appropriation to the Taylor Hospital Ridley Park Delaware County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 535. (HOUSE BILL No. 1670).

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 536. (HOUSE BILL No. 1671).

An Act making an appropriation to the Delaware County Hospital Lansdowne Avenue and Garrett Road Upper Darby Delaware County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 537. (HOUSE BILL No. 1672).

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 538. (HOUSE BILL No. 1673).

An Act making an appropriation to the Chester Hospital in the city of Chester Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 539. (HOUSE BILL No. 1674).

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 540. (HOUSE BILL No. 1675).

An Act making an appropriation to the Chester Day Nursery and Children's Home at Chester Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 541. (HOUSE BILL No. 1676).

An Act making an appropriation to the Wyoming Valley Homeopathic Hospital at Wilkes-Barre Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 542. (HOUSE BILL No. 1677).

An Act making an appropriation to the Mercy Hospital Wilkes-Barre Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 543. (HOUSE BILL No. 1678).

An Act relating to the maintenance of insane feebleminded and other persons confined in various institutions by counties of the second class fixing liability for their support providing for the collection of the monies due the counties of the second class therefor and for proceedings relating thereto.

Referred to the Committee on Counties.

SENATE BILL No. 546. (HOUSE BILL No. 1679).

An Act making an appropriation to the Easton Hospital at Easton Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 559. (HOUSE BILL No. 1680).

An Act making an appropriation to the Suburban General Hospital of Bellevue Allegheny County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 561. (HOUSE BILL No. 1681).

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon.

Referred to the Committee on Cities.

SENATE BILL No. 564. (HOUSE BILL No. 1682).

An Act making an appropriation to the The Robert Packer Hospital of Sayre Pennsylvania.

Referred to the Committee on Appropriations.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. FITCH. RESOLUTION No. 94.

In the House of Representatives, March 19, 1935.

Whereas, The price of anthracite coal continues extremely high, and the feeling prevails that such price does not truly reflect only labor costs, freight rates, reasonable profits, and other charges necessarily added to the price when placed on the market, but that somewhere, in the process of producing, shipping and marketing, an unreasonable charge is added; therefore, be it

Resolved, That the Speaker be authorized to appoint a committee of five members of the House of Representatives, whose duty it shall be to investigate the price of anthracite coal in order to determine whether unreasonable prices are charged to consumers, and, if so, whether the price of anthracite coal should be regulated and fixed by law as being a commodity affected with a public interest.

Resolved, That said committee shall make a report to the House of Representatives as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Mines and Mining.

By Mr. DUFFORT. (Concurrent) RESOLUTION No. 95.

In the House of Representatives, March 19, 1935.

Whereas, The provisions of the Act of June 3, 1837, P. L. 338, clearly show that a constitutional centennial commission was organized in Philadelphia in 1886 for the purpose of providing for a proper celebration of the centennial anniversary of the adoption of the Federal Constitution by the convention which framed it, which commission was composed of commissioners appointed by the Governor of the several states and territories of the United States; and

Whereas, A celebration which became an outstanding event was held in the City of Philadelphia, September 15, 16 and 17, 1887; and

Whereas, The one hundred and fiftieth anniversary of the adoption of the Federal Constitution by the convention occurs on September 17, 1937, and it is fitting and proper that said event should be celebrated in the City of Philadelphia where the instrument, which made a unique contribution to the political science of the world, was written and adopted; therefore be it

Resolved (if the Senate concur), That each state and territory of the United States be invited to arange for the appointment of a delegate to become a member of a Constitutional Sesqui-Centennial Commission, that the name of the delegate so appointed be transmitted to the Governor of the Commonwealth of Pennsylvania, and that said commission meet at such time and place as may be fixed by the Governor of the Commonwealth of Pennsylvania for the purpose of arranging a suitable program for such celebration;

Resolved, That the Governor of the Commonwealth be authorized to appoint a delegate for the Commonwealth of Pennsylvania to serve on said Constitutional Sesqui-Centennial Commission;

Resolved, That the Secretary of the Commonwealth transmit a copy of this resolution to the Governor of each state and territory of the United States.

Referred to the Committee on State Government.

By Mr. HALUSKA. RESOLUTION No. 96.

In the House of Representatives, March 19, 1935.

Whereas, The State Emergency Relief Board expends large sums of money for the purchase of supplies, which if expended for Pennsylvania products will afford work for the unemployed and lessen expenditures for unemployment relief, therefore be it

Resolved, That the House of Representatives requests the State Emergency Relief Board to specify, wherever possible, in its purchase of supplies for distribution to the unemployed, products of Pennsylvania manufacture where such products are equal in quality and not in excess of the price of products manufactured in other states.

Referred to the Committee on Judiciary Special.

By Messrs. LOVETT, DENT, STEVENS, HABERLEN and MENTZER. RESOLUTION No. 97.

In the House of Representatives, March 19, 1935.

Whereas, The General Assembly in the year one thousand nine hundred and thirty-two created a State Emergency Relief Board to supervise the distribution of moneys appropriated for relief to unfortunate citizens of the Commonwealth and

Whereas, The State Emergency Relief Board has constituted a local relief board for the county of Westmoreland to administer relief and welfare to the people of this county and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in said relief board for the county of Westmoreland and it is reported that groups and individuals have been discriminated against therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five Members of the House of Representatives whose duty it shall be to make a rigid investigation of the conduct and operation of the emergency relief for the county of Westmoreland dating back to its inception and to investigate such other facts and circumstances surrounding the administration of relief as it deems necessary for the information of the House of Representatives

Resolved, That said committee shall make a report to the House of Representatives during the session as early as possible

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid administration of relief for such stenographic help and other service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearings.

Referred to the Committee on Judiciary Special.

## SENATE MESSAGE

### HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows: House Bill No. 433.

An Act making an appropriation to the City of Philadelphia for monies advanced by said City to the Delaware River Bridge Commission jointly with the Commonwealth of Pennsylvania with interest which monies including the monies so advanced by the City of Philadelphia were repaid to the Commonwealth of Pennsylvania by the Delaware River Bridge Commission.

With the information that the Senate has passed the same without amendment.

## REPORTS FROM COMMITTEES

Mr. McCREARY, from the Committee on Highways reported as committed, Resolution No. 88.

Mr. McCREARY, from the Committee on Highways reported as committed, Resolution No. 89.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Municipal Corporations will meet tomorrow afternoon at 2:30 o'clock in room 324.

The Committee on State Government will not meet tomorrow.

The Committee on Insurance will not meet tomorrow morning.

The regular Tuesday evening supper held by new members will not be held tonight.

## RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 7:45 o'clock P. M. Are there objections? The Chair hears none, and at 4:13 o'clock P. M. declared a recess until 7:45 o'clock P. M.

## AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The SPEAKER. The time of the recess having expired the House will be in order.

## BILLS INTRODUCED AND REFERRED

By Mr. WOODSIDE. HOUSE BILL No. 1683.

An Act to amend section six of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "An act regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto;" by exempting hunters and fishers from the licensure provisions of the act under certain circumstances.

Referred to the Committee on Game.

By Mr. SURFACE. HOUSE BILL No. 1684.

An Act to further amend section one hundred of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise, and amend the penal laws of this Commonwealth," changing the penalty for robbery while armed and giving the jury discretion to fix the sentence either at imprisonment for a definite term or life imprisonment or death.

Referred to the Committee on Judiciary General.

By Mr. SURFACE. HOUSE BILL No. 1685.

An Act to amend the title and section one of the act approved the nineteenth day of June, one thousand nine hundred and thirteen (P. L. 528), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," providing for the execution of convicted persons sentenced to suffer death.

Referred to the Committee on Judiciary General.

By Mr. PARKS. HOUSE BILL No. 1686.

An Act to amend sections one thousand and seventeen, one thousand two hundred and seven, and one thousand seven hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by decreasing the maximum salaries of certain officers.

Referred to the Committee on Cities.

By Mr. PARKS. HOUSE BILL No. 1687.

An Act to amend sections one thousand four hundred and two, two thousand five hundred and fifty-two, two thousand five hundred and fifty-four; section two thousand five hundred and fifty-six as amended; sections two thousand five hundred and fifty-seven, two thousand five hundred and fifty-eight; sections two thousand five hundred and fifty-nine, two thousand five hundred and sixty-seven as amended; and section two thousand five hundred and sixty-eight; and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" providing for the collection of city, county, school and poor taxes in cities of the third class by the city treasurer as tax collector; providing for his compensation to be fixed and paid jointly by the city, county and school district; requiring the city treasurer to

give one bond as treasurer and collector of all of said taxes, the premiums thereof to be paid jointly by the county, city and school district; and generally revising and clarifying the powers and duties of said tax collector.

Referred to the Committee on Cities.

## CHANGE IN COMMITTEE APPOINTMENT TO INVESTIGATE UNIVERSITY OF PITTSBURGH

The SPEAKER. The gentleman from Allegheny, Mr. Harmuth, has informed the Chair that he is unable to serve on the Committee of Investigation of the University of Pittsburgh. The Chair, therefore withdraws his name and places instead the name of the gentleman from Allegheny, Mr. Homer S. Brown.

## SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE HOUSE BILLS NOS. 1127, 936, 862 and 839

The SPEAKER. The Chair lays before the House the Special Order of business fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1127, entitled:

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies and water companies and steam heating companies and to gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax and increasing the rate of tax imposed by the act.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker and members of the House, the bill pending is a part of a taxation program. It must be considered in relation to that program. Up to this time I have supported the program of which this bill is a part. I find I can no longer do so.

Now, ladies and gentlemen of the House, I could not successfully oppose this bill without attacking the program of which it is a part, and I would not be justified in attacking the program unless I could suggest at least in outline, a better method and a better program.

From the standpoint of the taxpayer in Pennsylvania, the bill before the House is a part of a two year budget totaling one billion four hundred and fourteen million dollars in taxes, and that two year budget is made up of the following items: local taxes, seven hundred million dollars. We are not concerned with the question of local taxation now, but we have to pay the taxes, and the bills and burdens we impose are added to those local taxes of seven hundred million dollars.

Then federal taxes, two hundred and ten million dollars, State taxes and license fees, four hundred ninety-nine million dollars, or a total of one billion four hundred nineteen million dollars. That is seven hundred eight million dollars a year, or it is four per cent on seventeen billion seven hnudred million dollars. Ladies and gentlemen of the House, there isn't that much productive money in Pennsylvania. However, that one hundred five million dollars a year in new money, which it is proposed to raise by means of the program of which the pending bill is a part, is only a portion of the load of the general program to which this legislature is apparently committed in part and I would call your attention to the fact that while we are imposing these new tax burdens which must be paid out of production, which must be paid out of labor, unless we levy a direct appropriation tax upon capital, that to these burdens we are adding compensation costs very considerably; we are adding hours; we are adding costs incident to reduced hours, and we are adding, as a matter of fact, if you will tabulate the bill as a part of the program and some other bills that I favor, we are adding to the seven hundred eight million dollars a year another one hundred seventy-five million dollars.

Now, I oppose the budget and the program based upon that budget because, first of all, I question the figures upon which the administration budget is based. In the next place, in a speech delivered in this House on March 11th, His Excellency, the Governor, said: "Although sixty per cent of the wealth within our Commonwealth is in the form of stocks, bonds and other personal property, ninety per cent of the local taxation is derived from real estate." And the same statement was repeated in an address made in Wilkes-Barre.

All right, sixty per cent of the wealth of the Commonwealth is represented by personal property and forty per cent is represented by real estate. Referring to the figures compiled by the Secretary of Internal Affairs, the value of real estate in Pennsylvania is eleven billion one hundred nine million dollars,—say, eleven billion in round figures. If eleven billion is forty per cent, one hundred per cent is twenty-seven billion five hundred million dollars. That gives real estate eleven billion, and personal property sixteen billion five hundred million.

The original budget calls for a five mills personal property tax, and would raise eighty three million dollars in two years, or forty-one million five hundred thousand dollars a year, divided equally between the state and the counties. That is a five mill levy on eight million three hundred thousand dollars.

What has become of the other eight billion in personal property? If we can estimate it we can locate it, and if we can locate we can tax it. Incidentally, if the Governor and his advisers are right, that sixty per cent of the property, the real wealth, in this State is personal property, then I ask what has become of the portion of it that they are not taxing. To say that the original estimate of sixty per cent of the state's wealth, being in personal property, is in error to the tune of three billion dollars, that would be a lot of money to lose, well worth sharpening your pencil for.

Let us admit for the sake of argument that there is only ten billion dollars worth of personal property in this State, and eight mills, not five and not seven, but eight, on ten billion dollars of personal property would yield eighty million dollars a year; and I wouldn't stop at eight mills,—I would go to ten.

If there is ten billion dollars worth of taxable personal property in this Commonwealth, if there is not that much personal property, then all of the figures back of the budget are in error. Now, I would amend His Excellency, the Governor's budget, where he says one half of five mills,

one-half going to the county on intangible properties, forty-one million five hundred thousand dollars, and I would amend it to read eight mills and make the forty-one million eighty million. And if we did that, it would be necessary to readjust the budget all along the line.

What are the arguments in favor of this readjustment of the budget? We have been told, and I believe it, that one of the things wrong in this country is the fact that there is too much spread between those who have and those who have not. The great fortunes of our time are no longer based upon real estate; the great fortunes are based on bonds, mortgages, securities and other evidences of indebtedness. A personal property tax does not take anything out of any man's pocket, if all that he has in his pocket is wages. A personal property tax seeks out wealth where it is to be found in accumulation. A personal property tax is very difficult to shift. A personal property tax is not a tax upon business as a going concern, and that is what most of these other taxes are, taxes upon business enterprises and going concerns, irrespective of whether they are making money or losing money.

Now, as I pointed out, the tax program consists of twenty-one, twenty-two or twenty-three items, depending upon the hour of the day and the day of the week.

The argument advanced in favor the various revenue measures is the same in every instance. Not one of the pending tax proposals is dependent upon its merits as a revenue raising measure. Here is the argument, every time one of these revenue raisers comes before the House: "see that hungry man over there; if you don't pass this bill, he will starve." To make the picture more pathetic, they fill it with babies and old folks.

My answer to that argument is that I would say to the administration, "look here, where are you going with that black top and that concrete?" "Why, we are going to build some new roads." "Well, do you see that hungry man over there and those hungry children, if you use your money to build a lot of new roads, they will starve; they can't eat concrete and black top, you know."

The reply is that you cannot divert state highway funds; that they are sacred. I deny that. In an emergency there are no sacred funds. Now, how about the necessity for quick money? I admit that necessity; I would support a measure imposing five cents tax on gasoline if that didn't meet the law of diminishing returns for a emergency period of three months, and I would agree to four mills for the next three months as an emergency, and I would agree to three mills for the next three months as an emergency, but then, I would ask you, "when do you think this emergency ends?"

The trouble has been, ladies and gentlemen of the House, that there has been no opportunity for the meeting of minds; there has been no chance to suggest the practical aspects of a one year budget, and there has been no forum in which to suggest, if we face an emergency for ready money, that we will obtain that ready money on an emergency basis. Yes, if you had to have money for three months until you can make your turn around, impose three mills, four mills, five mills, and for the next three months, but you cannot continue emergency legislation over a period of two years, and we do not need quick money twelve from now, and you can get your quick money on an emergency basis for three months, three months more and three months more, if it was possible to discuss these measures with anyone around the round table.

Now, my friends we could take eighty million dollars personal property and we could get twenty-five millions of road money, and you could take the taxes we have already imposed and bring the returns of this budget in excess of one hundred forty million dollars, and we could impose an emergency gasoline tax for an emergency period, and if there was ten billion dollars of personal wealth, of personal property that we could locate,—we would not have to find sixteen billion dollars worth,—if we could find ten billion dollars worth, with the program I have outlined, we would be out of the woods with an emergency gasoline tax or an emergency sales tax for an emergency period.

Now, there is another proposition which I advance in all seriousness. Members of this House, as compared with other public servants on the payroll, are each contributing five hundred dollars to the State general fund; as compared with all other people on the State payroll, every member of this House is contributing five hundred dollars, because the salaries of the members of this House were reduced at the last session of the legislature in the hope that other salaries would likewise be reduced.

They say, "We can't reduce salaries." Suppose we didn't appropriate sufficient money and created a continuing liability? The ones who are not paid in full might sue, and the dear old judges might get out injunctions. But, would they? If they tried anything of that sort, we would make the standard reply: "Do you see that hungry man over there? Do you want him to starve?"

Members of the House are we justified in insisting that every person on the payroll make a sacrifice comparable with the one the legislators have made, in the hopes that when they make it others would do likewise?

Of course, there is talk about balancing the budget, but if we are up against it, the credit of the State is good,—let us use it.

Now, you have been very patient, I don't want to take up very much more of your time, but I want to call your attention to this fact that in 1932 out of 23,689 Pennsylvania corporations only 4,456 showed any net income, while 19,143, or eighty-one per cent showed an actual loss. I submit to you, and I submit to the administration, as the sponsor of a scientific program, whether it is possible by any other means excepting a capital levy to impose taxes and collect them from industrial corporations that are operating at a loss, and I would point out to you that apparently the administration is not expecting an increase in business,—its proposed tax,—the returns of its proposed tax on a six per cent basis on the net income of corporations, indicates that the amount of the tax will approximately equal the profit in 1932.

You can not tax non productive capital; you can confiscate it, but you can not tax it.

Now, they say that the tax program is spread lightly; here is a horrid utility. By House Bill No. 837 the taxes of this utility would be increased from four hundred and one thousand dollars to four hundred seventy eight thousand dollars. By House Bill No. 839, the gasoline tax, its taxes would be increased from twenty-one thousand dollars to thirty-five thousand dollars. By House Bill No. 864, the tax on chain stores, its taxes would be increased six thousand dollars. By House Bills Nos. 969 and 970, its taxes would be raised from twenty-one thousand dollars to thirty-four thousand dollars. By House Bills Nos. 841 and 1127 its taxes would be increased from two hundred fifty six thousand dollars to seven hundred

four thousand dollars. By House Bill No. 948, its taxes would be increased seven hundred forty-one thousand dollars, or an increase in taxes levied on this one corporation from seven hundred ninety-seven thousand dollars, to two million six hundred four thousand dollars, or an increase of two hundred twenty-six per cent.

Now, if there were time, I could divert from the record of the utilities and take the manufacturing corporations in this State, both the ones that are making money and the ones that are losing money in an effort to keep in operation and to show that these manufacturing corporations under this program, their taxes are likewise increased from thirty to three hundred forty per cent. Now, gentlemen, it doesn't make sense.

There is the opportunity to get quick money on an emergency basis by adding an emergency gasoline tax. There is the opportunity to proceed along the lines of common sense and enact a one year budget, and there is the opportunity, while the emergency gas tax is functioning for a limited period, not to exceed months, to start our personal property tax going and finance your starving people from the accumulation that we have been talking about, and not by means of speculations through these bills that gather the pennies of the poor.

Mr. TURNER. Mr. Speaker and members of the House, I realize that the House has been patiently listening to the gentleman from Cambria. He has outlined to us, whether we agree with his program or not, we must admit that he has outlined to us a constructive program and constructive comment upon the tax measures and the tax program that is before us, and I believe that the House is indebted to the gentleman from Cambria for the efforts that he has made, because in a problem of as vital importance to the people of Pennsylvania as is this tax program, and in a matter of as vital importance to the Commonwealth of Pennsylvania as this tax program, I think we should have every bit of light thrown upon it, it is possible to have. I regret that the Ways and Means Committee of this House has not seen fit to give us figures and statistics upon the different tax bills and upon the program, in order that we might have the advantage of the greatest amount of knowledge possible before we are called upon to meet these issues.

On this side of the House, a group of men have been studying these different measures for at least three weeks, and I am cognizant of the fact that while we have given considerable time and effort to the gathering of date upon this subject, that what we have has only skimmed the surface and that we have not attained the knowledge that I believe to be necessary in this instance.

I do not want to delay this House this evening with a long comment upon House Bill 1127, which is the particular measure before us, but I do believe that we should point out some things that bear upon this measure and which I think you should have in your minds before you cast your votes.

This bill increases the gross receipts tax from eight mills to two per cent. It increases this tax, not alone upon the electric and gas companies that paid it before, but it adds also certain water companies, natural gas companies and municipally owned plants in the Commonwealth of Pennsylvania.

This is the only business in the Commonwealth of Pennsylvania,—I mean the utilities are the only group in the Commonwealth of Pennsylvania that are subjected to this eight mill tax at the present time, and, as I said to you, the exemptions under the present law are wiped away by House Bill 1127, and not only are other utilities brought into the picture, but the tax is increased from eight mills to two per cent.

There seems to be a misunderstanding or a misconception in the minds of many people and many members of this House, that the utilities have great bulging pockets, into which we can reach our legislative hands, and that we can deposit in the treasury of Pennsylvania their moneys which they have produced in their business and taken from the public, and which they are either hoarding or wasting or throwing around to the stockholders, and that we can take that out and place it in the treasury.

The person who assumes that is not familiar with the law on that subject. A utility, unlike the average business man, is limited in the amount which it can earn, and when it comes to a consideration of its rates, one of the costs of doing business, or one of those things that enter into the costs are the taxes that are levied, and that is made so, not by the laws of the State of Pennsylvania, but by the decisions of the Supreme Court of the United States, so that when you levy this tax, when you increase it from eight mills to two per cent, you are not taking that away from the utilities, this corporate thing that you think exists as a wealthy citizen of the State, that you believe you can take it from, but you are in the end taking it out of the rate payer, the average citizen of the Commonwealth of Pennsylvania.

The Governor of the Commonwealth has said that he is opposed to a sales tax because it socks the poor, but I ask you whether a tax of this kind, which is levied upon the consumers, which in the end must be borne by the consumers of these utilities,—whether that does not sock the poor just the same as any sales tax that you may mention.

Fifty-one per cent of the customers of the utilities in my territory are the domestic consumers, whose bills average about two dollars eighty cents a month. That is not the rich people; that is the average citizen that lives in the district in Delaware County from which I come, and the reason I am opposed to this measure in the first instance is not because it is going to affect the utilities, because it is not in the last analysis going to affect that corporate entity, but I am opposed to it because the rate payers in Delaware County and my constituency, that is fifty-one per cent, who are about ten per cent of the customers of the Philadelphia Electric Company, who serve gas and electricity in Delaware County,—that that fifty-one per cent are going to pay ten per cent of the burden of this increase in taxation that you are now placing upon them.

I have heard members of this House say from time to time during this session, "Let us be for the little fellow; why are you for the big fellow"? You men are short sighted. I am for the men down in my county that I am talking about, the average citizen, that great group of men and women in my county who own their own homes, who come there because they have a place to which they can send their children, a place where they can play. They are not wealthy people; they are the great middle class of people who are after all are the back bone of these United States. So, when you talk about the little fellow, you are not thinking about the little fellow when you put this tax on.

I am also thinking tonight about those thousands of employees in my county, men and women who in the

last election went out and worked for me, not because somebody higher up dictated that they should, but because they knew from my record in this House that I had fought their battles and they knew where their interests lay, those are the people who are to suffer in the curtailment of salaries, in the loss of opportunity for increase in salaries, in the chance that there will be a decrease in salaries, those are the men and women that will suffer, many of them, by the loss of jobs, because if this tax is levied no utility can shift the burden quickly; it must try by every device possible to reduce its operating costs and to lay off every employee possible, to cut down every salary possible, in order that they may temporarily until adjustments can be made, meet the burden you are placing upon them. But in the last analysis it is going to fall upon the men and women who are engaged in this industry.

And then last but not least, I would like to point this out to you, when you curtail the income, when you cut down the operating money that these utilties have to spend, they are going to cut down their purchases; they are going to cut down their services; they are going to cut down their expenses. Then, what happens? That goes out into the field of every bit of manufacturing that goes into the costs. The electrical appliance business of utilities in the United States alone has built up a great industry of six hundred million dollars, and every time you sock a tax like this upon them, it has its recurrent effect upon those industries that are giving employment to thousands of men and women in the United States.

So, my friends, I say to you here tonight, do not be blinded by that thing you see before you, that I know many of you hate, the utilities. Do not think you are going to sock the big fellow by taking it out of him. You are not going to take it out of him; this is going to be an increase of one hundred fifty per cent in the tax on these people. This whole tax program has fallen upon the electrical and gas industries of this State, an increase of two hundred forty-one per cent on these industries. You are piling it on an industry that has been able to keep employed employees and to keep paying them wages. It has been the back bone of industry throughout the United States in these years of depression. Now, you are going to trample upon it and take away perhaps the jobs of not only people engaged in the industry in this state but throughout the United States.

So, I say to you, ladies and gentlemen, earnestly, think long before you vote aye on this bill. I urge you to vote no.

Mr. FURMAN. Mr. Speaker and members of the House, the bill before the House is House Bill 1127, which is a part of a program designed to raise eleven million five hundred thousand dollars during the next biennium.

This is a bill that increases from eight mills to two per cent the tax on gross receipts of all public utilities. Last week we witnessed a demonstration of public utilities employees protesting the increase of gross receipts tax from eight mills to two per cent and the inclusion of natural and artificial gas, water and steam heating companies under the gross receipts act.

I wonder how many of the protestants really considered the effect of this increase of the gross receipts tax to two per cent. According to the statistics compiled by the Department of Internal Affairs for the year 1931, the sales for electric light to residential consumers amounted to $58,134,776.00. The number of residential consumers was 1,715,216. On this basis the annual average current bill of these consumers was $33.89. A tax of two per cent on this would amount to sixty-eight cents per year.

Using the 1931 figures, the two per cent gross receipts tax would mean that electric light, power and steam heating companies would be required to pay per year $3,886,100. Electric light, heat and power companies in 1931 had a total capital investment of $1,017,942,926. All of this property is exempt from local taxation. Assuming that the assessed value for local tax purposes would be but one-half of this figure, or $508,971,463.00, and applying an average total local tax rate of three cents per dollar would produce the sum of $15,269,143.00. But these utilities do not pay local taxes. Therefore, they are escaping taxes for local purposes of at least $15,269,143.00. Yet they object to the increased gross receipts tax, the total of which for one year, based on the 1931 figures, would amount to only $3,886,198.00.

I ask you, is it fair for them to render such objection? Shall we permit them to continue this tax favoritism? Why not make them share the just burden of taxation? They cry, "Give us a sales tax," and why? Because electricity, water and natural and artificial gas have been considered by the taxing authorities to be a service and, therefore, exempt from the sales tax. Of course, they advocate the sales tax, when they do not need to pay it.

Who controls the common stock of such companies like the Duquesne Light, Pennsylvania Power and Light, Penn Central Power and Light, Metropolitan Edison, West Penn Power, Erie County Lighting and other large utility companies in this State? Poor's Manual says they are large utility holding companies with their principal offices in New York or Chicago. Of course, these large holding companies are anxious to have the subsidiaries in Pennsylvania avoid all taxes possible. Any increase in Pennsylvania taxes might mean a reduction in the dividends paid to the holding companies outside of this state. These holding companies must have dividends in order to pay interest on their bonded indebtedness, as well as dividends on their stocks so they pass the word along to the employes of the subsidiaries in Pennsylvania that any increase in taxation in Pennsylvania will mean a reduction in working hours, as well as a reduction in pay. Therefore, protest taxes levied in Pennsylvania.

How long will the citizens of this great Commonwealth permit the utilities to evade their just burden of taxation.

Let me call your attention to the fact that utility is permitted to serve a given territory without any competition and to fix rates which will produce a fair return on the capital invested. Therefore, in the name of fairness and for the sake of proper equalization of the tax burden, I ask each one of you to support this bill, levying the two per cent tax on gross receipts of public utility companies.

Mr. HOOPES. Mr. Speaker and members of the House, I am in favor of the two per cent gross receipts tax upon privately owned public utilities. I could agree to practically everything which has just been said by the gentleman from Greene, in favor of that part of this bill which we have before us, but there is a feature of this bill which has not been discussed at all so far. It was mentioned by one of the speakers; it was a feature which the sponsors of the bill seemed to very carefully avoid, and I could understand why they should.

I refer to the repeal of the exemption on publicly owned, municipally owned utilities. We have never before in the history of Pennsylvania taxed municipally

owned public utilities, and I am informed that only one state out of the forty eight in the Union levies taxes upon municipally owned utilities.

The Federal government levies no taxes on such utilities, and yet this administration, which claims that they do not want to sock the poor, come in here with a bill, part of which levies a tax upon utilities which are privately owned and which can afford to pay more taxes than they have ever had to pay in this State, but the other part of which levies taxes upon your municipally owned water works and electric plants.

You say you want to save the local taxpayer. How are you going to save him by putting a tax right directly on his own municipal plant that can only be paid by the rate that he pays and which is operated not for profit, which has no margin of profit, but is operated for the purpose of serving the people in the community. That tax can not do anything else but go right back on the consumer of water and electric current in those communities where we have municipally owned utilities. You are taking the money out of one pocket and putting it over into another. There can be no justification for such a tax.

Your private utilities today yield from five to six per cent, I am informed, whereas your municipal bonds are yielding only three per cent. You have no margin for taxes; you have to take it out of the consumer. The only source from which it can come, whereas your tax on your privately owned utilities, if the Public Service Commission does its duty, can be shifted to the investor.

There are two hundred municipal water plants in Pennsylvania and thirty-five municipal electric plants. The plant in the city from which I come, Reading, is worth well over one hundred million dollars, and its gross receipts run,—I don't know what the figures are,—but I do know that this two per cent gross receipts tax is going to lay a heavy burden upon the water consumers of Reading, and that municipal plant of Reading is serving its consumers today at an average rate of about twelve dollars per year per residence, whereas the privately owned water companies right outside of the city limits are charging from thirty to forty dolars for poorer service. Yet, you are going to tax that municipal plant in the name of raising money for the poor.

Let us for a moment consider the history of this eight mill tax which we have had upon utilities in Pennsylvania, which this measure proposes to increase to twenty mills. It was levied, I believe, originally in 1889. It was levied by the State because they felt that the community in which an electric plant or water plant was located should not collect the taxes upon the real estate, because it would affect not only the people in the community from which it was taken, but it would affect the entire community which the utility served. They felt that it would be more equitable to levy a state wide eight mill tax and at that time the eight mill tax was approximately the same as that levied on real estate. Since that time the tax on real estate has gone up four or five times and the taxes on utilities has remained the same.

There is plenty of justification for increasing the taxes on your privately owned utilities, but where do you get your justification for increasing the taxes on the public owned utilities? The consumers are liable for all of the outstanding indebtedness of your public utilities. They are not liable for the indebtedness of your privately owned utilities, but you are going right back, taxing them, if you put this measure through in its present form. You are going to sock the very people you are talking so much about relieving; the consumer is going to pay it. We don't want to do that.

I am in favor of that part of this bill which puts the tax on the investor in the privately owned utility, but I am not in favor of shifting it to the municipally owned utility. You say, "What is the difference?" I can probably answer that best by referring to a decision of the United States Supreme Court which was handed down one year ago today on a measure dealing with a tax by the City of Seattle upon privately owned electric plants. The City of Seattle also operates a publicly owned plant, and they levied a three per cent tax on the privately owned plant. The private plant took the case into the courts and said that it was unfair taxation and unfair competition because no tax was levied on the municipal plant and that, therefore, it violated the equal protection, due process, and contract impairment clauses of the Federal constitution.

Justice Stone of the Supreme Court of the United States, in writing the majority opinion, said: "It is enough for present purposes that the equal protection clause does not forbid discrimination with respect to things that are different.

"The private corporation, whatever its public duties, carries its business for private profit and is subject to the obligation common to all to contribute to the expense of government by paying taxes.

"The municipality, which is enabled to function only because it is a tax-gatherer, may acquire property or conduct a business in the interest of the public welfare, and its gains, if any, must be used for public ends.

"Hence equal protection does not require a city to abstain from taxing the business of a corporation organized for profit merely because in the public interest the municipality has acquired like property or conducts a like business."

There is no reason why we should extend this tax to a public utility. If the bill were amended, as it should have been, by taking out this exemption, by which privately owned municipal plants alone pay taxes, not only in this Commonwealth but in other commonwealths throughout the United States, because I am informed, as I said a moment ago, only one other state taxes municipal plants, and it gives back more than it takes.

So, we are setting up a new method of taxation, a method that I do not think the members of this House are prepared to sponsor. If the bill were amended by taking out your municipal plants, I would not only vote for it and support it, but in the form in which it now stands, I am compelled to vote against it.

Mr. Van SICKLE. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. HOOPES. Mr. Speaker, I will.

Mr. Van SICKLE. Mr. Speaker, I understand that the objections of Mr. Hoopes to the inclusion of the publicly owned utilities is for the reason that the consumer ultimately will have to pay the tax; is that correct?

Mr. HOOPES. Mr. Speaker, that is correct.

Mr. Van SICKLE. Mr. Speaker, the figures given by

the gentleman as an example of the amount paid by the water company is twelve dollars per year. Is it not a fact that this tax if paid by the consumer would amount to two cents per month?

Mr. HOOPES. Mr. Speaker, that is correct, as to that particular item.

Mr. Van SICKLE. Is it not a fact, Mr. Speaker, that as to electric light bills and so forth, under the figures as given, that the tax would amount to eight cents or less per month?

Mr. HOOPES. Mr. Speaker, I am not aware of the figures, so, I can not answer the gentleman.

Mr. Van SICKLE. Mr. Speaker, may I ask the gentleman from Berks if he has heard the figures given of sixty-eight cents per year.

Mr. HOOPES. Mr. Speaker, as a matter of fact, I could not understand a lot of the figures that were given, but if they are the figures, and I assume they are, I presume your computation is correct.

Mr. Van SICKLE. Mr. Speaker, those are the figures as given, and if they are correct, it would mean that the ordinary home owner would pay a total sum of only eight cents per month. Is not that correct?

Mr. HOOPES. Mr. Speaker, I have not made the computation. I am willing to accept the gentleman's computation on that basis.

Mr. SIMON. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Furman, Tumelty, Pfaff, Pearson, Stank, Harmuth, Caputo, Melchiorre, Nagel, Shaw, O'Keefe, Shugarts, Frank P. Hamilton, Decker, Brownfield, Murrin, Brumbaugh, Alexander, Zappala, Kilroy, Holland, Tronzo, Hartman, Hindman, Hirsch and others.

On the question,

Shall the main question be now put?

The SPEAKER declared the "ayes" apeared to have it.

Whereupon, a division was called for, eighty-five members having voted in the affirmative and seventy-six in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—115

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Long, | Ruffennach, |
| Alexander, | Downey, J. J., | Lovett, | Sarraf, |
| Allen, | Eberharter, | Lynch, | Scanlon, |
| Arnold, | Eroe, | Male, | Schrope, |
| Aukerman, | Falkenstein, | McCreary, | Schwab, |
| Baine, | Finnerty, | McDermott, | Shaw, |
| Baker, J J., | Fitch, | McElroy, | Shepard, |
| Barber, | Flanagan, | McHenry, | Shugarts, |
| Bradley, | Flinchbaugh, | Melchiorre, | Siegel, |
| Brancato, | Furman, | Mentzer, | Simon, |
| Brown, H. S., | Gerard, | Moomaw, | Smith, J. A., |
| Brown, J. E., | Haberlen, | Mooney, | Smith, W. G., |
| Brownfield, | Hagerty, | Moran, | Stank, |
| Brumbaugh, | Haluska, | Moul, | Stevens, |
| Burke, | Hamilton, F. P., | Munley, | Stone, |
| Cannon, | Harkins, | Murrin, | Sumney, |
| Caputo, | Harmuth, | Nagel, | Tahl, |
| Carson, | Hartman, | O'Keefe, | Tronzo, |
| Chervenak, | Hetrick, | Ominsky, | Tumelty, |
| Coakley, | Hindman, | O'Neill, | Van Sickle, |
| Cochran, | Hirsch, | Panton, | Walker, |
| Cohen, | Holland, | Patterson, J. W., | Weiss, |
| Coleman, | Holstrom, | Pearson, | Welliver, |
| Condon, | Kelso, | Pfaff, | Welsh, |
| Coolahan, | Kilroy, | Piole, | Westrick, |
| Decker, | Kinney, | Powers, | Yourishin, |
| Dent, | Klingler, | Reising, | Zappala, |
| Diehl, | Kobelak, | Rinn, | Sarig, |
| Dilley, | LaRue. | Robinson, | |

NAYS—85

| | | | |
|---|---|---|---|
| Altenburg, | Forrest, | McKinney, | Sowers, |
| Andrews, | Gates, | Merrell, | Sproul, |
| Atkins, | Gillette, | Moore, | Stewart, |
| Baker, F. T., | Green, | Muir, | Stockham, |
| Baldi, | Greenstein, | Nothnagle, | Stott, |
| Barnhardt, | Habbyshaw, | Parks, | Surface, |
| Bernhard, | Hamilton, R. S., | Perry, | Terry, |
| Blumberg, | Hart, | Peters, | Trout, |
| Boose, | Hefferon, | Phillips, | Turner, |
| Boyd, R., | Hermansen, | Reynolds, | Van Allsburg, |
| Boyer, | Hoffner, | Rhys, | Wall, |
| Brennan, | Hoopes, | Roan, | Wasserman, |
| Carr, | Horst, | Root, | Weidemann, |
| Castor, | Jackson, | Schrock, | White, |
| Conner, | Jones, | Schwartz, | Wickersham, |
| Cordier, | Kane, | Shortz, | Wilson, |
| Davies, | Linderman, | Shreiner, | Witkin, |
| Denning, | Longaker, | Simpson, | Wood, |
| Duffort, | Mallen, | Sloan, | Woodside, |
| Ederer, | Mason, | Snyder, F. E., | Yeakel, |
| Ferko, | McDevitt, | Snyder, J. L., | Zimmerman, |
| Flynn, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. HALUSKA. Mr. Speaker, I vote "aye" and want to file my reasons.

I am voting for House Bill No. 1127 for the reason that this administration claims that this money must be raised to feed the needy of this State. However, I do expect that this administration will remove those from office that are now spending this money for political purposes, especially such cases as we have in Cambria County when ninety-nine per cent of all the people working in and for the Emergency Relief are registered Republican and serving those that are registered Republican much different than those that are registered otherwise.

Mr. MOOMAW. Mr. Speaker, I desire to be recorded as voting "aye" and file my reasons therefor.

I believe this bill No. 1127 should be amended to at least terminate the two per cent tax on municipal owned or operated public utilities at the end of this bienium. I am not offering this amendment this evening for the reason that I am confident it will be favorably considered in the Senate and I am having an amendment drafted for that purpose and I am voting "aye" only because I am confident this amendment will be favorably considered in the Senate.

Mr. TAHL. Mr. Speaker, I desire to vote "aye" and ask leave to file my reasons.

As a general proposition I am opposed to increase the burden of taxation upon the citizens of Pennsylvania, and I have voted against those measures which I considered most burdensome. But the fact remains that there are thousands of our citizens in this Commonwealth, who are without employment, who are without any means of furnishing food for themselves and their families. Now, those unfortunate of our people must be provided with food, and they and their families must be saved from starvation.

That is a paramount duty which cannot be and should not be shunned. Revenue must be in some manner raised to meet the cost of unemployment relief. I cannot turn a deaf ear to starving humanity. I consider this tax the least objectionable and for that reason I am voting for this bill.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 936, entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements, including every form of entertainment, diversion, sport, recreation and pastime; requiring persons, partnerships, associations, or corporations conducting places of amusement to secure permits; imposing duties and conferring powers upon the Department of Revenue; prescribing the method and manner of collecting the tax and its payment into the State Treasury; permitting refunds of the tax in certain instances and providing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. EBERHARTER. Mr. Speaker and members of the House, this is another one of the bills that have been introduced for the purpose of raising revenue. That is the sole and primary reason for this bill, known as House Bill No. 936, Printer's No. 262.

Members of the House, I believe it would be proper for me at this time to explain briefly the provisions of this bill. The first two sections of the bill contain definitions of phrases and clauses that are in the bill, which make it such that it is not subject to misinterpretation. It defines what an amusement is; it defines what a producer is; it defines what an established price is, and several other matters which are not quite as important as the ones I have just mentioned.

Now, the bill requires that every producer who intends to put on any amusement at which a price of admission is to be charged, shall first obtain from the Department of Revenue a permit. The fee charged for this permit is very nominal in price, it is one dollar and is good until the end of this year, and must be renewed annually for the price of one dollar.

That permit must be obtained by every producer, whether he be producing a permanent amusement, a temporary amusement or an itinerant amusement. The tax, ladies and gentlemen of the House, is one cent for each ten cents of admission charged; in other words, ten per cent, and it is estimated that it will produce for the biennium six million dollars.

The bill is drafted largely on the principles of the Federal Amusement Tax Bill, and at the present time I may state for the information of the members that there are twenty other states in the Union which have an amusement tax.

Now, my friends, of course, it is not pleasant for us to impose taxes upon the people, but, as the saying goes, taxes are inevitable, the same as death, but of all forms of taxation I believe that the taxation which is placed upon amusements is the least objectionable tax; it is a tax on those who have money to pay for pleasure, and for that reason I do not believe there is any valid objection whatsoever to this tax.

As the sponsor of this bill, or the person who introduced it, I can state that from the time this bill was introduced up to tonight I did not receive from any of my constituents one single protest in writing against the enactment of this measure, and I assume, therefore, that as far as my constituents are concerned, there is no opposition whatsoever to the payment of one cent out of every ten cents paid for admission to amusements.

In addition to that, ladies and gentlemen of the House, I do not think that the theatre owners or producers of amusements are opposed to this tax. I spoke to the owner of one of the large chain theatre companies in Pennsylvania and he told me that at a meeting of producers the question of this tax was taken up, and they decided there at that meeting that they, this number of producers, who had organized, would not oppose the imposition of this tax, and would go along, realizing the necessity of the State, and I believe, ladies and gentlemen of the House, that the people will gladly pay this ten per cent tax because they know in what dire financial straits the state government is.

They realize the purpose for which this money will be used, and so I believe, ladies and gentlemen of the House, if we vote for this amusement tax, it will receive the approbation of all of the people of the Commonwealth.

I, therefore, ask you, ladies and gentlemen, to give this measure your support.

Mr. WOODSIDE. Mr. Speaker and members of the House, unlike the gentleman who has just spoken on this measure, I have received objections to it from my constituents, and I think some very valid objections. This bill is primarily a nuisance tax. It is a nuisance tax of the worst type. We say that we need money for the unemployed, and we probably do, but I want to call your attention along that line, first, to the fact that the tax money of this bill goes into the general fund, which is to run this State government and to pay the officials of this State, as well as to feed the unemployed. Let us keep that in mind when we are considering these measures.

I had a very interesting experience last week; I went to the movies. It was a theatre that I hadn't been in for a long time. I had known for quite a while that this theatre closed during the Summer, and at times during the Winter was not open. I thought that the manager didn't know his business or had some strange reason for doing that.

I went in to see what I considered a very good show in the middle of the evening, and I do not believe that that theatre, seating a thousand people, contained more than fifty people.

I am wondering, members of the House, whether there are not a number of theatres like that throughout this State, who when you impose an additional tax of ten per cent will close their doors and throw people out of work and increase your unemployment rather than help your unemployed.

I am not particularly interested in the managers or the theatre owners of this state further than I am interested in all of the industries of this state.

I call your attention to another fact in this bill, and that is the provision relative to the entertainment in the restaurants and cabarets and places of that sort. There is a provision in this bill that if you go in and buy a sandwich for twenty cents, let us say, in a place where they have a floor show, twenty per cent of that twenty cents is to go towards the amusement, and there is a tax of one cent on that, which would have to be paid, and which under this bill would have to be charged to the person who makes the purchase. Maybe, that is not so very important, although I think it will have a tendency in a lot of the smaller places to do away with the entertainment, and so throw more people out of work.

There is another matter in connection with this bill that I think is very important, and is a matter in which I am extremely interested, and that is the question of our colleges and our schools and our churches, and I think they are given an unjust burden in this tax bill. There is no exception to any high school entertainment of any sort; there is no exception to any sort, and I submit, members of the House, there is no exception to any Sunday School or church or any other charitable or religious organization, and, members of the House, I want to submit another point, that this bill covers not only charged admissions; it covers contributions and donations, and it goes further and makes charges on those who attend on passes. Maybe, that is not so bad; maybe the newspaper men and those other few fortunates can afford to pay a little tax when they are admitted to the entertainment free. But I submit, members of the House, there is an important element to be taken into consideration relative to our schools and relative to our colleges.

Let me give you a few examples of the way in which this tax would operate should it become the law of this Commonwealth.

In the first place, I know that a number of colleges permit high school students to go to their football games free of charge. We are putting a tax on those. I know that in my own community the high school, in order to raise funds to carry on their athletic program, goes around among the business men and ask them to buy a booster ticket for which they charge five dollars.

I have always considered it a very fine thing to donate five dollars for that purpose, and so have most of the other business men of my community, but now, the House of Representatives and the Senate of the Commonwealth come along and say, "Oh, yes, but for that privilege, you are to pay fifty cents to the Commonwealth of Pennsylvania."

There are no exceptions in this to any school organization, to any church organization, to any college organization. Let us consider the churches. I say to you, members of this House, under this bill, if a Sunday school has an entertainment and they take up a collection, they have got to pay a tax.

Is that the kind of legislation that we want to go back to our constituents and say, "That is the thing we did when we were down in Harrisburg?" Are you willing to go back to your Sunday school superintendent, your preacher, your charitable institutions and say to them, "If you hold an entertainment in your Sunday school auditorium and you do not have a sign that you have a permit from the state tacked up on your wall for which you paid a dollar and if you do not file a report, you are going to be subject to a fine and six months imprisonment." That is what this bill does.

I submit, members of the House of Representatives, that you should give this bill your honest consideration. Consider it; consider all that it does; not just a few of the things, but consider all that it does and I say to you, members of this House, that you should not pass this legislation.

Mr. CAPUTO. Mr. Speaker and members of the House, I have a very heavy cold, therefore you may rest assured that I am not going to take up very much of your time. I have listened here not only this evening but all the rest of the session to people getting up and saying don't tax the poor, don't tax corporations, don't tax utilities, don't tax the churches, don't tax the schools. Who the hell are we going to tax if we must raise the tax, if we are going to raise the money? We have got to have money to carry on the government and unless we tax somebody, someone is going to starve and I say it is time that we take notice of what is going on here. There is opposition to every tax measure presented. There is always some good argument why we should not tax corporation, why we should not tax the utility, why we should not tax the consumer, why we should not tax the trucks and the gasoline and everything else.

I would like to know whether we are to sit by here and because of all this opposition, because of all these protests we should sit idly by and let the people of Pennsylvania starve? I think it is time to take notice of the fact that we must have money, that we must tax something, that we must tax somebody in order to raise this money and someone is going to be hurt. No tax is going to be consumed by someone without hurting that someone. We must tax someone and it is time to take notice of that fact, ladies and gentlemen of the house, and quit quibbling about the Sunday schools and the movies and the children and the schools.

If we go to an amusement place and we are willing to pay fifty cents admission we should be willing to pay fifty-five cents so that five cents of that fifty-five can go to the Commonwealth of Pennsylvania to feed the hungry. If we buy ten gallons of gas then we should be willing to pay two cents a gallon so that people should not starve and so on down along the line. I ask the members of the House to vote for these tax measures, all the tax measures because they are necessary; because we can not get away from taxation, because we must feed the people of Pennsylvania.

Mr. REYNOLDS. Mr. Speaker, and ladies and gentlemen of the House, the previous speaker said if we do not tax somebody people are going to starve. I say let us not tax the starving people. Let us change that. Let us tax the people that are best able to carry it. The promoter of this bill said that he had not had any protests against this bill. I would like him to refer to one of the leading Democratic papers of the state of Pennsylvania, read the editorial of last Sunday morning dated Sunday March seventeenth nineteen thirty-five. I would like to quote from this leading Democratic newspaper of the state, the paper that was responsible for a lot of the Democratic sentiment that was promogulated in the last Democratic campaign, and is, I take it, the spokesman for the Democratic party.

"Although we're in agreement with the Governor on his general tax program of taxing in accordance with ability to pay, we feel that he departed from this principle in the theatre tax. The bill before the Legislature embodying this tax provides that a ten per cent tax be imposed on all theater admissions; that is to say, that the small neighborhood moving picture houses that furnish amusement, and many times the only amusement, for the extremely poor, will bear the same expense of the tax burden as the large chain theaters that are frequentd by those better able to pay.

"This tax would impose on all alike on the assumption that all sorts of theatrical or moving-picture entertainment is a luxury and that all that frequent these places of amusement are amply able to pay this increase.

"This we deny. We do not believe that a small neighborhood theater, with admission prices of 25 cents and less, that caters to the poor of the community, can in any sense be termed a 'luxury.' It is just as necessary for these poor people to have some inexpensive form of entertainment as it is to have playgrounds and other recreational outlets provided by the city. Certainly none in

these times can take the position that the poor should only eat and sleep, and that anything beyond these limitations are luxuries. Unless this narrow view is taken, the cheap form of amusement that is provided by low-price moving picture houses must be considered in the same category as those necessities that are exempted under the tax plan because it would inflict an intolerable burden on the poor.

"It is important to note that most of the chain theaters are foreign corporations whose capital comes from other States and whose profit will go there. This is true of the Warner Company, a New York corporation, that operates hundreds of theaters in Pennsylvania.

"While the small neighborhood theater is always a local product whose profits and losses fall upon the community that it seeks to benefit.

"We admit that our intense interest in this question is due to the fact that we represent the poor of this State who attend motion pictures—the neighborhood theater where the admission charge is 25 cents and less.

"We know that a large number of these people cannot stand an increase of 3 cents added to the admission price. We know that amusement is as necessary to our pleasure-loving people as eating and sleeping, if their souls are not to be soured by the taunts and rebuffs that are their daily lot."

Mr. Speaker, I submit that if this outstanding paper, which championed the cause of the people, if we are willing to take it as a criterion, if they have any knowledge of taxation, we ought to take them literally in everything that they say, and they tell us now that this is taxing the people that are farthest down hill. We remember on the day of inauguration that the President vouchsafed to us that he was not going to permit the people who earned small incomes to carry this tax burden, that he was going to put it on those who were able to carry it, and yet everything that has come before us so far continues until it gets to the consumer and he will be the one that will have to pay.

And then the sponsor of this bill said further that he did not have protests from his district. I have here a letter from Altoona, Pennsylvania, from the superintendent of schools, School Department, which says, "House Bill No. 936 to be known as Amusement Tax Act should be modified so as not to include entertainments or athletic affairs connected with secondary or elementary schools.

The money raised in such entertainments is always used for welfare projects connected with the schools and it is nonsensical for the state at one moment to make appropriation to the schools and at the other to be taking something from them."

We also have that type of protest from the University of Pennsylvania and from all these schools in outlying districts.

We should take into consideration that amusement is a part of the human economic life today and we ought to consider that long before we put this tax on. The people who are out of employment, the poor people must have somewhere to spend their idle hours and if we are going to tax these small community movie houses out of existence, where in the name of God are they going to spend their time. The police department will be busy running them off the street corners. Communism will spread havoc all over the state of Pennsylvania. I say to you people, I say to the Democrats and the Republican alike we should study these things long, we should look into them and amend them where the people have given us good reasons to amend them. A tax program should be to constructive and not a destructive program.

I ask you to vote no on this bill.

Mr. EBERHARTER. Mr. Speaker, I just want to correct what I think would be a wrong impression given to the members of this House by the gentleman from Dauphin, Mr. Woodside. I believe he is in error in his statements in so far as two provisions of the bill are concerned. I think he made an honest error, however. I think he stated that the Sunday school people, if they made a donation in a Sunday school class would be taxed. That is not so. If that is the impression that Mr. Woodside intended to give I just want to state that on page seven of this bill under paragraph (b) it states that only in those places where an admission price is charged is this tax imposed, so that donations and voluntary contributions are not taxed unless they can be classed under the head of an established admission price.

There is one other thing,—I may be wrong in hearing Mr. Woodside,—but I think he stated that if you bought a sandwich that you would have to pay twenty cents tax on that sandwich. I do not believe that statement is correct. On page three of the bill, it refers to that provision. The tax is only proposed on that part of the price of merchandise which is added on because of the amusements or because of the music or the entertainment that is given.

Mr. SOWERS. Mr. Speaker and members of the House, I won't detain you long. We apparently are succeeding in taxing the poor man's gas and his electric and water rents and so on, and now we have reached the point where we are going to tax his laugh. Mr. Speaker and members of the House, this is no laughing bill, this is a taxing bill, and the principle involved in this bill is not in harmony with the principle as announced by His Excellency, the Governor of this Commonwealth. I am surprised that my Democratic friends do not sincerely follow him. This is a tax on the man that can least afford it, and a tax exempting he man that can best pay it. You are taxing the man that goes to the movies and you are failing to tax the producer of the movie film. You are still permitting Hollywood to have its thousands and thousands of dollars a year in salaries, and not trying to reach them, and yet you seem willing to exempt Hollywood and tax the little voter at home.

Don't think this idea is novel because many men in your own midst have brought forth the idea of taxing Hollywood and raising money for our Commonwealth, and I do not understand why the Democratic Ways and Means Committee has not recommended to this House the passage of Mr. Cohen's bill, Bill No. 825, which raises money by putting the tax on the film made in Hollywood and does not raise the money by putting the tax on the little school child that goes to the movies and parts with fifteen cents. I suggest to you that when you go into your caucus again you listen to Mr. Cohen of York. He is on the right track. I ask you to vote no on this bill.

Mr. WESTRICK. Mr. Speaker and members of the House, for a couple of minutes I would like to bring just one point before this membership that has not yet been brought out. For years none of us remember back far enough that you may recall the property owners of the State of Pennsylvania have been paying taxes to maintain our schools, and repeatedly they have pleaded for a reduction in taxation on real estate and on property. Show me where that has any relationship to our schools in Pennsylvania. Why should that property carry all that burden. Now, when we come to assess a tax upon those people who can afford to go to the movies and ask them to bear a part of the burden of this state, they are up in arms. they are objecting. and they are claiming that it is

not right. Our schools have the least right of all to object to those taxes. If the money that the great Commonwealth of Pennsylvania has put into the schools and colleges of this Commonwealth were now available, we would not have need for these additional taxes. Yet, these very people we have been helping to continue and to carry on and to build for future Americans are now objecting to this little bit of a tax on these amusements. We of the richer class, and I do not include myself in that class,—you, I will say, when you wish to go to the higher priced amusements, you have a right to pay that burden of the ten per cent tax. Let us be reasonable in this matter. If we cannot afford to go to the movies, we will stay home and avoid paying this tax, and we will thus put the tax upon those who can best afford to pay it. Let us have a vote of "aye" on this measure. Let us put it through.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—117

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | LaRue, | Robinson, |
| Alexander, | Downey, G. E., | Long, | Ruffennach, |
| Allen, | Downey, J. J., | Lovett, | Sarraf, |
| Altenburg, | Eberharter, | Lynch, | Scanlon, |
| Arnold, | Eroe, | Male, | Schrope, |
| Aukerman, | Falkenstein, | McCreary, | Schwab, |
| Baine, | Finnerty, | McDermott, | Shaw, |
| Baker, J J., | Fitch, | McElroy, | Shepard, |
| Barber, | Flanagan, | McHenry, | Shugarts, |
| Bradley, | Flinchbaugh, | Melchiorre, | Siegel, |
| Brancato, | Furman, | Mentzer, | Simon, |
| Brown, H. S., | Gerard, | Moomaw, | Smith, J. A., |
| Brown, J. E., | Haberlen, | Mooney, | Smith, W. G., |
| Brownfield, | Hagerty, | Moran, | Stank, |
| Brumbaugh, | Haluska, | Moul, | Stevens, |
| Burke, | Hamilton, F. P., | Munley, | Stone, |
| Cannon, | Harkins, | Murrin, | Sumney, |
| Caputo, | Harmuth, | Nagel, | Tahl, |
| Carson, | Hartman, | O'Keefe, | Tronzo, |
| Chervenak, | Hetrick, | Ominsky, | Tumelty, |
| Coakley, | Hindman, | O'Neill, | Van Allsburg, |
| Cochran, | Hirsch, | Panton, | Van Sickle, |
| Cohen, | Holland, | Patterson, J. W., | Walker, |
| Coleman, | Holstrom, | Pearson, | Weiss, |
| Condon, | Kelso, | Pfaff, | Welliver, |
| Coolahan, | Kilroy, | Piole, | Welsh, |
| Decker, | Kinney, | Powers, | Westrick, |
| Dent, | Klingler, | Reising, | Yourishin, |
| Diehl, | Kobelak, | Rinn, | Zappala, |
| | | | Sarig, |

NAYS—82

| | | | |
|---|---|---|---|
| Atkins, | Gates, | Merrell, | Sowers, |
| Baker, F. T., | Gillette, | Moore, | Sproul, |
| Baldi, | Green, | Muir, | Stewart, |
| Barnhardt, | Greenstein, | Nothnagle, | Stockham, |
| Bernhard, | Habbyshaw, | Parks, | Stott, |
| Blumberg, | Hamilton, R. S., | Perry, | Surface, |
| Boose, | Hart, | Peters, | Terry, |
| Boyd, R., | Hefferon, | Phillips, | Trout, |
| Boyer, | Hermansen, | Reynolds, | Turner, |
| Brennan, | Hoffner, | Rhys, | Wall, |
| Carr, | Hoopes, | Roan, | Wasserman, |
| Castor, | Horst, | Root, | Weidemann, |
| Conner, | Jackson, | Schrock, | White, |
| Cordier, | Jones, | Schwartz, | Wickersham, |
| Davies, | Kane, | Shortz, | Wilson, |
| Denning, | Linderman, | Shreiner, | Witkin, |
| Duffort, | Longaker, | Simpson, | Wood, |
| Ederer, | Mallen, | Sloan, | Woodside, |
| Ferko, | Mason, | Snyder, F. E., | Yeakel, |
| Flynn, | McDevitt, | Snyder, J. L., | Zimmerman, |
| Forrest, | McKinney, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. BERNHARD. Mr. Speaker, I have filed a letter with the Clerk and ask that it be made a part of these proceedings, as part of my reasons for voting against this measure.

SCHOOL DISTRICT OF SUMMIT HILL
Carbon County, Pennsylvania

Summit Hill, Pa., March 14, 1935.

Honorable Thomas Kennedy
Honorable Charles Staudemeier
Honorable Harvey Hoffman
Honorable Frank Bernhardt
Mr. Jack Breslin

Gentlemen:

House Bill Number 936 proposes a ten per cent tax on athletic contests throughout the State of Pennsylvania. Would it be possible to amend this bill to exclude educational institutions for the following reasons:

1. High School athletics in 90% of the High Schools are run at a deficit. A further tax will add to the smaller High Schools' burden.

2. High Schools that profit by athletics use such profits for purchase of needed material and for sponsoring athletic programs where no admission is charged.

3. A curtailing of the athletic program will hamper physical education programs and hence impair health work.

4. Collecting tax on school activities will mean additional revenues from overworked school tax budgets. This means larger allocation of state funds to school districts, greater state taxes, and so on in an endless cycle.

The school men of your State and particularly your District are anxious that you use your weighty influence to have educational institutions running athletics on a non-profit basis exempt from this tax. The National Government exempts the school, why not the State.

With kindest personal regards and deepest sympathy for you in your many intricate tax problems, I beg to remain,

Very respectfully yours,
E. V. McCullian, Vice Pres.
State Athletic Association

Mr. LONGAKER. Mr. Speaker, I desire to be recorded as voting "no" and ask permission to file the following reason:

I desire to be recorded as voting "no" on House Bill No. 936 for the following reasons:

This Bill providing for a ten per cent tax on admissions to exhibitions of entertainment, diversion, sport, recreation and pastime makes no provision for an exemption for athletic contests and extra-curriculum activties held under the auspices of our educational institutions. As a former member of college athletic teams I feel that this tax places an unfair burden on the ability of these educational institutions to provide a proper program of physical recreation and education for the students attending those institutions.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 862, entitled:

An Act to provide revenue by imposing a State tax upon sales of tobacco by dealers, as herein defined; requiring persons engaged in the sale of tobacco at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons, as herein defined, engaged in the sale of tobacco at retail, or wholesale; and providing penalties.

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. HERMANSEN. Mr. Speaker and members of the House I am going to ask your indulgence while I try to present some constructive criticism on this measure that is now before you.

I am opposed to the levying of this tax, first, because it has proven a failure in other states where it has been tried. While this has been a very fertile field for federal taxes, it is quite a different question as to a state tax. The reason for the federal government having been so successful is that they can levy the tax at the factory with mechanical devises and machinery that works very rapidly, thereby they collect one hundred per cent of the taxes with very little expense to the government; whereas in the state this tax must be levied upon 77,000 different outlets, and it becomes a very expensive procedure. Further in the state, interstate commerce does not permit that the article shall be tax until it rests wihin the borders of the state. Pennsylvania is surrounded by states that don't have a cigar tax, and cigars will pay eighty-six per cent of the tax if this tax goes into effect. Without a question of doubt five cent cigars will be smuggled and bootlegged into our state, and can be at a ten per cent profit. Mail orders can be resorted to.

My friends I want to call your attention to the success of this tax in states where it has been tried. There are thirteen states in number, namely, Iowa, Kansas, Ohio, South Dakota, Texas, Utah, Alabama, Arkansas, Georgia, Mississippi, North Dakota, Tennessee and Louisana. The total estimate in these thirteen states was $33,454,000. The total amount of revenue actually collected was $18,425,278, a difference of $15,028,722—just a little bit better than one-third.

If we can rely upon the law of averages, that means that our eleven million dollar estimate will dwindle to something like four million dollars. Consider the contribution that is added to the state by these 77,000 merchants and sellers of tobacco, and the employment they give; consider the fact that there are 6,000 farms in Pennsylvania, who raise tobacco and who give employment to 12,000 people, including themselves. Give consideration to all the employment that is given by factories and mills throughout the state. I wonder if it is a wise thing to levy a tax that will jeopardize all this benefit that is being derived by the state?

I feel that it is unjust for another reason and that is because tobacco carries its share of taxes. For every pound of tobacco used in the making of cigarettes, for which the farmer receives from twenty-five to thirty-five cents a pound there is now one dollar collected in taxes. For smoking and chewing tobacco for which the farmer receives from eighteen to twenty eight cents a pound the government collects eighteen cents in taxes. A cigarette smoker who smokes one pack of cigarettes a day pays to the government $21.90 a year.

That this is a very unpopular tax is further testified to by the states wherein referendums have been taken. In Michigan a referendum was taken on the tobacco tax. There were 452,375 who voted against the tax, as compared with 198,515 who voted for it—a ratio of two to one against it. In Oregon 123,208 voted against the tax and 62,254 voted for it—a ratio of two to one against it. In Oklahoma 120,863 voted against the tax while 81,981 voted for it—a ratio of one and a half to one against the tax. In New Mexico 53,668 voted against the tax, while only 9,655 voted for it—a ratio of six to one. I say that I feel that tobacco has paid its fair proportion of the tax when in the last fiscal year it has amounted to four hundred and twenty-five million dollars.

What shall we say about the dealers and the farmers? Our dealers will be put on a competitive basis with bootleggers and the mail order business, which is tax free. The proposed tax will bring five cent cigars to six cents, in reality a twenty per cent tax. Figures prove that eighty-five per cent of the smokers will not pay more than five cents for a cigar. Today Manila cigars are being sold in Pennsylvania at from three to four dollars per thousand cheaper than cigars can be sold by Pennsylvania manufacturers. If this tax goes into effect it means another advantage will be given to this foreign business that pays no tax in Pennsylvania. Is it fair for Pennsylvania to tax one of its leading industries, thereby inviting other states to tax as well the Pennsylvania cigars in their states? Pennsylvania being one of America's largest cigar producers would feel the effect of a cigar tax in any state.

Then we come to the users of tobacco. What shall we do about them? Is it fair to them if a sales tax was allowed? It would not be fair to the person of small means. Who are the tobacco users? The majority, I dare say, are not rich. We can not say that tobacco is a luxury after it has once developed into a habit. It is many a poor man's solace in times when the troubles of life bear heavily upon him. The worried business man often quiets his shattered nerves by resorting to a smoke. Thirty five million out of eighty million in the United States over the age of eighteen years use tobacco and ninety per cent of the users have incomes below the minimum for which the Federal government levies an income tax.

Every member before voting on this measure should ask himself three important questions. First, will this tax sock the poor? Second, will it be evaded? Third, will this tax injure the business of the State to the extent that it will offset the benefits to the States from the expected additions to revenues?

My friends, I am willing to concede that Pennsylvania like all other states is passing through a serious crisis today and that her recovery will depend to a large extent upon the foresight, the wisdom and the good judgment of those who are responsible for administering to her needs. I have often heard the Ship of State referred to by men as floundering in troubled waters. I do not want to say this with the sense of becoming eloquent, but I want to sincerely say that I believe that that is the situation today, and I want to say that those responsible for directing her course will also be responsible for bringing her into safe dockage.

As an American born in Pennsylvania and proud of the fact, I admire the Democrats and the leaders of the party for the great courage and the great enthusiasm with which they accepted this great responsibility. I feel that it devolves upon me as a citizen of Pennsylvania to assist them when opportunity presents itself, but by the same token, my friends, I feel that it becomes my duty to raise my voice in protest when I see clearly that they are following the wrong course.

My reason for protest is that tobacco has always been a faithful and a constructive taxpayer in the Federal government. There is such a thing as justice in taxation, but if it means anything, my friends, it means that the tax shall be a levy put on by the State for service that it has rendered, and when it exceeds that amount I think it becomes an excessive tax.

With this thought in mind shall we say that there is wisdom in jeopardizing the contribution that is made by tobacco to this government and the Federal government of the United States? Shall we say that it is wisdom in jeopardizing the benefits that are derived in the State by those who work for it and who raise it? Six thousand farmers are able through the raising of tobacco to pay real estate taxes. Seventy seven thousand merchants who deal in it pay mercantile taxes, and thousands of others who work in the industry support themselves, keep themselves out of the unemployment list, and thereby save the state what might be necessary to give them relief.

I feel that in order to get the proper slant on this thing it is necessary that we draw a mental picture of just what has happened during the last twenty-five years. If you will go back with me that far you will recall that politicians and statesmen permitted men to grow wealthy by promoting war and destruction. That continued until there was a world conflagration, and due to that world conflagration a false prosperity was introduced into this country. Wages were inflated, profits were abnormal and men were tempted to gamble, and when in 1929 it had reached its peak this money that had been gambled had been diverted from its natural course and had disturbed our financial conditions to such an extent by going out of circulation that we were blessed with the depression that we are now struggling to get ourselves out of.

I remember reading one time a little bit of the philosophy of Ralph Waldo Emerson. He was one who believed that everything balanced in time. He felt that every night had its day; and every sweet had its bitter, and every error had its retribution, and that is so in this case, and for that reason I think that we should look to other places to pay this tax.

One of the greatest teachers in civilization has said "Give to Caesar that which is Caesar's" and that is exactly the position that I take with reference to the existence of the depression. Let those pay for it that are most responsible for it. Some of the people seem to have the impression that legislators' only work is to come down here and find new articles to tax. I believe it is our work to keep the tax at a minimum, and in reference to this particular tax I want to quote the statement of one of America's leading Democrats on the tobacco tax, Governor Ritchie of Maryland. He said, "The more I studied this form of taxation the more convinced I became that it is unfair and discriminatory, and the more unwilling I became to favor taxes which I felt would be injurious to the tobacco industry of Southern Maryland and to those engaged in selling tobacco products, as well as to the soft drink industry, which is the livelihood of many of our people."

In conclusion then, my friends, I want to ask that on the strength of this argument you will vote against the tobacco tax because it is not constructive; it is discriminatory, and it is not an equal tax, but it does sock the poor.

Mr. WITKIN. Mr. Speaker and members of the House. it is not very often that I ask your indulgence, but I do tonight; I do not want your sympathy, but I do have a bad throat and have been advised not to talk, but to your discomfort I am going so to do.

I am going to preface my statements to you by quoting, and I want you if you will to listen carefully to the quotations: "I have discarded suggestions for these taxes. I believe they are poorly adapted to State use, that the costs of collection would be disproportionate to the revenue received, that we would have to levy a multitude of such taxes, each one small in its total in order to make up the deficit. In the last analysis these so called luxury taxes are taxes on the average individual, bearing nearly equally in actual cost on the individual members of our population. They are not based on ability to pay, and therefor bear relatively far more heavily upon the poor than upon the rich."

Whom have I quoted? Have I quoted a great Republican? Have I quoted an ordinary citizen? No, I quoted the premier of all Democrats of all times. I quoted the President of the United States, Franklin Delano Roosevelt in a statement made before the Legislature of 1932 in the state of New York when he was discussing the cigarette and the other multifarious taxes that you Democrats are endeavoring to foist upon the people of Pennsylvania.

Listen not to the Republicans of this House when they say this is a tax upon the poor and not upon the rich. Your President said so, and he is so recorded. He said it is his opposition to the sock the poor tax. How in the name of wisdom, how when elected upon the platform of "follow the President of the United States" can they put before this House a set of bills that are diametrically opposed to what he said as right is from wrong, I do not know, and the worst of it is that you do not know. You were handed an administration program. I defy a single Democrat in this whole House to rise on his feet and say, "I was consulted; I have something to do with these bills."

The Brain Trust of the Administration gave you those bills and you are being asked like little sheep to follow in their footsteps and enact them into law. I say to you men that this is a discriminatory sales tax; it is a discriminatory sales tax that taxes an article already over taxed, and it does not hit the rich, it does not carry out what his Excellency says in his inaugural address; it does not tax those best able to pay, but it taxes the poor man upon not a luxury, but a necessity, because smoking by a number of people is a necessity and not a luxury.

There is not a state in the whole Union except Pennsylvania that is going to tax a five cent cigar. Are we more brilliant, are we smarter, do we set ourselves up as the great Almighty in the question of taxation, that we are going to be the pioneers in taxing a five cent or less than five cent cigar? You are taxing the man who is smoking stogies, two for a nickel. No, you are not taxing the poor man; you are socking him and rocking him and bleeding him to death in this bill, and you know it.

I am only going to refer briefly to the fact that the passage of this tax will reduce the revenue to this Commonwealth. You are going to drive out the tobacco industry from the state of Pennsylvania. You are going to enable people to ship into the state by the thousands, cartons of cigarettes and you are going to hurt the industry of Pennsylvania.

It has been well known that the estimated revenue of eleven million dollars that was predicted for the state of Ohio for the year nineteen thirty-three only brought in four million one hundred ninety-four thousand dollars.

Members of the House, I am going to close because I cannot talk any further, but I am going to say to you Democrats that you are violating the trust that has been imposed upon you,—there is not a man amongst you that was not elected because of the popularity of your President; there is not a man amongst you that can deny that you are diametrically opposed to your President.

I want to say to the Republicans on this side of the House that when you vote for this tax you are violating your campaign pledges to your people and you are betraying the trust that they have imposed in you.

Mr. TROUT. Mr. Speaker and members of the House, I won't take but a minute of you time. It has been said that the tobacco growers of Lancaster and other counties are not opposed to this tax. I want to read a telegram which I received today: "At a meeting of approximately one thousand Lancaster tobacco growers resolution passed against proposed 10% tax on sale of tobacco products, petition your vote and influence against bill taxing local product only one dissenting vote."

I simply want to correct that impression in case it existed among some of the members.

Mr. SHORTZ. Mr. Speaker and members of the House, I do not intend to take up any of your time particularly, but I wish to call your attention to the fact that I have on my desk twelve hundred communications received from employes of tobacco concerns, most of whom are in my legislative district. These writers express the opinion that the proposed sales tax on tobacco will greatly diminish the sale of cigars made by Pennsylvania manufacturers and will greatly decrease employment with a natural increase in unemployment, and they close by saying, "therefore, we earnestly urge you to vote against any sales tax on cigars."

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

Mr. WITKIN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—116

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Long, | Ruffennach, |
| Alexander, | Downey, J. J., | Lovett, | Sarraf, |
| Allen, | Eberharter, | Lynch, | Scanlon, |
| Altenburg, | Eroe, | Male, | Schrope, |
| Arnold, | Falkenstein, | McCreary, | Schwab, |
| Aukerman, | Finnerty, | McDermott, | Shaw, |
| Baine, | Fitch, | McElroy, | Shepard, |
| Baker, J. J., | Flanagan, | McHenry, | Shugarts, |
| Barber, | Flinchbaugh, | Melchiorre, | Siegel, |
| Bradley, | Furman, | Mentzer, | Simon, |
| Brancato, | Gerard, | Moomaw, | Smith, J. A., |
| Brown, H. S., | Haberlen, | Mooney, | Smith, W. G., |
| Brown, J. E., | Hagerty, | Moran, | Stank, |
| Brownfield, | Haluska, | Moul, | Stevens, |
| Brumbaugh, | Hamilton, F. P., | Munley, | Stone, |
| Burke, | Harkins, | Murrin, | Sumney, |
| Cannon, | Harmuth, | Nagel, | Surface, |
| Caputo, | Hartman, | O'Keefe, | Tronzo, |
| Carson, | Hetrick, | Ominsky, | Tumelty, |
| Chervenak, | Hindman, | O'Neill, | Van Allsburg, |
| Coakley, | Hirsch, | Panton, | Van Sickle, |
| Cochran, | Holland, | Patterson, J. W., | Walker, |
| Cohen, | Holstrom, | Pearson, | Weiss, |
| Coleman, | Kelso, | Pfaff, | Wellivet, |
| Condon, | Kilroy, | Piole, | Welsh, |
| Coolahan, | Kinney, | Powers, | Westrick, |
| Decker, | Klingler, | Reising, | Yourishin, |
| Dent, | Kobelak, | Rinn, | Zappala, |
| Diehl, | LaRue, | Robinson, | Sarig, |

NAYS—83

| | | | |
|---|---|---|---|
| Atkins, | Forrest, | McKinney, | Sowers, |
| Baker, F. T., | Gates, | Merrell, | Sproul, |
| Baldi, | Gillette, | Moore, | Stewart, |
| Barnhardt, | Green, | Muir, | Stockham, |
| Bernhard, | Greenstein, | Nothnagle, | Stott, |
| Blumberg, | Habbyshaw, | Parks, | Tahl, |
| Boose, | Hamilton, R. S., | Perry, | Terry, |
| Boyd, R., | Hart, | Peters, | Trout, |
| Boyer, | Hefferon, | Phillips, | Turner, |
| Brennan, | Hermansen, | Reynolds, | Wall, |
| Carr, | Hoffner, | Rhys, | Wasserman, |
| Castor, | Hoopes, | Roan, | Weidemann, |
| Conner, | Horst, | Root, | White, |
| Cordier, | Jackson, | Schrock, | Wickersham, |
| Davies, | Jones, | Schwartz, | Wilson, |
| Denning, | Kane, | Shortz, | Witkin, |
| Downey, G. E., | Linderman, | Shreiner, | Wood, |
| Duffort, | Longaker, | Simpson, | Woodside, |
| Ederer, | Mallen, | Sloan, | Yeakel, |
| Ferko, | Mason, | Snyder, F. E., | Zimmerman, |
| Flynn, | McDevitt, | Snyder, J. L., | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 839, as follows:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by increasing said tax for a limited period of time and providing for the distribution thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent tax of three cents a gallon or fractional part

thereof is hereby imposed and assessed upon all liquid fuels or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Providing That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax an additional emergency State tax of two cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth as aforesaid for the period commencing on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred thirty-seven

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest on bonds issued for highways and bridge purposes The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withhold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the tax collected under the provisions of this act all penalties and interest and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law

(c) The entire amount of the additional emergency tax of two cents per gallon or fractional part thereof collected under the provisions of this act shall be paid into the General Fund

Section 2 This act shall become effective the first day of the month succeeding its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ZIMMERMAN. Mr. Speaker and members of the House, you will perhaps realize that this is the first time in this session that it has been my privilege to raise my voice. The reason for breaking my silence is entirely due to the fact that I am profoundly impressed with the fact that last November during the terriffic political battle that was waged over this Commonwealth we heard from every corner of the State the words, "Tax the rich." By some peculiar quirk of coincidence and perhaps the irony of fate those words have now been changed and instead there now seems to be the spirit to tax those who are least able to bear the burden of taxation.

Just a few weeks ago you saw two things in the hall of this House. First, you saw the House crowded to its physical capacity, and, second, on that table you saw a high stack, a pile of petitions, petitions bearing the signatures of hundreds of thousands of the citizens of this Commonwealth, piled high thereon; petitions that represented the voice of this Commonwealth. Someone has said that the voice of the people is the voice of the deity. Most certainly, if that be true, the deity spoke at the time when you saw the physical efforts of that tremendous address piled high before you. But why did the people speak? Because of the fact that they realized that if this gas tax is enacted into law Pennsylvania will be the most expensive motoring state east of the Mississippi River. It will have a higher motoring expense than any of our bordering states, and that means a lot particularly since the state of New Jersey is watching Pennsylvania tonight as it perhaps has never watched Pennsylvania before, because New Jersey needs money and the New Jersey Tax Commission realizes that should this bill pass in this session of the legislature, it will mean hundreds of thousands of dollars to the gas and the oil dealers in their state. Therefore, ladies and gentlemen of this House, they watch this action and they watch it closely.

Should this bill pass it will increase the most of motoring in Pennsylvania. Let me call your attention to the fact that the motor licensure rates in Pennsylvania are higher, much higher than the entire average of the motoring licensure rates throughout the country, because throughout the country the average price is $12.66, but in Pennsylvania it is $16.85, therefore it is about four or five dollars higher—yes, higher than the average throughout the United States, and yet to that excessive price we intend to again impose a further burden upon the motor driving public of Pennsylvania by putting on another tax.

Let us not forget that transportation must bear all the cost of this additional tax, but that additional tax does not stop with transportation, it goes back to the consumer. Let us also bear in mind the fact that ninety per cent of our food stuffs are brought in by motor transportation. Again back goes the cost to the consumer and up goes the cost of living.

There is another reason why in my humble opinion this measure should not be passed, and that is because it will open another door for bootlegging in Pennsylvania, a con-

dition that in the last ten or fifteen years has become a cancerous distemper that is gnawing at the very vitals of the government. If this measure passes bootlegging will increase, and that is one of the two reasons: First, the cost of the evil of bootlegging itself, and, second, because it breaks down the national and the state and the civil morale of every citizen that buys from a bootlegger. We learned that lesson to our bitter sorrow during prohibition. Members of the House, are we going to do it again?

The additional tax also means an added cost for the motorists of Pennsylvania. When that happens motor registration goes down, and in that connection I would like to quote the following figures, and these figures are not involved and they are not difficult to remember, and here they are: In the state of Alabama a tax raise from four to six cents caused a decrease of sixty-three thousand cars in motor registration. In Arkansas from five to six and a half cents of twenty-six thousand. Colorado from three to four of eighteen thousand. Illinois from two to three of three thousand. Kansas from two to three of sixteen thousand. In Huey Long's state of Louisiana from two to five cents thirty-two thousand cars went off the list. In North Carolina from four to six cents and eighty-two thousand cars went out of the registration department, went out of the Department of Highways. North Dakota from two to three cents and twenty thousand cars went off the list. Tennessee from three to seven cents and the jump here is correspondingly high in the number of cars that went off the registration list, to the extent of thirty-two thousand cars. In Vermont from three to four cents and here we have thirteen thousand cars.

Upon that same ratio and basis it is estimated that if this bill is enacted into law in Pennsylvania it will mean that one hundred thousand automobiles that now pay a license tax in the Commonwealth of Pennsylvania will be a minus quantity. I ask you, therefore, whether we can afford to do it; whether we can afford to take that loss in our Highway department, since money going into that department means work for the unemployed and means road improvement.

Let us consider only for a moment the effect that this would have upon the farming population of this state. Let us bear in mind that twenty per cent of the motor vehicles in this state are used by farmers. Increase the cost of driving their automobiles and the food which comes into the food markets of this state and into the food supply houses will go up in price and the poor unfortunates will continue to pay the bill.

In conclusion I want to point out to you the fact and I do it not in an effort not to give you a sob-sister story —it is not my intention to do that, but please bear in mind the fact that there are many people in this state hard hit by the throes of depression and the only thing that they have left to enjoy today is their automobile, the only thing they have to bring to them some degree of pleasure, some degree of appreciation of the Commonwealth in which they live is that little automobile in which they ride. Therefore, I think it is unfair to further penalize them by placing upon their shoulders an additional cost when riding over the roads and the highways of Pennsylvania. Oh, but you will say that the rich man who owns a car and who drives a car can afford to pay this gas tax. I ask you what is the percentage who can afford to pay this tax and to whom this tax means nothing, what percentage of the population of this state do they represent? Look at your highways and see the small cars. They represent the largest proportion of the population of this state, and if you don't believe me look at the car I am driving at the present time. That is the population that will have to suffer under this tax, that is the population that has always suffered.

Therefore, in conclusion, members of the House, I believe that it is unfair and unjust to choose them as the taxpaying group to stand this burden, a group of that part of our population in this state that can so ill afford to pay it.

Mr. WEISS. Mr. Speaker, I would like to interrogate the gentleman from Montgomery, Mr. Zimmerman.

The SPEAKER. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. ZIMMERMAN. Mr. Speaker, I will.

Mr. WEISS. Mr. Speaker, did the gentleman from Montgomery state that the imposition of this tax would make Pennsylvania the third largest state in the proportionate amount in the tax on gasoline?

Mr. ZIMMERMAN. I did not make that statement, Mr. Speaker.

Mr. WEISS. Mr. Speaker, did the gentleman know that there are seventeen states that have a tax of five cents or more on gasoline?

Mr. ZIMMERMAN. I did not know that to be a fact, Mr. Speaker, but if you say so I will believe you.

Mr. WEISS. Mr. Speaker, I might state that I have statistics here from the United States government.

Mr. ZIMMERMAN. I won't question that, Mr. Speaker.

Mr. WEISS. Mr. Speaker, did the gentleman know further that in these petitions filed before our Ways and Means Committee that they were always prepared upon the same backlog and by the same persons.

Mr. ZIMMERMAN. Perhaps that is so, Mr. Speaker, I will take the gentleman's word for it.

Mr. WEISS. Mr. Speaker, did the gentleman know further that an investigation of a number of these petitions by a group of three we found therein the names of two hundred and seventy-three persons who did not own automobiles.

Mr. ZIMMERMAN. Mr. Speaker, I didn't know that to be a fact, but I will say to the gentleman that I believe in the hundreds of thousands of names on petitions that were presented to the Ways and Means Committee, you would certainly expect to find some errors. That is to be expected and is perhaps the general rule.

Mr. WEISS. Mr. Speaker, does the gentleman know what it would cost, what the gas tax per car would be with the imposition of this additional gasoline tax?

Mr. ZIMMERMAN. I do not quite understand the question, Mr. Speaker.

Mr. WEISS. Mr. Speaker, can the gentleman state to this House how much the cost will be on each car by imposing this additional gasoline tax?

Mr. ZIMMERMAN. Mr. Speaker, I don't know that, but it makes in my opinion, very little difference. The fact still remains that we are placing a tax upon the motor driving population of this state and as I previously said, regardless of what that proportion may be, the great proportion of the population upon whom that tax will fall cannot afford to pay it, that will perhaps also mean that their cars will go into storage and they will be denied the last medium of pleasure that is left to them.

Mr. WEISS. Mr. Speaker, will the gentleman agree that the increased cost of this tax would be only four cents a day per car in the state of Pennsylvania?

Mr. ZIMMERMAN. Mr. Speaker, I won't believe that until I have had an oportunity to make my own research.

Mr. WEISS. Mr. Speaker, I can furnish the gentleman with some data.

Mr. ZIMMERMAN. Mr. Speaker, I would like to say further that in my opinion the average means absolutely nothing at all. It is the cost, it is additional cost, the cost of the whole burden which makes a great deal of difference to the little man who can not afford to pay it. We have found in the last few years a large portion of the population that couldn't even afford to take out registration plates, mounting and mounting year in and year out, and that is just an indication and further evidence of the fact of the cost upon the motor driving public is not looked upon in dollars but in coppers.

Mr. WEISS. Mr. Speaker, then do I understand that the gentleman disagrees with the fact that there were one billion one hundred and thirty-six million three hundred and forty-seven thousand one hundred and ninety-three gallons sold in the state of Pennsylvania in nineteen thirty-four?

Mr. ZIMMERMAN. Mr. Speaker, I can not agree with that statement because I have no way of knowing whether it is authentic. But I would be glad to see the gentleman's statistics.

Mr. WEISS. Then, Mr. Speaker, the gentleman objects to the imposition of the four cents additional tax?

Mr. ZIMMERMAN. Mr. Speaker, positively, any increase—I don't care what it is.

Mr. EDERER. Mr. Speaker and members of the House, in opposing this measure I may repeat a number of facts which have been brought out by my colleague from Montgomery, Mr. Zimmerman, and I do so merely to emphasize those remarks.

This measure, as well as most of those comprising the Administration tax program, is nothing more or less than a specialized sales tax, the burden of which falls on that class of our people who are least able to pay.

Actual statistics demonstrate that there are more people owning cars in that class who earn less than $1400 per year than there are in the higher income bracket.

Furthermore, this is an intolerable assessment against the truck owners, 80% of whom are in the one truck class, and they will no doubt be forced out of business, which will materially increase the relief burdens.

Such a tax is unheard of, being a 50% tax on a commodity. This in itself is sufficient reason to justify public condemnation. The automobile today is no longer a luxury, it is a very necessary adjunct in our everyday life and economic set-up.

Experience has shown that the law of diminishing returns becomes operative when a gas tax exceeds 3½ cents per gallon, which is caused by the fact that it makes possible and encourages, bootlegging. 65% of the population of this Commonwealth reside on or near its borders. It would be a necessary consequence that these people will be encouraged and no doubt forced to go to neighboring states to purchase gasoline, resulting in damage to the gasoline stations so effected to such an extent that the majority of them will be forced out of business, adding still further to the relief problem.

The particular class of people on whom this burden will fall most heavily, will include the farmer whose slim profit will be materially reduced and in some cases entirely wiped out by this additional levy. It is a well known fact that the farmers use considerable gasoline for their farm machinery. So far they have been very patient in permitting gasoline used in this manner to be taxed, but it is a question in my mind whether the increasing of this burden from a 30% to a 50% tax will not have a damaging effect on their welfare, and eventually cause them to rise in rightful indignation and demand that all gasoline used for purposes other than automobiles and trucks be tax free.

Furthermore the commercial fisheries use a great deal of gasoline in the business of catching fish for the market. Competition with other states and Canada has almost driven Pennsylvania's fishing fleet out of existence, and the imposition of this further hardship would no doubt be the straw that would break the camels back, and cause the Fishing Industry of Pennsylvania to be a thing of the past.

The people of this Commonwealth have consistently demanded and justifiably so, that all funds emenating from gasoline taxation shall be used for the construction and maintenance of our highways. During the last several years the relief problem has been, to a great extent, reduced by the use of these gas funds for the purpose of highway projects. This is the first attempt on the part of any Administration (this is my fifth term here) to divert these funds to any other purpose. It is conceded by all, that work relief is a much better system of administrating help to the needy than the passing out of unearned dole. Through the dole system we educate our people to be dependent and tend entirely to get away from our wonderful American system of government.

Furthermore this type of relief has a most decided tendency to inject politics into its administration.

Both the Republican and the Democratic platforms contain the provision that there should be some relief of real estate from taxation. The proponants of this measure have apparently failed to realize that an increase in the gas tax will generally make the tax on the individual owner of an automobile just as excessive as is the tax on real estate at the present time. It is my firm belief that a very large percentage of necessary moneys for relief in Pennsylvania can be and should be raised first, by economies in government and secondly by demanding that the government at Washington return to Pennsylvania its rightful share of unemployment relief funds based on the amount of money our national government collects from the people of this Commonwealth.

Mr. SHEPARD. Mr. Speaker and members of the House, just a little more gas. I have had to keep quiet on a number of these tax measures because they were computed in mills and millions and were quite above my ability to calculate and I had to be enlightened.

As Mr. Witkin said, I was not consulted about the tax program and followed what he calls the brain trust of the administration. I do not think they would have gotten much help from me if they had consulted me, but as I compare the fiscal policies of this administration with those of the previous administration, my only regret is that the former did not also have a brain trust.

I can speak with some authority about this present gas tax, because I am a motorist and I understand that every time I drive into a gas station. I am a car owner. I will have to correct that; not quite a car owner. I am leasing a car which is not quite paid for.

We have had an army of people coming up here protesting against this gasoline tax. That army was well fed

and well clothed, able to pay their own fare up here, able to pay their own hotel bills.

I had dinner the other day with a newspaper editor. Incidentally he paid the check. He was not the editor of a Democratic paper or the editor of the Democratic paper to which Mr. Reynolds has referred and which, incidentally, is owned by a Republican. He was the Republican editor of a Republican newspaper. We had dinner together and we discussed this tax situation.

He was browbeating me over the question of these taxes, objecting to them very strenuously. During the course of the meal a very poor woman came in and began to tell us a very pitiful story of suffering and how she needed relief. When she went out he was very much distressed and said, "I am sorry that that woman came in in the midst of this meal. I know something about her and her suffering." I said, "That's the situation we are in at Harrisburg. I would rather sit here and listen to you squawk about paying a few more cents in taxes, with a nice juicy steak before you, than to listen to such a story as we have been just been told by this poor woman."

Mr. Speaker and members of this House, I submit that if this tax program fails, if this bill fails to pass the House and the amount of money needed for relief is not forthcoming, we are going to witness another march of another army on Harrisburg. It is not going to be a well clothed and a well fed army, it is going to be an army of the hungry, of the unemployed coming here seeking relief, and we will have to dig down into our pockets and pay for their hotel bills and pay for their food. The question is to which army would we rather listen.

We have this program that is designed to fed the hungry. I have never yet seen one of the automobile clubs lead a delegation to the offices of the Standard Oil Company or of any of the other oil companies and protest when they have raised the price of gas two or three cents, but when the State of Pennsylvania exercising its sovereign right says it will have to increase the tax in order to take care of these poor people then we hear the wail go up that we are socking the poor.

My friends, let me tell you this: It does not seem to me that we ought to object to this tax. Some of my friends do not object to such a tax as long as the profits go into private pockets, but when the profits go to take care of those that are in need, we hear wails.

If we are in sympathy with the program of the Governor and with the program that has been vouchsafed by this administration, a program that has been agreed to in principle by both parties to take care of those that are in need, then we will pay this additional tax and see to it that the unemployed and the poor are taken care of. Let us put these profits where they belong in times like these to take care of the people that are the worst off.

Mr. WITKINS. Mr. Speaker and members of the House, fate has a peculiar way of delivering its message. The people of Pennsylvania today had an opportunity upon the tax issue and upon the tax issue alone of telling you where they stood on the question of the administration program. In the Democratic stronghold of Pike County the newspaper men have advised me that according to the unofficial returns the people of Pike County on an issue purely on taxation have revolted in that Democratic stronghold that it has elected a Republican representative to this House.

Might I say to the gentleman from Philadelphia, Mr. Shepard, that if he and the rest of the Democrats here vote for this bill in the affirmative they need have no fear of the army of unemployed because they won't be here to receive them.

Mr. FURMAN. Mr. Speaker and members of the House, in reply to the gentleman from Philadelphia I wish to say to this House that I have heard the same report that he has just given to us here, and I also had another report that the Democrats had won. I am glad that the gentleman from Philadelphia stated to this House that the report was an unofficial report. I want to say, further, that back in 1916 during the campaign for the presidency of the United States, when Wilson and Hughes were candidates, for several hours the Republican party celebrated the victory. I want to further state that on November 6 of 1934, a great number of hours later than this after the polls of the State of Pennsylvania had closed, the reports were to the effect that the Democratic party had gone down in defeat. I want also to state to the gentleman from Philadelphia and to the members of his party that if the report that he has received is true we, as Democrats, offer them our congratulations, and if the report is untrue we offer them our sympathy.

Mr. JOHN A. SMITH. Mr. Speaker, I am supporting House Bill 839 because I am against an increase in real estate taxation. Should we fail to repay the deficit inherited from the former administration the various deficiencies would cause a breakdown in our local institutions and would result in an immediate real estate levy. Our schools and hospitals are near the breaking point right now and our first move is to shoulder the responsibility of the sidestepping majority of the previous administration.

I am supporting this Bill because real estate built roads before gasoline tax was ever thought of. At no time has the motor industry nor the motorist paid for right of way. Land damages from widening and relocating roads has always been paid from real estate taxes. The backbone of our highway system was provided from real estate taxes. City streets are now built and maintained from real estate tax and traffic systems (unknown to the pre-motor vehicle age) are charged to police budgets in city and borough tax levies. In the eight years preceeding 1930 there was expended for highways in this country the sum of $19,000,000,000. Of this sum the motorist paid $4,000,000,000 and real estate and bond issues paid the remaining $15,000,000,000. The motorist has not paid his just share of highway cost. He must now share in the general expense of our relief situation. He should repay a portion of the expenditures formerly devoted to his benefit.

A few weeks ago you probably noticed a great pile of petitions upon the table referred to in a previous speech in this House, I want to impress upon you the value of such petitions and in impressing that upon you, I call your attention to a situation that arose in Philadelphia just about a year ago at Temple University. This is the clipping and I quote:

"Five hundred Temple University students have pledged themselves to cut off their heads.

A petition was circulated on the campus to learn how many undergraduates read what they signed. The 500 didn't. At the bottom of a request for an extra holiday was:

We are resolved to spend the day in merrymaking and leisure at which time each one will decapitate himself with extreme joy."

The gentleman in front of me who works at the Westinghouse tells me that during the world war he collected twenty-five dollars from his fellow employes for the purpose of adding battleships to the Jewish and the Irish navy. That members of the House is just a sign of what you can expect from such petitions that you saw piled on those tables. In my own personal experience, out of one hundred of these petitions placed in my hands through the United States mail, I screened out thirty of them and found that one hundred were repeaters or people that didn't own cars.

I am supporting this Bill because the organized opposition has led me to believe that refiners oppose its passage in the hope that the present tax will permit the usual spring boost in gasoline tax. I can well remember when gasoline sold for 25 cents a gallon tax free. Protests, of course, against this situation are unavailing.

I am supporting this Bill because I do not believe in the theory that a gas tax must be confined to any portion of the cost of the article. If gas tax has for its purpose the maintenance of highways it should be high enough to bear that cost regardless of its proportion to the cost of the medium of taxation. This cost should include the cost of city streets as well as rural and trunk line roads. Should railroads limit maintenance of way costs to a certain portion of fuel costs tracks and road bed would collapse under trains and the whole transportation system of the country would be paralyzed. Only by setting the tax or more correctly the service charge at the actual cost of highway construction and maintenance can we have a fair and equitable tax. The motorist must pay his own way. The real estate owner must have relief.

I am supporting this bill because I am hurting myself in the process. I would be ashamed to pass on to the other fellow a tax that I am unwilling to pay myself. With the passage of this bill I will be paying about $1 a day for the use of highways covering a distance of about 240 miles a day. This cost of .004 per mile is low compared with the old turnpikes of a half century ago.

I am supporting this bill because the present tax is inadequate to properly build and maintain the present wide expanse of State highways. The signs of destruction in every part of the State during the changing conditions of this season indicated that more money will be required than ever before. The Governor's assurance that moneys in excess of the tax increase will be expended in work relief on highways doubly commends this bill.

I am supporting this bill because I believe 95% of the motorists can afford to pay it. Its only alternative—a sales tax—would take 15c from every $5 relief slip, 45c from every $15 pay envelope, $1.20 from each ton of dairy feed bought by the farmer, or 90c from a $30 Mother's Assistance Fund check. I have made a careful study of the unstimulated opinion of my constituents, and I feel sure that a vast majority prefer the gasoline tax.

I am supporting this bill because I must stand by my Chief. When the Governor of this Commonwealth came to Cumberland County last summer I stood on the platform and told the people of my county to send me down to defeat if they did not propose to elect a Governor who would ratify the constructive work pledged by our Party. I will say as much now. I am pledged to lower tax on real estate and more equitable distribution of the tax burden. I am pledged that tax be collected where people can best afford it. The Governor has planned a balanced tax program. He is face to face with a great emergency and tremendous deficit. He can not turn his back to either. This is no time to consider a political future. We must face the issue. We must stand by our Chief.

Mr. WEISS. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Tumelty, Coakley, VanSickle, Simon, Robinson, Sumney, Carson, Coleman, Witkin, Zimmerman, Peters, Ederer, Denning, Horst, Trout, Terry, Bernhard, Cordier, Wood, Perry, Blumberg and others.

On the question,
Shall the main question be now put?
It was agreed to.
On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

Mr. TUMELTY. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—113

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | Long, | Robinson, |
| Alexander, | Eberharter, | Lovett, | Ruffennach, |
| Allen, | Eroe, | Lynch, | Sarraf, |
| Arnold, | Falkenstein, | Male, | Scanlon, |
| Aukerman, | Finnerty, | McCreary, | Schrope, |
| Baine, | Fitch, | McDermott, | Schwab, |
| Baker, J. J., | Flanagan, | McElroy, | Shaw, |
| Bradley, | Flinchbaugh, | McHenry, | Shepard, |
| Brancato, | Furman, | Melchiorre, | Shugarts, |
| Brown, H. S., | Gerard, | Mentzer, | Siegel, |
| Brownfield, | Haberlen, | Moomaw, | Simon, |
| Brumbaugh, | Hagerty, | Mooney, | Smith, J. A., |
| Burke, | Haluska, | Moran, | Smith, W. G., |
| Cannon, | Hamilton, F. P., | Moul, | Stank, |
| Caputo, | Harkins, | Munley, | Stevens, |
| Carson, | Harmuth, | Murrin, | Stone, |
| Chervenak, | Hartman, | Nagel, | Sumney, |
| Coakley, | Hetrick, | O'Keefe, | Tahl, |
| Cochran, | Hindman, | Ominsky, | Tronzo, |
| Cohen, | Hirsch, | O'Neill, | Tumelty, |
| Coleman, | Holland, | Panton, | Van Sickle, |
| Condon, | Holstrom, | Patterson, J. W., | Walker, |
| Coolahan, | Kelso, | Pearson, | Weiss, |
| Decker, | Kilroy, | Pfaff, | Welliver, |
| Dent, | Kinney, | Piole, | Welsh, |
| Diehl, | Klingler, | Powers, | Westrick, |
| Dilley, | Kobelak, | Reising, | Yourishin, |
| Downey, G. E., | LaRue, | Rinn, | Zappala, |
| | | | Sarig, |

NAYS—87

| | | | |
|---|---|---|---|
| Altenburg, | Ferko, | McDevitt, | Sowers, |
| Andrews, | Flynn, | McKinney, | Sproul, |
| Atkins, | Forrest, | Merrell, | Stewart, |
| Baker, F. T., | Gates, | Moore, | Stockham, |
| Baldi, | Gillette, | Muir, | Stott, |
| Barber, | Green, | Nothnagle, | Surface, |
| Barnhardt, | Greenstein, | Parks, | Terry, |
| Bernhard, | Habbyshaw, | Perry, | Trout, |
| Blumberg, | Hamilton, R. S., | Peters, | Turner, |
| Boose, | Hart, | Phillips, | Van Allsburg, |
| Boyd, R., | Hefferon, | Reynolds, | Wall, |
| Boyer, | Hermansen, | Rhys, | Wasserman, |
| Brennan, | Hoffner, | Roan, | Weidemann, |
| Brown, J. E., | Hoopes, | Root, | White, |
| Carr, | Horst, | Schrock, | Wickersham, |
| Castor, | Jackson, | Schwartz, | Wilson, |
| Conner, | Jones, | Shortz, | Witkin, |
| Cordier, | Kane, | Shreiner, | Wood, |
| Davies, | Linderman, | Simpson, | Woodside, |
| Denning, | Longaker, | Sloan, | Yeakel, |
| Duffort, | Mallen, | Snyder, F. E., | Zimmerman, |
| Ederer, | Mason, | Snyder, J. L., | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. FINNERTY. Mr. Speaker, I wish to be recorded as voting "aye" and file my reasons.

I voted for House Bill No. 839 known as the gas tax. I feel at this time it is necessary to raise funds for the needy at once. And this tax above all others will produce those funds at once.

Mr. HALUSKA. Mr. Speaker, I am voting "aye" and want to file my reasons.

I am voting for House Bill No. 839 just to keep the needy people from starving. But I expect this administration to remove from office those people that made this tax a necessity.

Mr. MOOMAW. Mr. Speaker, I wish to be recorded as voting "aye" and file my reasons therefor.

I am personally opposed to any increase in the gas tax and kindred measures on motorists and truckers but to date no other complete program has been offered to raise the money immediately necessary to carry on the relief activities. Rather than being a party to stopping our relief work and in view of the fact that no equitable substitutes have been offered, I am voting for these measures in preference to permitting 1,900,000 people on the relief rolls of Pennsylvania possibly starve.

I am also assured a large portion of the relief money will be used on our highways, although it cannot be so earmarked due to the fact it must be immediately used to make up the deficit of the last administration.

Mr. MOUL. Mr. Speaker, I wish to be recorded as voting "aye" and file my reasons.

During my campaign I repeatedly assured the voters of my district that I felt that any money collected as a gasoline tax would be used to build roads. I also said repeatedly that I was not in favor of an increase in the gas tax if the tax is used for purposes other than the building of roads.

Tax bill 839 commonly known as the gas tax bill raises money for relief purposes. I have the assurance of the administration and the Highways Department "That relief monies will be expended on highways far in excess of the proceeds of the proposed gas tax increase."

I feel certain that the voters in my district favor a work relief program through the building of roads, since this method improves our highways system and affords gainful employment for those on our relief rolls.

In view of these facts I feel that it is my duty to support the Governor and vote in favor of this bill.

Mr. RINN. Mr. Speaker, I desire to be recorded as voting "aye" and file my reason.

I desire to vote "aye" on House Bill No. 839, Printer's No. 304, due to the fact that an emergency exists, thousands of the unfortunate people of this Commonwealth face starvation and we must raise immediate revenue or be deprived of any further help or aid from the United States Government. Also this bill is only a temporary measure and will expire May 31, 1937.

I therefore desire to be recorded as voting "aye."

Mr. SIEGEL. Mr. Speaker, I am voting "aye" and wish to file my reason therefor.

I am voting "aye" on the gas tax bill no. 839, against my better judgment, for the following reason:

Up to the present time there has been no better tax plan offered to relieve the very serious financial condition of the State for immediate relief purposes.

Mr. SIMON. Mr. Speaker, I desire to vote "aye" and file my reasons.

Altho I am definitely committed to my constituents against any increase in the gasoline taxes, I am voting for this bill only because of the great emergency for relief to the poor that exists and further because it is only a temporary tax and I have been assured that it will be used for highway purposes.

Mr. KANE. Mr. Speaker, I would like now to ask the privilege of filing my reasons for voting "no" and ask the further privilege of reading these reasons at this time.

The SPEAKER. The gentleman will file his reasons with the Clerk. They will be spread upon the Journal.

I voted "no" on the gasoline tax bill for the reason that my constituents are unanimously opposed to this tax. But I have voted "no" for the further reason that the democratic majority in this House, under the obvious whip of practically all their party leaders, who now fill the Assembly Hall, both front and rear, have seen fit twice in one evening to apply the "gag" rule by moving the previous question in such a way as to prevent me, or any other member, from the oil producing counties of Western Pennsylvania, from saying one word on behalf of our most important industry. I am asking permission to read this statement which I know will likewise be refused.

## TIME EXTENDED ON BILL

Mr. WASSERMAN. Mr. Speaker, I move that the time on House Bill No. 768, Printer's No. 199, entitled:

An Act to amend sections five and six of the act approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended, by changing the time for filing nomination papers and changing the time for filing objections thereto.

on page 25 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

## TIME EXTENDED ON BILL

Mr. SHORTZ. Mr. Speaker, I move that the time on House Bill No. 258, Printer's No. 192, entitled:

A Supplement to the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the filing of liens for taxes which have been returned to the county commissioners for non-payment for the filing of joint liens by county commissioners for the county and other taxing districts and for the collection of such liens and imposing certain duties upon tax collectors

on page 25 of today's calender, bill on third reading postponed, be extended five days.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. REYNOLDS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. REYNOLDS. Mr. Speaker and members of the House, during the debate on the tax measures just passed by this House, I stated that I was quoting from a Democratic paper. My good friend, the Democratic representative, the Reverend Shepard, stated that I was quoting from a paper that was owned by a Republican. The Reverend Shepard being a preacher, I was very much surprised to hear him say that because he should know that that is not true.

I wish to say to the members of the House, so that I may get myself clear before the House, because I would be the last one to get up here and tell a lie that Mr. Forrest White is the president of the newspaper in question, Bernard Marcus is the business manager, Harry D. Duplesses is the treasurer and that J. Austin Horris, a special Deputy Attorney General under this administration, appointed by Governor Earle is the editor and he wrote that editorial. Therefore I say that he absolutely misstated the facts, knowing so himself.

The SPEAKER. The remarks of the gentleman under this question of personal privilege will be spread upon the Journal.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Judiciary Local will meet immediately after tomorrow morning's session in room 325.

The Committee on Counties will meet tomorrow morning at 10:30 o'clock in room 324.

The Committee on Ways and Means will meet immediately after tomorrow morning's session in room 323.

The Committee on Labor will meet tomorrow morning at 10:00 o'clock instead of this evening in room 325.

The Committee on Education will meet tomorrow morning at 9:15 o'clock in the House Caucus Room, and will also hold a special meeting tomorrow afternoon at 2:30 o'clock in the House Caucus Room.

The Committee on Military Affairs will not meet tomorrow.

The Committee on Corporations will not meet tomorrow.

## ADJOURNMENT

Mr. HIRSCH. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11:00 o'clock. A. M.

The motion was agreed to, and (at 11:32 o'clock P. M.) the House adjourned until Wednesday, March 20, 1935, at 11:00 o'clock A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, MARCH 20, 1935 No. 32

## SENATE

WEDNESDAY, March 20, 1935.

The Senate met at 11 o'clock A. M.

The PRESIDENT (Pro Tempore John G. Homsher) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Our Heavenly Father we love Thee because Thou hast first loved us. We fear Thee because, loving Thee, we dread to wound Thy heart by sinning against Thee. We do not cringe or tremble in Thy presence, for the perfection of our love for Thee and Thine for us casts out fear.

We would serve Thee, O God, because Thou hast first served us, providing us with all life's necessities and many blessings. While we cannot bestow any benefit upon Thee, who dost possess all the riches of the universe, yet we can serve Thee by ministering to the needs of our brethren who are less fortunate than are we. Inspire us so to do in these days of depression.

Help these men, here convened to consider means to aid their fellow citizens toward better and happier living, to lay their plans as directed by Thee. Show them the way that leads into Thy presence. Then shall they best serve their Commonwealth, their nation and humanity.

We ask these things in the name of Thy Son, Jesus the Christ. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. EALY, the further reading was dispensed with, and the Journal was approved.

### PETITIONS

FAVORING SENATE BILL No. 150.

The Chair cleared his table and laid before the Senate petition from the Non-Partisan Liberal Party, Philadelphia, favoring action on Senate Bill No. 150.

Which was referred to the Committee on Constitutional Changes.

PROTESTING ACAINST FURTHER AMENDMENT OF THE SUNDAY LAWS.

The Chair also laid before the Senate petitions from numerous residents of Washington County protesting against further amendments to the Sunday laws.

Which was referred to the Committee on Law and Order.

FAVORING ADOPTION OF A SALES TAX

Mr. RODGERS presented petition from the Chamber of Commerce, Pittsburgh, favoring adoption of a sales tax.

Which was referred to the Committee on Finance.

PROTESTING AGAINST SENATE BILL No. 288.

He also presented petition from the City Council of McKeesport, protesting against Senate Bill No. 288.

Which was referred to the Committee on Municipal Government.

OPPOSING SECTIONS OF HOUSE BILLS NOS. 841 AND 948

He also presented petition from the Boroughs of Aspinwall, Sharpsburg, Etna and Millvale, protesting against certain sections of House Bills Nos. 841 and 948.

Which was referred to the Committee on Finance.

PROTESTING AGAINST SENATE BILL No. 204.

He also presented petitions from the Borough of Tarentum and Chamber of Commerce of Carnegie Borough protesting against Senate Bill No. 204.

Which were referred to the Committee on County Government.

PROTESTING AGAINST SENATE BILL No. 398.

He also presented petition from the Pittsburgh Building Owners and Managers Association, Pittsburgh, protesting against Senate Bill No. 398.

Which was referred to the Committee on Municipal Government.

PROTESTING AGAINST TRANSFERRING MONEYS FROM HIGHWAY DEPARTMENT

Mr. NORTON presented petition from Morgantown Road Association protesting against transferring moneys from the Highway Department.

Which was referred to the Committee on Finance.

PROTESTING AGAINST HOUSE BILL No. 936.

Mr. REED (Washington) presented petition from numerous citizens of Washington County protesting against the enactment of House Bill No. 936.

Which was referred to the Committee on Finance.

FAVORING HOUSE BILLS NOS. 304 AND 311

He also presented petition from citizens of Washington and Greene Counties favoring the passage of House Bills Nos. 304 and 311.

Which was referred to the Committee on Judiciary Special.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

If it meets with the approval of the Senate, I should like to address the Members this morning at 11:30 o'clock.

GEORGE H. EARLE.

## COMMITTEE TO ESCORT THE GOVERNOR

Mr. BENNETT offered the following resolution, which was twice read, considered and agreed to:

In the Senate, March 20, 1935.

Resolved, That a committee of three members of the Senate be appointed to escort His Excellency, the Governor of the Commonwealth, to the Hall of the Senate to address the members of the Senate at 11:30 A. M., March 20, 1935.

The PRESIDENT. The Chair appoints as said Committee the Senator from Indiana, Mr. Bennett, the Senator from Cameron, Mr. Kahle, and the Senator from Washington, Mr. Reed.

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

### APPROVAL OF SENATE BILL, NO. 25

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 25, Printer's No. 20, entitled, "An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three) entitled 'An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties' providing for the payment of compensation of veterans hospitalized for nervous or mental diseases."

GEORGE H. EARLE.

### APPROVAL OF SENATE BILL, NO. 118

Commonwealh of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 118, Printer's No. 140, entitled "An Act to authorize cities of the third class boroughs and townships to sue out writs of scire facias on certain municipal claims or to revive judgments on such claims where more than five years have elapsed since said claims were filed or such judgments were entered or revived and to reduce such claims to judgmnt or to revive such judgment and providing for the revival and collection of such judgments."

GEORGE H. EARLE.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

### MEMBER OF REGISTRATION COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Mrs. Mary Jane Clark, 1623 Shady Avenue, Squirrel Hill, Pittsburgh, Allegheny County, as a member of the Registration Commission in and for the City of Pittsburgh, vice Thomas A. Joyce, resigned, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

### WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

David B. Roberts, 31 Soho Street, Pittsburgh, Allegheny County, as a Workmen's Compensation Referee, vice Gregory Ignatius Zatkovich, resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss E. K. Schwer, 323 Fourth Ave., Pittsburgh.

CAMBRIA COUNTY

Mrs. C. M. Reynolds, Blandburg.

FAYETTE COUNTY

J. R. Smiley, Uniontown.

LAWRENCE COUNTY

Miss Ruth E. Jamison, New Castle.

NORTHAMPTON COUNTY

Miss Mamie Bramwell, Bethlehem.

PHILADELPHIA COUNTY

R. A. Gray, 6507 Woodland Ave., Philadelphia.
Miss Esther E. Gunsser, 2312 Spruce St., Philadelphia.
H. E. Petersen, 410 Market St., Philadelphia.

WESTMORELAND COUNTY

H. L. Heckman, Greensburg.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for terms of fours years to compute from the date set opposite their names:

FAYETTE COUNTY

Joseph Vecchio, Uniontown, March 21, 1935.

PHILADELPHIA COUNTY

Daniel J. Whalen, Philadelphia, March 30, 1935.

ERIE COUNTY

Henry N. Pudenz, Erie, March 31, 1935.

PHILADELPHIA COUNTY

Antoni Janiszewski, Philadelphia, March 31, 1935.

CAMBRIA COUNTY

Harry T. Correll, Johnstown, April 1, 1935.

LEHIGH COUNTY

Miss S. M. Sweitzer, Allentown, April 1, 1935.

PHILADELPHIA COUNTY

Miss Alice M. Wright, Philadelphia, April 1, 1935.

ALLEGHENY COUNTY

Frank H. Jack, Pittsburgh, April 2, 1935.

CUMBERLAND COUNTY

Mrs. M. J. Mohler, Mechanicsburg, April 2, 1935.

ALLEGHENY COUNTY

D. A. Hunter, Pittsburgh, April 20, 1935.

MONTGOMERY COUNTY

Miss Katharine W. Mayer, Jenkintown, April 20, 1935.

ERIE COUNTY

Robert L. Roberts, Erie, April 23, 1935.

LAWRENCE COUNTY

Mrs. Hazel D. Rick, New Castle, April 24, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for terms of fours years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Charles L. Kolesar, Pittsburgh, March 23, 1935.

BERKS COUNTY

Miss Miriam Weik, Reading, March 27, 1935.

PHILADELPHIA COUNTY

Miss Elizabeth E. Speed, Philadelphia, March 28, 1935.

BERKS COUNTY

Edgar W. Herring, Kutztown, April 1, 1935.

MERCER COUNTY

Miss Agnes Callahan, Greenville, April 1, 1935.

NORTHAMPTON COUNTY

Miss Elsie F. Fehnel, Bangor, April 1, 1935.

PHILADELPHIA COUNTY

Jesse W. Achey, Jr., Philadelphia, April 1, 1935.
Miss Sara M. Reavey, Philadelphia, April 1, 1935.

YORK COUNTY

Elmer R. Fink, West York, April 1, 1935.

DAUPHIN COUNTY

Miss Carrie B. Lawrence, Steelton, April 2, 1935.

CAMBRIA COUNTY

Mrs. Mary F. Willett, Johnstown, April 8, 1935.

ERIE COUNTY

G. U. Hopkins, Edinboro, April 12, 1935.

PHILADELPHIA COUNTY

Gregore Sambor, Philadelphia, April 13, 1935.

ERIE COUNTY

James Russell, Erie, April 15, 1935.

LACKAWANNA COUNTY

Ernesto M. Lettieri, Scranton, April 23, 1935.

DAUPHIN COUNTY

John E. Walter, Harrisburg, April 27, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John T. Brown, 3701 Bigelow Blvd., Pittsburgh.
Miss Ottilie M. Lacher, 1115 Gulf Bldg., Pittsburgh.
Miss J. A. McShane, Commerce Bldg., Pittsburgh.
John G. Toth, 325 Bakewell Bldg., Pittsburgh.
George M. Weaver, Imperial.

ARMSTRONG COUNTY

Willis Clawson, Avonmore.

CAMBRIA COUNTY

Miss Mary Luther, Ebensburg.

CRAWFORD COUNTY

John B. Chick, Titusville.

DAUPHIN COUNTY

Arthur K. Clemens, Harrisburg.

DELAWARE COUNTY

Mrs. Helen V. Harbold, Media.

ELK COUNTY

T. A. Russell, Brynedale.

ERIE COUNTY

M. A. Woodward, Erie.

INDIANA COUNTY

Mrs. Charlotte M. Hefele, Indiana.

JEFFERSON COUNTY

Mrs. Fanny M. Adams, Punxsutawney.

LACKAWANNA COUNTY

Miss Helen A. Conway, Dunmore.

LAWRENCE COUNTY

A. Clyde Shoaf, New Castle.

LEHIGH COUNTY

Earl A. Jones, Allentown.

LYCOMING COUNTY

Samuel R. Williams, Williamsport.

MERCER COUNTY

J. R. Dolan, Sharpsville.
Sol. J. Gully, Farrell.
Michael Nevant, Farrell.

MONTGOMERY COUNTY

R. E. Geschwind, Pottstown.

PHILADELPHIA COUNTY

R. A. Boyd, 5408 Baltimore Ave., Phila.
Francis E. Bucher, 50 N. 13th St., Phila.
Mrs. Anna M. Fitzgerald, 145 N. 13th St., Phila.
Edw. E. Zacharias, 1430 S. Penn Square, Phila.

YORK COUNTY

Mrs. Elsie R. Lockwood, York.

GEORGE H. EARLE.

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Emilie C. McAllister, 250 Park Avenue, New York City, New York, as Commissioner of Deeds for Pennsylvania with residence in New York City, New York, for a term of five years to compute from the date of confirmation.

GEORGE H. EARLE.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 839 (Senate Bill No. 660), entitled:

An Act to amend sections four and ten of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), entitled, "Liquid Fuels Tax Law," by increasing said tax and providing for the distribution thereof.

Which was committed to the Committee on Finance.

House Bill No. 862 (Senate Bill No. 661), entitled:

An Act to provide revenues by imposing a State tax upon sales of tobacco by dealers, as herein defined; requiring persons engaged in the sale of tobacco at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons, as herein defined, engaged in the sale of tobacco at retail, or wholesale; and providing penalties.

Which was committed to the Committee on Finance.

House Bill No. 936 (Senate Bill No. 662), entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements, including every form of entertainment, diversion, sport, recreation and pastime; requiring persons, partnerships, associations, or corporations conducting places of amusement to secure permits; imposing duties and conferring powers upon the Department of Revenue; prescribing the method and manner of collecting the tax and its payment into the State Treasury; permitting refunds of the tax in certain instances and providing penalties.

Which was committed to the Committee on Finance.

House Bill No. 1127 (Senate Bill No. 663), entitled:

An Act to further amend section twenty-three of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies, and water companies, and steam heating companies, and to gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax; and increasing the rate of tax imposed by the act.

Which was committed to the Committee on Finance.

## BILLS INTRODUCED.

Mr. REED (Dauphin), read in his place and presented to the Chair, Senate Bill No. 664, entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 883), entitled "An act relating to proceedings where goods or chattels have been levied upon or seized by the sheriff and claimed to belong to othrs than the defendants in the execution or process, and relieving the sheriff from liability therefor," by further prescribing procedure upon rules for interpleaders.

Which was committed to the Committee on Judiciary General.

Mr. THOMPSON (Centre), read in his place and presented to the Chair, Senate Bill No. 665, entitled:

A Futher Supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College," and making an appropriation for carrying the same into effect.

Which was committed to the Committee on Appropriations.

Mr. HARRIS read in his place and presented to the Chair, Senate Bill No. 666, entitled:

An Act regulating the motor vehicle junk business; requiring a certificate of approval from the local authorities, and a license from the Secretary of Revenue to conduct such business, and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

Which was committed to the Committee on Highways.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

FAYETTE COUNTY

Joseph Vecchio, Uniontown, March 21, 1935.

PHILADELPHIA COUNTY

Daniel J. Whalen, Philadelphia, March 30, 1935.

ERIE COUNTY

Henry N. Pudenz, Erie, March 31, 1935.

PHILADELPHIA COUNTY

Antoni Janiszewski, Philadelphia, March 31, 1935.

CAMBRIA COUNTY

Harry T. Correll, Johnstown, April 1, 1935.

LEHIGH COUNTY

Miss S. M. Sweitzer, Allentown, April 1, 1935.

PHILADELPHIA COUNTY

Miss Alice M. Wright, Philadelphia, April 1, 1935.

ALLEGHENY COUNTY

Frank H. Jack, Pittsburgh, April 2, 1935.

CUMBERLAND COUNTY

Mrs. M. J. Mohler, Mechanicsburg, April 2, 1935.

ALLEGHENY COUNTY

D. A. Hunter, Pittsburgh, April 20, 1935.

MONTGOMERY COUNTY

Miss Katharine W. Mayer, Jenkintown, April 20, 1935.

ERIE COUNTY

Robert L. Roberts, Erie, April 23, 1935.

LAWRENCE COUNTY

Mrs. Hazel D. Rick, New Castle, April 24, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Charles L. Kolesar, Pittsburgh, March 23, 1935.

BERKS COUNTY

Miss Miriam Weik, Reading, March 27, 1935.

PHILADELPHIA COUNTY

Miss Elizabeth E. Speed, Philadelphia, March 28, 1935.

BERKS COUNTY

Edgar W. Herring, Kutztown, April 1, 1935.

MERCER COUNTY

Miss Agnes Callahan, Greenville, April 1, 1935.

NORTHAMPTON COUNTY

Miss Elsie F. Fehnel, Bangor, April 1, 1935.

PHILADELPHIA COUNTY

Jesse W. Achey, Jr., Philadelphia, April 1, 1935.
Miss Sara M. Reavey, Philadelphia, April 1, 1935.

YORK COUNTY

Elmer R. Fink, West York, April 1, 1935.

DAUPHIN COUNTY

Miss Carrie B. Lawrence, Steelton, April 2, 1935.

CAMBRIA COUNTY

Mrs. Mary F. Willett, Johnstown, April 8, 1935.

ERIE COUNTY

G. U. Hopkins, Edinboro, April 12, 1935.

PHILADELPHIA COUNTY

Gregore Sambor, Philadelphia, April 13, 1935.

ERIE COUNTY

James Russell, Erie, April 15, 1935.

LACKAWANNA COUNTY

Ernesto M. Lettieri, Scranton, April 23, 1935.

DAUPHIN COUNTY

John E. Walter, Harrisburg, April 27, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for term of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John T. Brown, 3701 Bigelow Blvd., Pittsburgh.
Miss Ottilie M. Lacher, 1115 Gulf Bldg., Pittsburgh.
Miss J. A. McShane, Commerce Bldg., Pittsburgh.
John G. Toth, 325 Bakewell Bldg., Pittsburgh.
George M. Weaver, Imperial.

ARMSTRONG COUNTY

Willis Clawson, Avonmore.

CAMBRIA COUNTY

Miss Mary Luther, Ebensburg.

CRAWFORD COUNTY

John B. Chick, Titusville.

DAUPHIN COUNTY

Arthur K. Clemens, Harrisburg.

DELAWARE COUNTY

Mrs. Helen V. Harbold, Media.

ELK COUNTY

T. A. Russell, Brynedale.

ERIE COUNTY

M. A. Woodward, Erie.

INDIANA COUNTY

Mrs. Charlotte M. Hefele, Indiana.

JEFFERSON COUNTY

Mrs. Fanny M. Adams, Punxsutawney.

LACKAWANNA COUNTY

Miss Helen A. Conway, Dunmore.

LAWRENCE COUNTY

A. Clyde Shoaf, New Castle.

LEHIGH COUNTY

Earl A. Jones, Allentown.

LYCOMING COUNTY

Samuel R. Williams, Williamsport.

MERCER COUNTY

J. R. Dolan, Sharpsville.
Sol. J. Gully, Farrell.
Michael Nevant, Farrell.

MONTGOMERY COUNTY

R. E. Geschwind, Pottstown.

PHILADELPHIA COUNTY

R. A. Boyd, 5408 Baltimore Ave, Philadelphia.
Francis E. Bucher, 50 N. 13th St., Philadelphia.
Mrs. Anna M. Fitzgerald, 145 N. 13th St., Philadelphia.
Edw. E. Zacharias, 1430 S. Penn Square, Philadelphia.

YORK COUNTY

Mrs. Elsie R. Lockwood, York.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss E. K. Schwer, 323 Fourth Ave., Pittsburgh.

CAMBRIA COUNTY

Mrs. C. M. Reynolds, Blandburg.

FAYETTE COUNTY

J. R. Smiley, Uniontown.

LAWRENCE COUNTY

Miss Ruth E. Jamison, New Castle.

NORTHAMPTON COUNTY

Miss Mamie Bramwell, Bethlehem.

PHILADELPHIA COUNTY

R. A. Gray, 6507 Woodland Ave., Philadelphia.
Miss Esther E. Gunsser, 2312 Spruce St., Philadelphia.
H. E. Petersen, 410 Market St., Philadelphia.

WESTMORELAND COUNTY

H. L. Heckman, Greensburg.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Shapiro, |
| Baumer, | Hunsicker, | Prince, | Staudenmeier, |
| Bennett, | Kahle, | Pytko, | Thompson, |
| Buckman, | Lanius, | Rankin, | (Centre) |
| Cavalcante, | Law, | Reed, | Thompson, |
| Chapman, | Mallery, | (Dauphin) | (Westmoreland) |
| Coyne, | McClure, | Reed, | Trainer, |
| Ealy, | McCreesh, | (Washington) | Woodward, |
| Frey, | McGinnis, | Rice, | Ziesenheim, |
| Gelder, | Miller, | Roberts, | Homsher, |
| Graff, | Norton, | Rodgers, | Pres. Pro. Tem. |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. CHAPMAN. Mr. President, I move that the Executive Session do now rise.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## BILL SIGNED

The PRESIDENT (Pro-Tempore John G. Homsher) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 433, entitled:

An Act making an appropriation to the City of Philadelphia for monies advanced by said City to the Delaware River Bridge Commission jointly with the Commonwealth of Pennsylvania, with interest, which monies, including the monies so advanced by the City of Philadelphia were repaid to the Commonwealth of Pennsylvania by the Delaware River Bridge Commission.

Whereupon,

The PRESIDENT (Pro-Tempore John G. Homsher) in the presence of the Senate signed the same.

Mr. BENNETT. Mr. President, I have the honor to present His Excellency, the Governor of the Commonwealth.

The PRESIDENT. The Chair has the honor to present His Excellency, the Governor of the Commonwealth, who will now address the Senate.

## ADDRESS OF THE GOVERNOR

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have come before your Honorable Body today to discuss the subject of Constitutional Revision.

The most solemn function upon which a free and sovereign people can enter is that of effecting changes in their Constitution.

It is a function which transcends mere political partisanship or party alliances.

It is a grave responsibility which every thinking citizen must strive to discharge without bias and without hope of selfish advantage.

We know that revision of our present Constitution is urgent and must not be delayed.

Adopted sixty years ago, our Constitution contains many provisions which are obsolete and which operate as obstacles to progress.

During the last campaign the major political parties in this Commonwealth, through their party platforms and their candidates, pledged revision of our State Constitution.

There can be no sincere difference of opinion that now is the time to proceed towards speedy accomplishment of the needed changes in our State Constitution.

I have the utmost confidence in the judgment and wisdom of the people of the Commonwealth in passing on the changes in our fundamental law. I have confidence in the men and women who will be selected by the electorate of this State to compose a new Constitutional Convention. It must likewise be borne in mind that a new Constitution must be submitted and voted upon by the people after its adoption by a Convention.

I am of the opinion that there should be no change with respect to the general form of our government. There is no need for any such drastic revision. There is no desire to get away from the fundamentals of representative government.

The absolute independence of the Executive, Legislative, and Judicial branches must be maintained. The Judiciary must remain free and independent and should be elective, as at present. In a revision of the Constitution only such changes are urged as will give the people a form of government best suited to their needs and most conducive to their welfare.

Under the Act of 1919, Governor Sproul appointed a commission on Constitutional amendment and revision which was made up of distinguished individuals of the State. They gave long and serious consideration to a new Constitution. This work should be the basis for further study by a preliminary commission, as well as by the Constitutional convention itself.

Because of my own solemn conviction that the problem of effecting changes in the Constitution must be approached in a non-partisan spirit, I am naming a committee of outstanding men and women to make a preliminary study of the subject which should be a valuable aid to the Constitutional Convention.

In naming this Committee I have not considered mere political affiliations because the problem of Constitutional Revision must rise above partisan bias.

Every shade of political and economic philosophy conservative and liberal, is represented in the personnel of that committee.

The conclusions and recommendations formulated by such a committee will represent the balanced judgment of the people of this Commonwealth, rather than the viewpoint of any particular group.

I want to emphasize the complexion of this committee because I want all to know that I have avoided taking advantage of the fact that a liberal party is in power in Pennsylvania today.

As evidence of this fact I have asked former Attorney General William A. Schnader, my opponent in the election, to serve as a member of this committee.

We all of us must realize that the work of this committee will be of an advisory nature and that the final word will rest in the delegates to the Constitutional Convention who will be elected by the people.

I am satisfied, however, that the recommendations of this committee will be given the most serious consideration because of the standing of its individual members in this Commonwealth.

I shall recommend to this committee that it consider such phases of the Constitution which relate to taxation, revenues and debt, in view of the most pressing problems which confront us today.

In announcing the personnel of this committee I want to say that I have not included any member of the General Assembly, despite the fact that there are many of its members who are pre-eminently qualified to serve, because the General Assembly at a subsequent session will be called upon to act upon the revised Constitution.

In view of the guarantee of absolute, impartial, unprejudiced and free discussion of proposed changes in the Constitution which is afforded through the medium of such a committee, I think I am perfectly justified in urging your Honorable Body to act expeditiously on the pending legislation providing for a Constitutional Convention.

The members of the committee whom I have appointed are as follows:

### MEMBERS OF CONSTITUTIONAL COMMITTEE

Hon. Robert S. Frazer, 1100 Shady Ave., Pittsburgh, Allegheny County; Chief Justice, Supreme Court

Hon. Chester H. Rhoades, Stroudsburg, Monroe County; Judge, Superior Court

Hon. Horace Stern, 1524 North 16th St., Philadelphia, Philadelphia County; President Judge, Common Pleas Court

William Draper Lewis, Aubury and E. Washington Lane, Germantown, Philadelphia, Philadelphia County; Attorney at Law

Hon. William A. Schnader, Awbury Park, Germantown, Philadelphia, Philadelphia County; Attorney at Law; former Attorney General

Hon. Roland S. Morris, 2113 Spruce St., Philadelphia, Philadelphia County, Attorney at Law; former Ambassador to Japan

Hon. George Wharton Pepper, Land Title Bldg., Philadelphia, Philadelphia County; Attorney at Law; former U. S. Senator.

Hon. John S. Fisher, Indiana County; Attorney at Law; former Governor of Pennsylvania

Dr. Thomas S. Gates, 101 College Hall, University of Pennsylvania, Philadelphia, Philadelphia County; President of University of Pennsylvania

Hon. Charles J. Margiotti, Punxsutawney, Jefferson County; Attorney at Law; Attorney General of Pennsylvania

Hon. Edward M. Biddle, Jr., Carlisle, Cumberland County; Attorney at Law; former President Judge, Common Pleas Court

Charles Alvin Jones, Oliver Bldg., Pittsburgh, Allegheny County; Attorney at Law

John E. Zimmerman, 25 East Summit St., Chestnut Hill, Philadelphia, Philadelphia County; President United Gas Improvement Company

Albert M. Greenfield, Bankers Trust Bldg., Philadelphia, Philadelphia County; Real Estate

Hon. Thomas Kennedy, Hazleton, Luzerne County; Sec.-Treas. United Mine Workers of America—Lieutenant Governor of Pennsylvania

John A. Phillips, 1609 North 18th St., Philadelphia, Philadelphia County; President, Penna. Federation of Labor

Howard Eisaman, East Springfield, Erie County; Grange leader

J. Ernest Isherwood, Waynesburg, Greene County; Attorney at Law; Department Commander, American Legion

Frederick Heim, Williamsport, Lycoming County; Banker

Hon. William S. McLean, Jr., Wilkes-Barre, Luzerne County; President Judge, Common Pleas Court—Brigadier General, Penna. National Guard

Hon. Ralph H. Smith, Law & Finance Bldg., Pittsburgh, Allegheny Co.; Judge, Common Pleas Court

Mrs. Emma Guffey Miller, Wolf Creek Farm, Slippery Rock, Butler Co.; Member of Board of Trustees, Slippery Rock State Teachers College

Mrs. Gertrude B. Fuller, Pittsburgh, Allegheny County; Social lecturer and speaker—Pittsburgh Civic Leader

Hon. H. Edgar Barnes, Indian Creek Road, Overbrook, Montgomery Co.; Attorney at Law; Secretary of Revenue

Col. J. Hale Steinman, Lancaster, Lancaster County; Attorney at Law; Publisher

S. Forry Laucks, York, York County; President, York Safe & Lock Co.

George B. Rowand, 28 West Curtin Street, Penbrook, Dauphin County; State Legislative Board, Brotherhood of Railroad Trainmen

Edward C. Higbee, Uniontown, Fayette County; Attorney at Law

Albert Thomas, Meadville, Crawford County; Attorney at Law

Robert L. Vann, 2628 Center Avenue, Pittsburgh, Allegheny County; Attorney at Law

Hon. John H. Wilson, Butler, Butler County; President Judge, Court of Common Pleas

Henry Walzer, Hazleton, Luzerne County; Publisher

Fred Fuller Shedd, 6338 Drexel Road, Philadelphia, Philadelphia County; Editor in Chief, Philadelphia Evening Bulletin

Dr. Fred P. Corson, Carlisle, Cumberland County; President, Dickinson College

Rabbi William H. Fineshriber, 1717 North Broad St., Philadelphia, Philadelphia County

William R. Lynett, Scranton, Lackawanna County; Publisher

John A. McCarthy, Philadelphia, Philadelphia County; Attorney at Law; Banker

M. L. Benedum, 5th & Highland Avenue, Pittsburgh, Allegheny County; Industrialist

Mrs. Frank A. Pfaelzer, 70th Ave. & City Line, Philadelphia, Philadelphia County; Member of Board of Trustees, Mothers' Assistance Fund

Leon Falk, Jr., 1200 Bennington Avenue, Pittsburgh, Allegheny County

John C. Martin, President, Evening Ledger Co., Philadelphia, Philadelphia County

Charles A. Tyler, President, Philadelphia Inquirer Company, Philadelphia, Philadelphia County

Charles F. Uhl, 146 West Main St., Somerset, Somerset County; Attorney at Law

Edward Hopkinson, Jr., 8700 Montgomery Ave., Philadelphia, Philadelphia County; Attorney at Law; Banker

Dr. Marion K. McKay, 3420 Iowa St., Pittsburgh, Allegheny County; Professor, University of Pittsburgh

James Campion, Heckschersville, Schuylkill County; Principal, High School

Miss Gertrude Ely, Bryn Mawr, Montgomery County; former President, League of Women Voters

Oscar D. Deckard, Richfield, Juniata County; Banker; Druggist

Harry E. Kalodner, 5623 Woodcrest Ave., Philadelphia, Philadelphia County; Attorney at Law; Secretary to the Governor

Dr. Alfred E. Stengel, Newtown Square, Delaware County; Vice-President in charge of medical affairs, University of Pennsylvania

Dr. Ralph Pemberton, 2031 Locust Street, Philadelphia; Physician

Harold J. Weigand, Associate Editor, Philadelphia Inquirer

Charles M. Morrison, 501 Grove Avenue, Jenkintown; Editor, Philadelphia Evening Ledger

J. David Stern, Broa dand Wood Streets, Philadelphia; Publisher, Philadelphia Record

Austin E. McCullough, Lancaster; Editor, Lancaster Intelligencer-Journal

W. W. Atterbury, Radnor; President, Pennsylvania Railroad Co.

Lewis E. Levinthal, Rittenhouse Plaza, Philadelphia, Attorney at Law

Asher Johnson, Bradford, McKean County; Industrialist

Daniel C. Donoghue, 2039 Spruce Street, Philadelphia, Attorney at Law

John C. Bell, Jr., Philadelphia, Attorney at Law

W. Curtis Bok, Philadelphia; Attorney at Law

Percival H. Granger, 1016 South 45th Street, Philadelphia; Attorney at Law

William C. Kaul, St. Mary's; Manufacturer; Banker

Asher Seip, Easton; Attorney at Law; Bank President

J. Fred Katzmaier, Williamsport; Attorney at Law

John Francis Williams, Philadelphia; Attorney at Law

Dr. Charles E. Beury, Philadelphia; President, Temple University

Gentlemen of the Senate, I want to thank you for your most considerate attention.

The PRESIDENT. On behalf of the Senate, the Chair extends the thanks of the Senate to the Governor for the courtesy of his address.

## BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 147, on final passage entitled

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties

be recommitted to the Committee on Pensions for further consideration.

Mr. LANIUS. Mr. President, I second the motion.

On the question

Will the Senate agree to the motion?

Mr. REED (Dauphin). Mr. President and gentlemen of the Senate, many requests have come to me that there be a hearing on this bill before the committee which originally had the bill under consideration, the Committee on Pensions; and in order to accomodate any Senators who

desire this hearing I now move that this bill be recommitted to the Committee on Pensions for the purpose of a hearing.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

## BILL ON FINAL PASSAGE POSTPONED FOR THE PRESENT

Mr. RANKIN. Mr. President, I move that the Senate resume consideration of Senate Bill No. 141, on final passage postponed for the present, entitled:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. RANKIN. Mr. President, I move to reconsider the vote by which Senate Bill No. 141, passed third reading.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

## MOTION TO RECOMMIT BILL

Mr. RANKIN. Mr. President, I move that Senate Bill No. 141, on third reading, be recommitted to the Committee on County Government for further consideration.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

## BILL OVER IN ORDER

Mr. HOWELL. Mr. President, I ask unanimous consent that Senate Bill No. 31, on third reading, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more then one party nomination and requiring candidates' affidavits from candidates for additional offices

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 245, entitled:

An Act to further amend section five of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled "A supplement to the act, approved the twenty-seventh day of March, one thousand nine hundred and twenty-three (P. L. 34), entitled 'An act concerning alcoholic liquor; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing for penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws'; providing for the registering of federal permits; also regulating, under permit, through a Pennsylvania Alcohol Permit Board created in the Department of Welfare, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, recovery, reuse, holding in bond, holding in storage by bailees for hire, sale at wholesale, and transportation for hire, of any alcohol or alcoholic liquid, by certain persons; also providing for fees and the disposition thereof; also authorizing the inspection of the records of parmittees and purchasers of said alcohol or alcoholic liquid, also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," permitting limited wine making in homes for home consumption.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

| | | | |
|---|---|---|---|
| Aron, | Howell, | Owlett, | Shapiro, |
| Batchelor, | Hunsicker, | Pierson, | Staudenmeier, |
| Baumer, | Kahle, | Prince, | Thompson, |
| Buckman, | Lanius, | Pytko, | (Centre) |
| Cavalcante, | Law, | Rankin, | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | Rodgers, | Homsher, |
| Harris, | Norton, | Rupp, | Pres. Pro. Tem. |

NAYS—3

| | | |
|---|---|---|
| Bennett. | Chapman. | Reed, (Dauphin) |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 482, entitled:

An Act providing for the filling of vacancies in certain county offices in counties of the first class and that such appointees shall hold office for the unexpired term

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

## BILL POSTPONED

Mr. TRAINER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. STAUDENMEIER. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 96, as follows:

An Act to amend section four of the act approved the twentieth day of March one thousand eight hundred and ten (Pamphlet Laws two hundred eight) entitled "An act to amend and consolidate with its supplements the Act entitled 'An act for the recovery of debts and demands not exceeding one hundred dollars before a Justice of the Peace and for the election of Constables and for other purposes'" by prescribing the time within which transcripts must be filed on appeals from judgments of justices of the peace in civil cases.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the twentieth day of March one thousand eight hundred and ten (Pamphlet Laws two hundred eight) entitled "An act to amend and consolidate with its Supplements the Act entitled 'An act for the recovery of debts and demands not exceeding one hundred dollars before a Justice of the Peace and for the election of Constables and for other purposes'" is hereby amended to read as follows

Section IV And be it further enacted by the authority aforesaid That if either party or their agents shall refuse to refer the justice may proceed to hear and examine their proofs and allegations and thereupon give judgment publicly as to him of right may appear to belong either part having the right to appeal within twenty days after judgment being given either by the justice alone or on award of referees when such award shall exceed the sum of twenty dollars And if the parties are dismissed before an appeal is made the justice shall at the instance of the appellant notify through a constable or other fit person the adverse party to appear before him on some day certain and if the parties shall appear on the day appointed it shall be in the power of the justice with consent of the parties or their agents to open his judgment and give them another hearing but if they will not agree to such rehearing the party appellant shall be bound with surety in the nature of special bail unless such party appellant be an executor or administrator body corporate or politic in all or either of which cases the party appellant shall be entitled to the appeal without being bound with surety in the nature of special bail whether the appellee shall appear or not if the plaintiff in a sum sufficient to cover all the costs which have or may accrue with four dollars a council fee and fifty cents per day for every day the appellant shall attend on such appeal which the appellant shall be bound to pay if the judgment of the justice shall be affirmed by the court or if he shall recover less than the amount of the judgment of the justice if the defendant be the appellant he shall be bound with surety as aforesaid in a sum sufficient to cover the sum in controversy all the costs council fee and daily pay aforesaid which he shall be bound to pay if the judgment of the justice shall be affirmed by the court or if the plaintiff shall recover more than the amount of the judgment of the justice but on the reversal or abatement of the amount of a judgment on an appeal the defendent if the appellant shall be allowed his daily pay council fee and costs only in case he produces no evidence before the court other than that which he exhibited before the justice or referees or in case of his having offered security as aforesaid if he is not a freeholder for his appearance on after day or being a freeholder was refused time to prepare or produce his proof or in case of judgment against him by default the plaintiff refused his consent to a rehearing which costs shall be taxed by the court and all which proceeding so had before the justice shall be entered at large by him in a docket or book to be kept by him for that purpose in which he shall state the kind of evidence upon which the plaintiff's demand may be founded whether upon bond note penal or single bill writing obligatory book debt damages or assumption or whatever it may be and the whole proceeding in case of appeal shall be certified to the prothonotary of the proper county who shall enter the same on his docket and the suit shall from thence take grade with and be subject to the same rules as other actions where the parties are considered to be in court and the costs accrued before the justice shall await the event of the suit Provided always That if the party appellant shall enter bail to appeal within twenty days after judgment being given as aforesaid such appeal shall be effectual in case such party appellant shall file the transcript of the record of the justice in the prothonotary's office [on or before the first day of the next term of the court of common pleas of the proper county after entering such bail as aforesaid] within thirty days after the bail to appeal was entered before the justice Provided That any such appeal from the decision determination or order of [two justices] a justice of the peace to the court of common pleas or court of quarter sessions in any county the cause shall be decided in such court on its facts and merits only and no deficiency of form or substance in the record or proceedings returned nor any mistake in the form or name of the action shall prejudice either party in the court to which the appeal shall be made Provided further nevertheless if any executor or administrator shall declare before the justice after judgment against him that he has not sufficient assets to satisfy such judgment it shall be the duty of the justice forthwith to transmit the record of his judgment to the prothonotary of the court of common pleas to be entered on his docket and the said court shall adjudge and decree thereon and appoint auditors to ascertain and apportion the assets according to law as in other cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 269, as follows:

An Act relating to writs of execution other than attachments on goods and chattels where Sheriffs' Sales are delayed or plaintiffs fail to advance the costs for same and providing that such writs including any in the hands of Sheriffs when this Act becomes effective may be returned as stayed for want of prosecution unless the property levied upon be advertised for sale within three months after the levy thereon exclusive of the duration of any stay of proceedings by order of Court or operation of law preserving the lien of such levy

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any goods and chattels are levied upon by any Sheriff by virtue of any writ of execution other than an attachment and the plaintiffs named therein shall cause a Sheriff's Sale thereof to be delayed by failing to advance the costs thereof or otherwise so that no advertisement for sale be made within three months after the date of such levy excluding the duration of any stay of proceedings by order of Court or operation of Law preserving the lien of such levy such Sheriff may return such writ if the return day of same has passed as stayed for want of prosecution and abandon such levy without liability for failure to realize the value of any goods levied upon or for any damage caused by such levy but such plaintiffs shall not be precluded by such return from issuing an alias or pluries writ to levy upon the same goods subject to any intervening rights of third persons or claims of property adverse to the defendant in the execution This Act shall apply to all testatum as well as original writs of execution subject to the power of the Courts issuing the same to control the returns thereof nothwithstanding any instructions of the plaintiffs named therein to delay such returns

Section 2 This Act shall become effective at the expiration of three months from the date of its enactment and shall apply to all writs of execution other than attach-

ments on goods and chattels then remaining unreturned in the hands of any Sheriff although he may have made levies by virtue thereof before the date of such enactment

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed as of the date this Act becomes effective

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 352, as follows:

An Act to reenact and amend the act approved the twenty-third day of March one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four) entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases" extending said act to all courts of record

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-third day of March one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four) entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases" is hereby reenacted and amended to read as follows

An Act Making the verdict of a jury in the several courts of [common pleas] record of this Commonwealth a lien in certain cases

Whereas It frequently happens that on the rendition of a verdict in the courts of [common pleas] record of this Commonwealth for a certain sum or sums therein specified [that] reasons for a new trial and in arrest of judgment are filed which are not disposed of for a considerable period of time thereafter in consequences of which no judgment being entered on the verdict the party in whose favor the same is found has no security by way of lien for the amount of the verdict [found] therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever a verdict is rendered by a jury in any of the courts of [common pleas] record of this Commonwealth for any specific sum of money in such case the verdict shall be a lien upon the real estate situate within the proper county of the party or parties against whom said verdict shall be rendered which lien shall remain unless the court grant a new trial or arrest the judgment and it shall be the duty of the prothonotary of the court [of common pleas] to enter such verdict on the lien docket where judgments are entered marking the same "verdict" and specifying the amount of said verdict and the date of its rendition

Section 2 In case the court shall overrule any motion for a new trial or in arrest of judgment now pending in any court of record the lien of the verdict in such case shall date from the time of its rendition Provided however That no innocent purchasers without notice shall be prejudiced thereby

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 379, as follows:

An Act providing for the purchase and distribution of milk to undernourished and needy children in the public schools imposing duties on boards of school directors teachers principals medical inspectors and the Department of Welfare and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every child attending the public schools who because of the inability of parents or persons responsible for maintenance to purchase the same shall be known to a teacher principal member of the educational staff parent or other person to be receiving less than one quart of milk per day shall be entitled to receive at least one pint of milk of at least three and one-half per centum butterfat content each school day and so much additional milk as it deemed commensurate with the needs of such child The amount of milk above one pint to be supplied to any undernourished pupil shall be determined by a medical inspector of the school district

Section 2 Each board of school directors shall establish through such existing agency or agencies public or private or through a newly created agency as may be deemed necessary a system for the requestioning and distribution of milk and for the collecting of reports as to the quantity of milk required daily in such school district and in each school room to supply undernourished pupils Every teacher principal or medical inspector designated by the board of school directors for such purpose shall make periodical reports to such milk requisitioning and distributing agency as to the number of pints of milk required to supply undernourished pupils in each school room and shall supply such agency with the names of the pupils who are to receive such milk together with their respective ages and addresses

Section 3 The agency designated by the board of school directors to gather reports as to the quantity of milk required shall at least five days before the end of each month requisition from the State Department of Welfare a daily supply of milk for the succeeding month sending to the Department a record of the names ages and addresses of pupils for whom such milk is required Thereupon the Department shall arrange to have such quantity of milk delivered to such agency daily or directly to school rooms by the dealer from whom the same is purchased as may be required in order that proper distribution of such milk may be made

Section 4 The Department of Welfare shall be by mail or otherwise request bids for the supplying of milk for undernourished school pupils from milk dealers in the various communities and shall invite sealed bids from each and every dealer in a community but it shall not be required that advertisement be made for such sealed bids The contract for the furnishing of milk in a community shall be let to the lowest responsible bidder who shall be required to furnish bond to the Commonwealth in such amount as may be fixed by the Department of Welfare conditioned for the faithful performance of the terms of his contract The word "community" as used in this section shall not be construed as synonymous with municipality but as meaning a built up section or natural trading center and a community may cross municipal and county lines

Section 5 This act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeablty to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 424 (House Bill No. 677), entitled:

An Act to amend sections three hundred eleven three hundred eighteen and three hundred twenty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to

counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended further amplifying the powers of the retirement board in counties of the second class increasing the contributions of such counties county poor districts and employes and restricting rights to retire for disability in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 428 (House Bill No. 275), entitled:

An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating joint sewer improvements

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 429 (House Bill No. 276), entitled:

An Act to amend section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating joint sewer improvement

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 430 (House Bill No. 277), entitled:

An Act to amend section one thousand five hundred and forty of the act approved the first day of may one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 431 (House Bill No. 278), entitled:

An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," providing for and regulating joint sewer improvements.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 434 (House Bill No. 877), entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 440, as follows:

An Act establishing as State highways subject to certain restrictions all existing township roads in townships of the second class which have not heretofore been established as State highways and providing for their maintenance and repair and for the vacation of certain of said roads

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all existing township roads in townships of the second class which have not heretofore been established as State highways shall be taken over by the Commonwealth not later than December thirty-first one thousand nine hundred and thirty-five for maintenance and repair under the provisions of this act subject to the limitations hereinafter prescribed and such highways shall hereafter be deemed to be State highways except that there shall be no responsibility on the Commonwealth for the reconstruction and improvement of said roads until the State highways on the existing State highway system and on the rural State highway system have been first reconstructed and improved

Section 2 No township road or part thereof in any township of the second class shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree No such road or part thereof shall be taken over if a contract for the improvement thereof has been entered into with a contractor until the contract has been completed No such road or part thereof shall be taken over if an agreement has been entered into for the maintenance or construction until the agreement has been fulfilled or cancelled with the consent of the township supervisors

Section 3 In taking over said township roads the Commonwealth shall also take over all drainage structures and bridges thereon which are the responsibility of the township except storm or sanitary sewers Responsibility for the reconstruction and maintenance of any bridge or structure not taken over shall remain with the county person or corporation responsible therefor at the date of the approval of this act

Section 4 The county commissioners of any county may by resolution and after approval of a grand jury take over as a county road with the consent of the Secretary of Highways any road or section thereof taken over by

the Commonwealth under this section to be thereafter maintained and improved as a county road in the manner provided by law A description of any road or section so taken over with the resolution of the county commissioners and the approval of the Secretary of Highways shall be filed by the county commissioners in the office of the clerk of the court of quarter sessions of the proper county

Section 5 Whenever it shall appear to the Secretary of Highways that any part or section of any township road taken over under this section is unnecessary for public travel or burdensome or dangerous he may petition the court of quarter sessions of the proper county to vacate such part or section The proceedings upon said petition shall be governed by existing laws relating to the vacating of public roads Provided however That nothing herein contained shall be construed to limit the authority of the Secretary of Highways or the Department of Highways to vacate sections of road which have been relocated as provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 496 (House Bill No. 233), entitled:

An Act to amend and reenact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" extending the provisions thereof for two years and exempting mortgages issued under the National Housing Act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. COYNE. Mr. President, I move that Senate Bill No. 498 (House Bill No. 332), on second reading, entitled:

An Act to amend section two of the act aproved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances

be recommitted to the Committee on County Government.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

## RECESS

Mr. ARON. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## REPORT FROM COMMITTEE

Mr. ROBERTS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS from the Committee on State Government, reported as committed, Senate Bill No. 489, entitled:

An Act to amend section one thousand and eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by adding a new clause, authorizing the Water and Power Resources Board to construct dams and reservoirs for the purpose of furnishing water supplies; and to impose reasonable charges for such water.

## USE OF SENATE CHAMBER GRANTED FOR THE PURPOSE OF A PUBLIC HEARING.

Mr. McCLURE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE offered the following resolution which was twice read considered and agreed to:

In the Senate, March 20, 1935.

Resolved, That the use of the Senate Chamber be granted to the Senate Committee on Finance, Monday, March twenty-fifth, at 2 P.M., for the purpose of a Public Hearing on bill imposing a tax on gasoline.

## MOTION TO READ BILL THE FIRST TIME

Mr. GELDER. Mr. President, I move that the bill reported from committee at today's session be read the first time.

Mr. BUCKMAN. Mr. President, I second the motion.

## BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 489, entitled:

An Act to amend section one thousand and eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several

administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by adding a new clause, authorizing the Water and Power Resources Board to construct dams and reservoirs for the purpose of furnishing water supplies; and to impose reasonable charges for such water.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. GELDER. Mr. President, I move that the Senate do now adjourn.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:16 P. M. until 9:00 o'clock Monday evening, March 25, 1935.

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# HOUSE OF REPRESENTATIVES

WEDNESDAY, March 20, 1935

The House met at 11:00 o'clock A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Marshall L. Shepard, a member of the House, offered the following prayer:

O, God our Heavenly Father, Thou who hast been our dwelling place in all generations; Thou in whom we live and move and have our being, we thank Thee for the blessings that Thou hast bestowed upon us. We pray that Thou wouldst continue to lead us, direct us by Thy wisdom.

In this day when nationalism, hatreds and suspicions make the war clouds hang low over so much of our world, we pray Thee that we may have that peace of God that passeth all understanding; that here in America we may set an example of good will and tolerance to all of mankind. We pray that Thou wouldst bless our Governor; the heads of this Commonwealth, Bless the Speaker and those who are absent because of illness. May Thy kingdom come and Thy will be done in His name and for His sake. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. Hoffner the further reading was dispensed with and the Journal approved.

## SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

## BILLS INTRODUCED AND REFERRED

By Mr. OMINSKY (By Request). HOUSE BILL No. 1688.

An Act to further amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by adding a new section, providing optional procedures to obtain divorces from spouses who have been convicted of certain crimes and sentenced to imprisonment.

Referred to the Committee on Judiciary General.

By Mr. LONGAKER. HOUSE BILL No. 1689.

An Act to amend section thirty-eight of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568), entitled "An act relating to the commencement of actions," requiring more specific statements in the return of writs of summons.

Referred to the Committee on Judiciary General.

By Mr. LONGAKER. HOUSE BILL No. 1690.

An Act to amend clause first as amended of section one of the act approved the ninth day of July, one thousand nine hundred and one (P. L. 614), entitled "An act relating to the service of certain process in actions at law and the effect thereof; and providing who shall be made parties to certain writs," limiting the class on whom certain service may be made.

Referred to the Committee on Judiciary General.

By Mr. JOHN J. DOWNEY. HOUSE BILL No. 1691.

An Act making an appropriation to the Saint Michaels Home, Mantzville, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. LONGAKER. HOUSE BILL No. 1692.

An Act to amend section one of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," limiting the time within which claims for refunds must be made.

Referred to the Committee on Counties.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. CORDIER (Concurrent). RESOLUTION No. 98.

In the House of Representatives, March 19, 1935.

The demands on the bounty of the State have been increasing during these years of the depression at a rate that cannot but cause grave concern to those charged with the tremendous responsibility of securing and distributing the needed funds and the equitable distribution of the burdens and benefits.

A task of these proportions we cannot hope to fulfill during the rush and confusion of a single legislative session, and without serious, protracted and concentrated study; therefore be it

Resolved (if the Senate concur), That a committee be created to consist of seven members, in so far as feasible to represent the tax paying public, corporations, labor, agriculture and the Legislature; three of such members, at least one of whom shall be a Member of the House of Representatives, to be appointed by the Speaker of the House, three, at least one of whom shall be a Senator, to be appointed by the President pro Tempore of the Senate, and one to be appointed by the Governor. The duty of such committee shall be to make an exhaustive study and

investigation of systems of State taxation, finance and government; and be it further

Resolved, That said committee shall make a report to the General Assembly when next convened in general or extraordinary session; and be it further

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Ways and Means.

By Mr. CORDIER (Concurrent) RESOLUTION No. 99.

In the House of Representatives, March 19th, 1935.

His Excellency, George H. Earle, Governor of Pennsylvania, in his message to the General Assembly February twelfth, 1935, made the statement that the total General Fund appropriations sought for the next biennium amount to $355,656,254, which includes, aside from the normal expenses of the State government and sinking fund charges on the funded debt, large items for unemployment relief, pensions for the aged and the blind, and added cost of collecting proposed new taxes.

The extent of the needs for these latter items cannot now be determined with any degree of accuracy. They are contingent on the events of the future. Circumstances that we cannot now forsee may render these estimates distressfully inadequate, or may cause the vastness of the appropriations to become unnecessarily burdensome.

Just what revenue new tax measures will produce is, on past experience, a matter of purest conjecture. Estimates are apt to be overly optimistic; and again, through change of circumstance, a given tax may prove itself more bountiful than accredited in any budgetary vision.

The General Assembly has not been able to give to a matter of so grave importance as the raising and expenditure of hundreds of millions of public moneys, the study which it merits and demands. What we now do will be at best an experiment, and, as such, should be confined within as limited proportions as the subject of the experiment will permit.

The calling of the General Assembly into extraordinary session within a year from now is inevitable under any circumstances. The efforts of the present session should not set out to accomplish more than is practical and expedient, lest in its over-zealousness it makes unnecessary and costly mistakes; therefore, be it

Resolved (if the Senate concur), That any new or additional tax adopted at the present session of the Legislature be made applicable for the space of one year only; and that all appropriations made at this sssion be only for the single fiscal year, from June first, 1935, until May thirty-first, 1936.

**Referred to the Committee on Ways and Means.**

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct the titles were publicly read as follows:

HOUSE BILL No. 433.

An Act making an appropriation to the City of Philadelphia for monies advanced by said City to the Delaware River Bridge Commission jointly with the Commonwealth of Pennsylvania, with interest, which monies, including the monies so advanced by the City of Philadelphia were repaid to the Commonwealth of Pennsylvania by the Delaware River Bridge Commission.

SENATE BILL No. 149.

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## COMMITTEE APPOINTED TO INVESTIGATE EMERGENCY RELIEF BOARDS OF WASHINGTON AND GREENE COUNTIES.

The SPEAKER. In accordance with the provisions of Resolution No. 80, Printer's No. 311, adopted by the House on March 19th, the Chair appoints the following Committee as provided for in the resolution to investigate the Emergency Relief Boards of Washington and Greene Counties, Messrs. Furman, John E. Brown, Hindman, Cliff Patterson and Carson.

## REPORTS FROM COMMITTEES

Mr. CHERVENAK, from the Committee on Labor reported as committed, House Bill No. 1199, entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; requiring appeals heretofore taken to the courts of common pleas to be filed directly with the Superior Court and conferring jurisdiction upon such court to hear such appeals; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurors; conferring certain duties upon the prothonotary of the Superior Court, and certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, incluring the cost of administering the workmen's compensation system; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

Mr. McDERMOTT, from the Committee on Counties reported as committed, House Bill No. 1421, entitled:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor; abolishing the elected directors of the poor and terminating the terms of those now in office, but providing that certain directors shall continue as employes; and repealing existing laws.

Mr. MASON, from the Committee on Judiciary General reported as amended, House Bill No. 945, entitled:

An Act relating to the imposition of costs of commitment and maintenance where the court of quarter sessions commits poor or mentally defective persons to an almshouse, home or hospital, of a poor district where such person has no legal settlement.

Mr. SIMPSON, from the Committee on Boroughs and

Townships reported as committed, House Bill No. 1265, entitled:

An Act to repeal the act approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine (P. L. 851), entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

Mr. SIMPSON, from the Committee on Boroughs and Townships reported as amended, House Bill No. 734, entitled:

An Act to amend clause forty-six of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," authorizing the erection of memorials.

Mr. ALEXANDER, from the Committee on Education, reported as amended, House Bill No. 1311, entitled:

An Act to amend section one thousand five hundred and eleven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as added; authorizing school districts to provide for the treatment of diseased tonsils of pupils, and to furnish glasses.

Mr. HOOPES, from the Committee on Labor re-reported as amended, House Bill No. 371, entitled:

An Act to amend an act approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled, "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof;" as amended, by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

Mr. STEVENS, from the Committee on Education reported as committed, House Bill No. 804 (Senate Bill No. 185), entitled:

An Act to amend section eleven of the act approved the sixth day of May, one thousand nine hundred and twenty-seven (P. L. 820), entitled "An act regulating the practice of the profession of engineering in all of its branches, including surveying; providing for the registration of certain persons practicing or offering to practice said profession; conferring certain powers and imposing certain duties upon the State registration board for professional engineers, upon the court of common pleas of Dauphin County; and providing penalties," by removing the penalty for failure to renew certificates.

Mr. NOTHNAGLE, from the Committee on Education, reported as committed, House Bill No. 1170 (Senate Bill No. 242), entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law; and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applicants for examination and registration, and changing violations of the act from misdemeanors to summary proceedings.

## BILL RE-REFERRED

Mr. HARTMAN returned from the Committee on Public Health and Sanitation with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1184, entitled:

An Act to further amend section three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospitals for services to indigent victims of motor vehicle accidents.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### TOWNSHIP ROADS

A resolution from the Butler County Association of Supervisors and Auditors addressed to Mr. Murrin protesting diversion of Motor License Fund.

Referred to the Committee on Agriculture.

### BLUE LAWS

A petition from citizens of Bethel Township, Berks County, protesting against amendment of Blue Laws.

Referred to the Committee on Law and Order.

### TAXES

A petition from citizens of Philadelphia County addressed to Mr. Blumberg protesting document tax.

Referred to the Committee on Ways and Means.

A petition from members of Gretna Grange, addressed to Mr. Carson requesting removal of road and school taxes; opposing increase in gasoline tax and diversion of motor funds; administration of relief by County Poor Boards and advocating publication of names and amounts of those receiving relief.

Referred to the Committee on Ways and Means.

A resolution from Home owners and taxpayers of the County of Washington, addressed to Mr. Carson, advocating enactment of laws to encourage home ownership.

Referred to the Committee on Ways and Means.

Petitions from residents of Philadelphia protesting diversion and urging return of motor vehicle funds.

Referred to the Committee on Ways and Means.

## RESOLUTION

### PRINTING OF HOUSE BILL NO. 1477

The SPROUL offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 20, 1935.

Resolved, That the Chief Clerk be directed to have printed five hundred additional copies of House Bill No. 1477, entitled "An act providing for the eradication of mosquitoes; authorizing the establishment of county mosquito extermination commissions by popular election, and for the appointment of their members by the courts of Common pleas; and prescribing the powers and duties of such commissions, the county commissioners and the State Secretary of Agriculture," for the use of the House of Representatives.

## EXTENDING SYMPATHY ON DEATH OF HON. WILLIAM H. CALHOUN

Mr. PERRY offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, March 20, 1935.

William H. Calhoun, Sr., of Northumberland, Northumberland County died at his home on Sunday evening of this week, at the age of 77 years;

Mr. Calhoun was a member of this body from the First District in Northumberland County during the Session of 1925;

During a long and successful career in public and private life, his one controlling interest and enthusiasm was band music;

In the year 1882 he organized and trained the first Calhoun's band, an organization which still exists and which looks upon him still as its patron and founder; an organization which, during the World War, volunteered for service, was accepted, and served under the leadership of his son;

The community service rendered by Mr. Calhoun in his chosen avocation is evidenced by the fact that he was elected on honorary member of the Grand Army of the Republic, and of the American Legion Posts of Northumberland and Sunbury, as an honorary member of which latter post he was awarded the distinguished service certificate from the Department of Pennsylvania, American Legion; during his long and active life he trained more than fifteen hundred musicians to play band instruments; therefore be it

Resolved, That the members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, express their sorrow at the passing of so outstanding a citizen and their condolences to the bereaved family; and be it further

Resolved, That a copy of this resolution shall be forwarded by the Chief Clerk of the House to the widow of our former associate, William H. Calhoun, Sr.

## USE OF HALL OF HOUSE GRANTED TO COMMITTEE ON LABOR

Mr. YOURISHIN. Mr. Speaker I move that the Committee on Labor be granted the use of the Hall of the House on Tuesday, March 26th, from two to five o'clock P. M. for the purpose of holding a public hearing on House Bills Nos. 340 and 1199.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1207, entitled

An Act to amend clause (a) of section sixteen of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," requiring the registration commission to provide an additional registration day in each election district during the month of August, one thousand nine hundred and thirty-five.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1139, entitled

An Act to amend clause D of section ten of the act approved the second day of January, one thousand nine hundred and thirty-four (P. L. 174, 1933-34), entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuing of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," restraining milk dealers from specifying foreign requirements for milk other than milk actually sold outside the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 533, entitled

An Act to amend section one thousand and seventeen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts, making an appropriation and providing for refunds," by prohibiting the owner of a vehicle from passing school busses in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 931 as follows

An Act to amend the title and to reenact section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred ninety-eight) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in counties school districts and townships where such forests are located and making an appropriation" by providing that lands and property acquired for the purpose of conservation of water and to prevent flood conditions shall be subject to annual charges the same as State forests lands and repealing existing laws for the taxation thereof

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred ninety-eight) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation" is hereby amended to read as follows

An Act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purposes of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks or for the purpose of conservation of water and flood control and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests or lands and waters are located and making an appropriation

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. MOUL. Mr. Speaker, I move that this bill be recommitted to the Committee on Forestry for the purpose of amendment.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1080, as follows:

An Act to amend sections two hundred and two hundred and three four hundred and forty-eight and one thousand eight hundred and six as amended sections one thousand eight hundred and eleven one thousand eight hundred and twelve one thousand eight hundred and thirteen and one thousand eight hundred and fourteen and to repeal section four hundred and thirty-four four hundred and thirty-five four hundred and thirty-six and four hundred and thirty-seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions ond officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" abolishing the Pennsylvania State Park and Harbor Commission of Erie the Washington Crossing Park Commission the Valley Forge Park Commission and the Fort Washington Park Commision as departmental administrative commissions and making said commissions advisory commissions in the Department of Forests and Waters

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representativees of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred and two and two hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven entitled "An act providing for and reorganiziing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred fifty) are hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Officers The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
State Employes' Retirement Board
In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
In the Department of Internal Affairs
Board of Property
State Aeronautics Commission

regulate drugs,

In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustes of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Undertakers
State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers

In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers and Sailors' Home
State Athletic Commission

In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission

[illegible]he Department of Agriculture
[illegible] Farm Products Show Commission
[illegible]Department of Forests and Waters
[illegible]er and Power Resources Board
[illegible]graphic Board
[illegible]ke Erie and Ohio River Canal Board
[illegible] Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission

In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors

In the Department of Highways
State Bridge Commission

In the Department of Health
Sanitory Water Board
Anatomical Board

In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board

In the Department of Welfare
State Council for the Blind
Pennsylvania Alcohol Permit Board
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Trustees of Selinsgrove State Colony for Epileptics

In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 203 Advisory Boards and Commissions The following advisory boards and commissions are placed in and made parts of the respective administrative departments as follows

In the Department of Military Affairs
State Military Reservation Commission
State Veterans Commission

In the Department of Forest and Waters
State Forest Commission
State Parks Commission
Bushy Run Battlefield Commission
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission

In the Department of Health
Advisory Health Board

In the Department of Labor and Industry
Industrial Board

In the Department of Welfare
State Welfare Commission

In the Department of Property and Supplies
General Galusha Pennypacker Monument Commission

On the question.

Will the House agree to the section?

## BILL RECOMMITTED

Mr. HIRSCH. Mr. Speaker, I move that this bill be recommitted to the Committee on Forestry for the purpose of amendment.

The motion was agreed to.

## BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 501, as follows:

An Act authorizing the Department of Highways to build construct and maintain sidewalks along State highways in township of the first and second class for the protection of public school pupils requiring townships of the first and second class to contribute to the cost of such building and construction and appropriating moneys from the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Highways is hereby empowered to build construct and maintain a sidewalk along any State highway not located in built up sections in any twonship of the first and second class where such sidewalk is deemed necessary for the protection of pupils attending any public school or high school Any such sidewalk shall be constructed within the lines of such State highway No such highway shall be constructed by the Department of Highways unless or until the township or townships affected shall have agreed with the Department to pay one-half of the cost of the building and construction of said highway Any such sidewalk shall be built constructed and maintained by the Department of Highways in the same manner as State highways and any moneys in the Motor License Fund shall be available for the building construction and maintenance of such sidewalk and for such purposes are hereby appropriated

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Ederer, | Male, | Schwartz, |
| Alexander, | Eroe, | Mallen, | Shaw, |
| Allen, | Falkenstein, | Mason, | Shepard, |
| Altenburg, | Ferko, | McCreary, | Shortz, |
| Andrews, | Finnerty, | McDermott, | Shreiner, |
| Arnold, | Fitch, | McDevitt, | Shugarts, |
| Atkins, | Flanagan, | McElroy, | Siegel, |
| Aukerman, | Flinchbaugh, | McHenry, | Simon, |
| Baine, | Flynn, | McKinney, | Simpson, |
| Baker, F. T., | Forrest, | Melchiorre, | Sloan, |
| Baker, J. J., | Furman, | Mentzer, | Smith, J. A., |
| Baldi, | Gates, | Merrell, | Smith, W. G., |
| Barber, | Gerard, | Moomaw, | Snyder, F. E., |
| Barnhardt, | Gillette, | Mooney, | Snyder, J. L., |
| Bernhard, | Green, | Moore, | Sowers, |
| Blumberg, | Greenstein, | Moran, | Sproul, |
| Boose, | Habbyshaw, | Moul, | Stank, |
| Boyd, R., | Haberlen, | Muir, | Stevens, |
| Boyer, | Hagerty, | Munley, | Stewart, |
| Bradley, | Haluska, | Murrin, | Stockham, |
| Brancato, | Hamilton, F. P., | Nagel, | Stone, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brown, H. S., | Harkins, | O'Keefe, | Sumney, |
| Brown, J. E., | Harmuth, | Ominsky, | Surface, |
| Brownfield, | Hart, | O'Neill, | Tahl, |
| Brumbaugh, | Hartman, | Panton, | Terry, |
| Burke, | Hefferon, | Parks, | Tronzo, |
| Cannon, | Hermansen, | Patterson, J. W., | Trout, |
| Carr, | Hetrick, | Pearson, | Tumelty, |
| Carson, | Hindman, | Perry, | Turner, |
| Castor, | Hirsch, | Peters, | Van Allsburg, |
| Chervenak, | Hoffner, | Pfaff, | Van Sickle, |
| Coakley, | Holland, | Phillips, | Walker, |
| Cochran, | Holstrom, | Piole, | Wall, |
| Cohen, | Hoopes, | Powers, | Wasserman, |
| Coleman, | Horst, | Reising, | Weidemann, |
| Condon, | Jackson, | Reynolds, | Weiss, |
| Conner, | Jones, | Rhys, | Welsh, |
| Coolahan, | Kane, | Rinn, | Westrick, |
| Cordier, | Kelso, | Roan, | White, |
| Davies, | Kilroy, | Robinson, | Wickersham, |
| Decker, | Kinney, | Rooney, | Wilson, |
| Denning, | Klingler, | Root, | Wood, |
| Dent, | Kobelak, | Ruffennach, | Woodside, |
| Diehl, | LaRue, | Sarraf, | Yeakel, |
| Dilley, | Linderman, | Scanlon, | Yourishin, |
| Downey, G. E., | Long, | Schrock, | Zappala, |
| Downey, J. J., | Longaker, | Schrope, | Zimmerman, |
| Duffort, | Lovett, | Schwab, | Sarig, |
| Eberharter, | Lynch, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 112, as follows:

An Act to amend section two hundred sixty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" making Sunday fishing with rods and lines lawful under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred sixty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 265 Sunday Fishing [Prohibited] Lawful Exception It is [unlawful] lawful to fish in any of the waters wholly within or on the boundaries of this Commonwealth for any species of fish [or with any device] during the open season therefor with not more than two rods and two lines and one hand line with not more than three hooks attached to either line on the first day of the week commonly called Sunday if the consent of the owner or lessee of the land abutting on a stream or body of water and of the bed thereunder where the fishing is done has first been secured but no such consent shall be required to fish in the manner above provided in a stream or body of water on State owned or Federal lands nor in a river or body of water the bed of which is publicly owned except where the fishing is done from abutting land privately owned in which case the consent of the owner or lessee shall first have been secured It is unlawful to fish on any Sunday in any other manner than hereinbefore provided or in streams and waters contrary to the provisions of this section Any person violating any of the provisions of this section shall on conviction as provided in chapter fourteen of this act be subject to a penalty of twenty-five dollars

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. SURFACE. Mr. Speaker and members of the House, I do not have much to say, but I hope that it will be ragarded as sufficiently important to direct your attention to two fundamentals. Pennsylvania has been known and is known as the Quaker State, and we have a reputation to maintain.

I deplore seriously the tendency to break away from those fundamentals by which we have long been known, or our,—what might be called pious, what might be called religious, but what I call our civic attitude. I would call your attention to the fact, Mr. Speaker and members of this House, that it is essential in building the House estate, that we consider certain fundamentals, that we shall build our mansion upon such fundamentals as the Ten Commandments, the Golden Rule, the Lord's Prayer and human conscience. Let these things be our guide and we shall be safe in what we do.

I deplore the tendency to break away from our blue laws to open up the Sabbath day, to enter into such amusements perhaps as some that are proposed, of Sunday fishing, the training of hunting dogs going over one's premises on the Sabbath day, the horse races with the evil of parimutuel betting that is proposed to go with it, and I hope we can have enough remembrance of the fathers of Pennsylvania that in this state with the reputation that we have won as a great state in many, many regards may indeed be preserved.

In speaking specifically of this Bill I would call your attention to the fact that Pennsylvania has more sportsmen, more fishermen than any other state of the so-called Eastern states. We also have a less quantity of lake water or shore water than any other state around us. While it is true that other states do have Sunday fishing, yet they have inland lakes, as for example, New York has more than ten times the inland lake surface that we have.

Other states have marine fishing. Our fisheries are maintained in our streams chiefly by the work of the Fish Commission planting in them the fish that are to be taken out by rod and line. We have a wonderful Commission rendering us wonderful service, but, ladies and gentlemen of the House, I would call your attention to the fact that our streams are practically depleted of their fish by the end of the fishing season.

This proposed bill for Sunday fishing would result in taking from our streams one-fourth as many more fish as are taken under the present law and present fishing. A larger proportion than that taken in one day because of the Sunday fishing. If this one-fourth of our fishes is taken from our streams by this extra fishing day, it means that the season must be shortened to three-quarters of what it is at the present time, because it is true that most of our streams are fairly well depleted under the present fishing laws.

I would call your attention also to the fact that this bill provides that a fisherman must obtain permission of the owner of the land upon which he enters to fish. This means that he will not know the limits of that land, and if he gets beyond the limits of that particular farm or premises he must have the permission of the next landowner, and this will cause a very considerable amount of trouble to the land-owner on the Sabbath day to be where he can be found in order to give this permission to the fisherman.

I beseech you members of the House to help preserve the name of the fair State of Pennsylvania as we have preserved our Blue Laws, and justify the name that we now have. It is true that I have at one time voted for a local option for Sunday sports, but that is a different proposition in its local option than a local option for fishing.

Suppose one county has local option for fishing and another does not; it means that one can usually get into his automobile and go into the county where fishing is permitted. I can see no way than that we can properly open up our Sunday for Sunday fishing.

Mr. SOWERS. Mr. Speaker, I regret very much that the gentleman injected into this argument that Pennsylvania is a Quaker state and therefore evidently William Penn was opposed to Sunday fishing and was also in favor of Blue Laws. Such is not the case; William Penn's writings clearly show that he was not in favor of the doctrine of Sunday as we have it and practice it.

However, religious argument has nothing to do with this bill. The bill as amended is made so tame that a man who attempts to fish on Sunday in accordance with this law will find that he will only have three hooks on a line. I can see no objection to the bill as amended; I cannot understand the objections that a poor man who is compelled to labor five or six days a week should be deprived of fishing on Sunday because it would take the fish out of the streams.

We have put numerous taxes on the people of this Commonwealth and particularly on those who work, and why shouldn't they have an opportunity to enjoy the fruits of that taxation that they pay.

Now, some sportsmen argue that if you permit Sunday fishing then there will be no fish in the streams. I submit to you that the amateur fishermen on Sunday will not catch one one-hundredth part that the professional fisherman on the six days a week will catch, and I ask you to give the opportunity to the man in the city to go out on Sundays to visit the green fields, look at our streams, enjoy the beauties of our state and enjoy the hope of catching a fish.

Mr. AUKERMAN. Mr. Speaker and members of the House, in rising to oppose this bill I just want to present a few facts which are very pertinent in our county. We have eight sportsmen's organizations in Blair County, all of whom along with the Grange have opposed this measure. Our sportsmen's organizations have been very well organized and they realize what the loss will mean if this bill goes into effect.

We are one of the counties which is fortunate in having a good many miles of trout streams and other fishing waters, and the farmers having protested, say that they will post their lands against fishing, thereby cutting out practically all of our streams in Blair County.

It is a fact that more than ninety per cent of the fishing streams in Pennsylvania are on private grounds, and it all depends upon the use that is made of this privilege as to just how much posting will be done. Here is what will happen, a man will go out on Sunday to go to a farmer's home. The farmer may not be home. What is his reaction going to be? Is he going to refrain from fishing on that land or is he going to go ahead in spite of the fact that he cannot gain permission? A good many of them will go ahead. When the farmer gets home and finds that this privilege has been abused, he is going to post his land.

Another angle of the thing in Blair County is the fact that our Sportsmen's organizations have spent one thousand dollars for material for stream improvements and the CWA and the SERB have matched this ten to one, making approximately eleven thousand dollars which has been spent for land and stream improvements. This for the most part has been spent on privately owned ground, and if this ground is posted against fishing it will mean

the loss of this investment, which has been made in our county.

The streams have been heavily stocked there. By posting the land the farmers would make those lands their own private fishing ponds. We have the same condition in many other counties and in order to retain our present investment and our present fishing rights, I am going to ask you to vote "no" on this measure.

Mr. LaRUE. Mr. Speaker and members of the House, Pennsylvania is the only state in the Union that now prohibits Sunday fishing. Surely we are no different in Pennsylvania than the people of the other states. We are just as religious here in Pennsylvania and those people in the other states are just as religious as we here in Pennsylvania. Therefore, I do not see why we should approach this bill from that angle.

It has been said that if we allow Sunday fishing it will deplete our streams of fish. It it not the fisherman with the hook and line who is taking out our fish. It is the pollution from the coal mines and other industries that have taken out our fish from these streams. It is the illegal devices that we have been trying to do away with for years that have depleted our streams. Certainly a man going out with a fly rod and a fly will not deplete our streams of our fish. I can see no reason why the people of Pensylvania should be deprived of the very same thing that they now enjoy in other states. All of the states that border on Pennsylvania allow Sunday fishing. The state of New Jersey is now discriminating against Pennsylvania by prohibiting its inhabitants from coming into that state and fishing on Sunday for the reason that we do not allow it here. Residents of the more thickly populated sections do not have the opportunity to get out and enjoy the sport of fishing as do our friends from the sparsely settled sections. This law would allow those people to go out on Sunday. It would not prevent them from going to Church on Sunday morning and then going out on Sunday afternoon and taking their families along and having a real quiet afternoon by a stream. Those are the things that Pennsylvanians are deprived of today, and I think we should use good judgment in voting for this bill. Surely one can enjoy no more honest sport than going out along a stream. We allow now some sports on Sunday that are far more harmful than going out to a stream with a fishing rod. I am going to ask you folks to consider this bill carefully and vote for it.

Mr. McCREARY. Mr. Speaker and members of the House, I am not going to make a formal speech. I simply want to speak about this bill along the same lines as Mr. Surface has spoken about it.

I realize, as you do, that the real specifications of this bill are not at all serious. Fishing on Sunday is not the worst crime with which a man can be charged neither is the training of dogs. It is the principle back of it. For more than one hundred years Pennsylvania has stood apart from all other states in observing the sacredness of Sunday.

The gentleman who just spoke said that Pennsylvania was the only state in the Union that did not allow Sunday fishing. I am proud of the fact. Instead of being an objectionable matter, that Pennsylvania was the only state that observes the sacredness of Sunday, I feel that it is a matter of pride. It is the same old strife between good and evil. It is the same old question: Are we going to disregard God's laws or aren't we?

I repeat this matter of going quietly out and fishing with a hook and line is not by any means the worst of sins. All I object to is acquiring the stamp of legality,—the state stamp of legality on breaking the Sunday laws. This is an effort again to break down the old Sunday Blue laws that we have heard discussed so many times. I am told that in this Legislature more than one hundred bills have been introduced to break down those old Sunday Blue Laws. Members of the House, the Sunday laws are a part of our Christian civilization, and there is no use in quibbing over fishing or the training of dogs or a few of these other things. What this Legislature does as a body you are responsible for as a body and not as individuals and yet these men come in here and bring these bills to disregard the Sunday laws of the great state of Pennsylvania. That is what I want to object to, that this state through its Legislature should put its stamp of approval on the breaking of the Sunday laws. They are not man-made laws, members of the House, they are God's laws. The old Blue Sunday Laws are simply an attempt to carry into effect God's laws that were handed down to the children of men from Mount Sinnai. This House as a body dare not go on record as disregarding those laws. You would be ashamed and your descendents would be ashamed, because it is contrary to God's law.

I realize, just as well as you do that those old Blue Laws as they are called are too drastic for the present day and the present conditions, but by common consent and by common usage we have made those laws flexible. We are not attempting now to enforce them in all their drastic requirements, but by making them flexible we will still have their sentiment. They are the reserve force of the state of Pennsylvania to preserve the sacredness of Sunday. Those old Blue Laws are to Pennsylvania just what the Army and the Navy are to this Nation. They are the reserve force that we do not use every day, or every week, or every year but they stand there ready to be called upon in case of an emergency, and they stand there as a warning to all other nations that the United States of America has a reserve force which may be called into service if and when they need it, and it is just that position that those old Blue Sunday Laws occupy with respect to Pennsylvania, the Keystone State. Why would we do what other states do? We are not following the other states. Pennsylvania is the keystone state, the leader. Let the other states follow Pennsylvania. Pennsylvania ought not to follow the other states. Let Pennsylvania, the keystone state, stand for what it has been standing for more than one hundred years. I am not discussing the evils or good of fishing or training dogs or Sunday baseball or any of these other things. They are part of the laws that they are trying to break down. You all remember hearing Aesop's fable abut the camel that came along and wanted to get his nose under a tent to keep warm, and then he got his head in, then his whole body and took the whole tent over. Now this is just an attempt to get the camel's nose into these old Blue Sunday Laws, and there is no telling where it will stop. I am just asking you as the descendents of the Legislators who made them over one hundred years ago not only to maintain the honor and integrity of Pennsylvania but also to maintain God's laws regarding the sacredness of Sunday.

Mr. ALEXANDER. Mr. Speaker and members of the House, I arise to object to this bill for several reasons that are very outstanding in the bill.

The first thing, the bill states that no fishing shall be done excepting on lands that are owned by the state or on lands permission to enter upon has been received from their owners.

Do you realize that exactly ten million five hundred seventy-nine thousand acres or five-sixths of the acreage of Pennsylvania is privately owned, leaving one-sixth of that land to be fished upon in the way this bill proposes? Do you realize that the Fish Commission is opposed to this bill because it will mean the prevention of the program that they are now trying so hard to carry out in replenishing these streams with fish? Do you realize that one of the arguments for this bill, as the gentleman from Philadelphia, Mr. Sowers says, is that it will allow the poor man to go out on the Sabbath day and fish, but do you also realize the fact that almost every day we are voting to lower the hours of labor per week for the laborer, and that he will have plenty of time during the week days to fish.

This request is coming from the rural districts, this is the only thing that the rural districts are asking from every rural member, that they protect the thing that they hold most sacred, and that is the Sabbath day. The fishing and the dog training in themselves are not what we would call a harmful or sinful desecration of the Sabbath day, but how are we going to answer the men that are coming forth with bills that will absolutely desecrate the Sabbath day? Are they not going to claim that here in this House we granted the privilege of fishing and dog training and all other kind of bills that will affect that day? At this time when everything is in a state of unrest, we have the good rural people back there, they are the safe and sane people that are holding this Nation of ours and this state of ours intact. Are we going to reject their ideas in this matter when all they are asking us to do is to maintain the Sabbath as was intended or are we going to pass seemingly harmless legislation that will have the tendency to break down that day.

I appeal to you members of the House that this is not a case of allowing a few people to fish, it is a case of where we are absolutely going against the wills and the wishes of those people who in our state rely upon us to defend them here in this body.

When you vote let us think this thing over seriously, not favoring a few who would like to fish on that day. Let us favor the many who have absolutely solicited and begged us to retain the Sabbath day as it was in the beginning and always has been.

Mr. SCHROPE. Mr. Speaker, may I interrogate the gentleman from Erie, Mr. McCreary?

The SPEAKER. Will the gentleman from Erie, Mr. McCreary permit himself to be interrogated?

Mr. McCREARY. I will, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, does the gentleman feel that the people of his county, of Erie county, are as good morally and spirtually as the people of the other counties of this state?

Mr. McCREARY. A little better, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, will the gentleman state whether or not the people in Erie County fish in Lake Erie on Sunday?

Mr. McCREARY. Mr. Speaker, they fish about twenty miles from shore with fishing boats and nets.

Mr. SCHROPE. And, Mr. Speaker, are those people inhabitants of Erie County?

Mr. McCREARY. They are, Mr. Speaker.

Mr. SCHROPE. Then, Mr. Speaker, in view of the fact that the gentleman stated that they are a little better and in spite of the fact that they fish——

Mr. McCREARY. Mr. Speaker, may I ask a question?

The SPEAKER. The gentleman from Schuylkill has the floor.

Mr. SCHROPE. Mr. Speaker, does the gentleman not feel in all fairness that we in Schuylkill, Luzerne and the rest of the counties in Pennsylvania should have the same privileges as those people have in Erie County?

Mr. McCREARY. Yes, Mr. Speaker, if you take a boat and go twenty miles from shore.

Mr. SCHROPE. Mr. Speaker, is the Sabbath day limited in Erie County to twenty miles from the shore? Is there any Sabbath?

Mr. McCREARY. Mr. Speaker, nobody puts a limit on them. That is where the fish are.

Mr. SCHWARTZ. Mr. Speaker, I desire to interrogate the gentleman from Erie, Mr. McCreary.

The SPEAKER. Will the gentleman from Erie, Mr. McCreary, permit himself to be interrogated?

Mr. McCREARY. Mr. Speaker, I will.

Mr. SCHWARTZ. Mr. Speaker, you have stated before the members of this house that our state of Pennsylvania is the only state observing these Sunday laws, is that correct, Mr. McCreary?

Mr. McCREARY. Mr. Speaker, I didn't say that. The gentleman over here said that and I quoted him.

Mr. SCHWARTZ. Mr. McCreary you represent the county of Erie, is that correct?

Mr. McCREARY. The whole state of Pennsylvania on this matter.

Mr. SCHWARTZ. But the gentleman is elected by the people of the county of Erie in your district.

Mr. McCREARY. Yes sir, by the skin of my teeth.

Mr. SCHWARTZ. Will the gentleman say to the members of the House whether he considers that the County of Erie is part of Pennsylvania.

Mr. McCREARY. It lives in New York state but it pays taxes in Pennsylvania.

Mr. SCHWARTZ. Will the gentleman state to the House how many moving picture shows and how many theaters are open and whether the whole town is not wide open on Sunday.

Mr. McCREARY. The picture show operators have been arrested three or four times and fined two dollars, as that was what the law fined them. They paid the two dollars and opened up again. They have considered at various times whether they would try to amend this law and change the Blue Laws, and they figured that the cost through the courts and through the Supreme Court and the time it would take would be more than the Churches could afford to pay——

Mr. SCHWARTZ. Just answer yes or no.

Mr. McCREARY. No.

Mr. SCHWARTZ. I have been in Erie, I have seen moving picture shows, went to some of their sporting places in Erie on Sunday. Mr. McCreary, will you give the information to this House how the people of your county voted on Sunday sports in nineteen thirty-three, if you know and have the figures.

Mr. McCREARY. The majority was for 238, but only about half the people voted on those amendments, because

there was a new voting machine and they didn't know how to use it.

Mr. SCHWARTZ. Mr. McCreary, for your information I would like to give you the figures on your county. The vote that was taken in November, in the year 1933 on Sunday sports, which according to your statement was evidence that the County of Erie is not part of Pennsylvania and that they have privileges that other counties in this state don't enjoy, the vote on the Sunday sports Bill in your county was 9,974 for and 4,312 against. So your county seems to be in favor of a liberal Sunday.

Mr. McCREARY. I am going to answer that question whether the gentleman wants me to or not. I am going to tell you frankly and directly that that voting machine was the cause of a general upset. I would not hesitate a moment to wager everything I am worth, which is not a great deal, but such as it is, that if that vote were taken today and they went back to the ballot system, and everybody knew how they were voting that there would be an upset just the other way than what it was the last time.

Mr. BARBER. Mr. Speaker, I have listened to the questions propounded by the gentleman from Schuylkill, Mr. Shrope, concerning the conditions of Sunday fishing in Erie. I am compelled to state to the members of this House that any Sunday in the year you can go down to the end of our principal street, what we call the public dock, and there you will find from ten to fifty people sitting and fishing and attempting to do what Mr. Sowers says get solace out of hooking one fish.

You can go down to the end of our principal streets in the winter and there on Erie Bay you will find fishing through the ice, perhaps a few or perhaps two thousand people who are attempting to do that very thing, and that is not twenty miles from the shores of Lake Erie, that is within a stone's throw of the City of Erie. In the spring, in the summer and in the fall Lake Erie from one end to the other, and bounded on the south by the City of Erie and the County of Erie is dotted with small fishing craft. On Sunday, and every Sunday—and I hope most of the time after church—we in Erie are enjoying the privileges of Sunday fishing.

The Erie Sportsmen's League, and the Erie County Sportsmen's League both have sent me communications asking that I vote for a Sunday fishing bill. We in Erie believe that while we have the privilege of fishing on Sunday, while we can do what we wish on Sunday, we should not deprive the people of other parts of the State from participating in the same advantages that we have, and from enjoying all those advantages. So I ask the members of this House to believe me when I say that we in Erie fish and don't fish twenty miles out in the lake; that we in Erie have Sunday movies; that we in Erie have voted for a liberal enjoyment of the Sabbath commenserate with what we think a Sabbath should be, that we don't desecrate that Sabbath in any respect but enjoy the things we have. We have a more wholesome respect for the Sabbath day. So I ask not only the members of this House but particularly the members of this House from Erie County to join with the rest of the House in giving to the rest of the state the advantages that we enjoy.

Mr. WESTRICK. Mr. Speaker and members of the House, two years ago when this very measure came up I stood on my feet for the first time in this House and advocated the passage of the Sunday Fishing Bill. Certain other portions of this state had been granted the right to fish on Sunday; a certain part of the Susquehanna River was granted that privilege. All we are asking for now is fair play, that the other part of the state be granted this same privilege.

A while ago my good friend, Mr. Alexander, brought out the thought that the rural sections are not for this bill. I come from a rural section of this state, and I want to read to you a thought that has been expressed to me by the Cambria County Sportsmen's Organization. "It was voted at our meeting to favor Sunday fishing with no changes as to the season. We want your support."

Now, I am arguing in favor of this bill for two reasons. In the first place if it is fair for those counties that border on the Delaware and certain sections of the Susquehanna and Lake Erie then it is fair for the rest of the state. Secondly in behalf of two classes of people, first, the business man, and by that I mean merchants, blacksmiths, doctors, dentists and the like, who must give six days of the week to their profession. Secondly, that class whom I most closely represent, the farmers. The farmer is busy he has not got time to go fishing, he has got to keep his bills paid, he has taxes to pay on his farm and he has no time to go fishing any other day of the week. Why not give this privilege to the country? I know that the Pennsylvania State Grange is opposed to this particular bill, but I ask you in all fairness to find out who is dedicating that policy; who has set up this policy in the Pennsylvania State Grange. I am asking every member to go along and give this privilege to all parts of the state so that no one may look us in the face and say you have been partial in granting this privilege to certain parts of the state and denying it to others.

Last week while on the streets of my town one fellow came to me and said, "Why haven't you done anything to try and get the Sunday fishing bill out? We want you to do your best to bring it out. We want it. Wouldn't it be very much better if our families went and spent a Sunday afternoon along the streams than if they were out in some of our roadhouses, necking parties and gambling places that we have existing on Sunday."

Mr. SHORTZ. Mr. Speaker and members of the House, I don't intend to take up much of your time, but I arise in opposition to this bill mainly from a conservation standpoint—not from the religious angle at all.

I have in my hands a letter received from the United Sportsmen of Pennsylvania saying:

"The United Sportsmen of Pennsylvania in convention of 1934 were unalterably opposed to Sunday fishing not for a religious or moral reason, but as a conservation measure.

"The United Sportsmen being the largest organized body of Sportsmen in Northeastern Pennsylvania respectfully advise and wish you would vote against the various bills pertaining to Sunday fishing. We are opposed to all of them."

It is signed by C. A. Mortimer, corresponding secretary.

I realize that certain sections of this State would be favorably inclined toward a bill of this character, but we must bear in mind that we are legislating for the entire State, and we must bear in mind also that there have been suggestions, and rumors and reports as to the attitude of the farmers who own land abutting upon the fishing streams. It has come to our knowledge that there will be streams posted that are not posted now, and there is one point that I would like to bring to your attention: there is a grave danger of this bill, if passed, becoming a boomer-

ang to the fishermen of this State. If this bill becomes a law, many of the farmers will post their streams and such waters will then be closed all season instead of just one day a week. Don't let us kid ourselves; that's a fact. At one time there may have been an argument for this bill, but that argument has disappeared since the period of unemployment set in some years ago. There is absolutely no sound reason for Sunday fishing under existing conditions. For those reasons I am opposed to this bill from a conservation standpoint and from the fact that it will in my opinion prove a boomerang to the fisherman of the State generally.

Mr. VanSICKLE. Mr. Speaker and members of the House, the delegation from Northampton county has received from the Federation of Sportsmen clubs, representing all the active sportsmen's clubs of Northampton county a communication in favor of this bill? I may say that Northampton county is classified as a rural community, and to our knowledge we know that many of the members of the clubs mentioned are farmers and that their lands will not be posted.

Mr. HOOPES. Mr. Speaker and members of the House, as the sponsor of a Sunday fishing bill in this House both at the previous session and at this session, most of you will remember that my bill passed the House here two years ago without any amendments such as have been tacked onto this bill. I rise to ask this House to support this measure as the best measure that we can get at this time.

The Sportsmen's organizations of Berks county, both in the city of Reading and outside, are in favor of Sunday fishing. I get more requests and inquiries about Sunday fishing when I am home over the weekend than most anything else. They are very much interested in it, and I understand the majority of this House at this session at least claims to be more liberal than the majority of this House at any previous session, and I merely call your attention to the fact that this House two years ago passed an unqualified Sunday fishing bill. I hope that this House will do at least as much.

Mr. ROBINSON. Mr. Speaker and members of the House, this is not an objection from a religious standpoint or from a standpoint where they do not want to lose their fish.

I come from a district where there are three thousand members of sportsmen's clubs, and they are very anxious that this bill be passed. So I am in hopes that the vote here will go with us and pass this bill. I am sure it will be appreciated.

Mr. GATES. Mr. Speaker and members of the House, I rise to oppose the passage of this bill for the reason that it is the most selfish bill that could be introduced in this House. If it is enacted into law it will defeat the very purpose for which it is intended.

Do you realize that we have three hundred and twelve days open to the fishermen and that if you have a license to fish in the State of Pennsylvania that you may catch 56,840 fish? Do you realize that in the State of Pennsylvania 92 days are open for trout fishing and that you are allowed, if you hold a license to catch 20 trout a day or a total in the season of 1840? Do you realize that the hunters of the State of Pennsylvania have but 13 days open in Pennsylvania to hunt deer and birds? Do you realize that the hunters of Pennsylvania have but 25 days to hunt rabbits and squirrels, and yet you would deprive the hunters of the State of Pennsylvania of their pleasure by having the country people not only closing their property to fishing but having them put up a "no trespass" sign which will work a hardship on the hunters of the State of Pennsylvania? Do you realize that in the State of Pennsylvania there are just 5603 miles of pure water in which trout may live? Do you realize that in the State of Pennsylvania there are just 3796 miles of warm water in which bass and the secondary game fish live and of which 3796 miles, 2343 are in class B—they are partially polluted streams? Do you also realize that in the State of Pennsylvania we have 15,983 miles of streams that are polluted in which no sign of fish can live? Do you realize that in Pennsylvania the Fish Commission of this State is going to be up against an economic problem in their hatcheries in the years 1935-36? They produced and put in to the streams of Pennsylvania in 1934, 595,839,461 in fish from these hatcheries. Do you realize that in the State of Pennsylvania we purchased 615,000 pounds of meat to be used in our hatcheries and that last year we purchased that meat at four and a half cents a pound? Do you know that this year the lowest bid we have for meat in the State of Pennsylvania is eight and a half cents a pound? Last year in the State of Pennsylvania the Fish Commissioner of the State of Pennsylvania was one of the largest purchasers of meat in our State. He purchased 615,000 pounds of meat at a cost of four and a half cents a pound, and this year in sending out for bids the lowest price that he has received has been eight and a quarter cents a pound. Do you realize that we are going to have to economize in the number of fish and fingerlings that we produce in the State of Pennsylvania to put into our streams? Do you realize that in the State of Ohio, a state that is dotted with many small lakes, that those small lakes are about fished out and that the Ohio fishermen are praying that we will enact a Sunday law so that they may come into the State of Pennsylvania? Do you realize that in the State of New York Lake Champlain alone has about ten times as much water as all the inland waters in the State of Pennsylvania have?

I think that this is a most selfish bill. One of the sponsors of this bill agreed that he would permit me to offer an amendment which would make it a question of local option for the counties. One of the sponsors was agreeable to do that, the other was not. I would say to you that if you want to make an unfair bill, if you want to give my county, where the sportsmen are 98 percent against such a bill, not only on account of the fishing but on account of the hunting and if you want to deprive the fishermen and the hunters from having adequate streams and having adequate properties upon which to hunt and fish you should pass this bill but I hope you will not pass this bill.

Mr. MELCHIORRE. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Holstrom, Kilroy, J. J. Baker, Holland, Hetrick, Alexander, Brumbaugh, Shugarts, Frank P. Hamilton, Decker, Fitch, Hirsch, Moore, Rhys, Castor, Cordier, F. T. Baker, McDermott, John E. Brown, Welliver, Stank, Harmuth and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—118

| | | | |
|---|---|---|---|
| Altenburg, | Downey, J. J., | Linderman, | Roan, |
| Baine, | Eroe, | Long, | Robinson, |
| Baker, J J., | Falkenstein, | Lovett, | Root, |
| Baldi, | Ferko, | Male, | Ruffennach, |
| Barber, | Finnerty, | Mallen, | Sarraf, |
| Barnhardt, | Fitch, | McDermott, | Scanlon, |
| Bernhard, | Flanagan, | McDevitt, | Schrope, |
| Blumberg, | Furman, | McElroy, | Schwartz, |
| Boyd, R., | Gerard, | Melchiorre, | Shaw, |
| Bradley, | Green, | Mentzer, | Shepard, |
| Brancato, | Greenstein, | Moomaw, | Sowers, |
| Brown, H. S., | Haberlen, | Mooney, | Sproul, |
| Brown, J. E., | Hagerty, | Moore, | Stank, |
| Burke, | Haluska, | Moran, | Stevens, |
| Cannon, | Hamilton, R. S., | Moul, | Tahl, |
| Caputo, | Harkins, | Munley, | Tronzo, |
| Carr, | Harmuth, | Nothnagle, | Tumelty, |
| Carson, | Hart, | O'Keefe, | Turner, |
| Castor, | Hefferon, | Ominsky, | Van Allsburg, |
| Chervenak, | Hermansen, | O'Neill, | Van Sickle, |
| Coakley, | Hirsch, | Patterson, J. W., | Wasserman, |
| Cochran, | Holland, | Pearson, | Weidemann, |
| Coleman, | Holstrom, | Peters, | Weiss, |
| Condon, | Hoopes, | Pfaff, | Welsh, |
| Conner, | Horst, | Phillips, | Westrick, |
| Coolahan, | Jackson, | Piole, | Wilson, |
| Cordier, | Kilroy, | Powers, | Witkin, |
| Davies, | Kinney, | Reising, | Zappala, |
| Dent, | Kobelak, | Reynolds, | Sarig, |
| Downey, G. E., | LaRue, | | |

NAYS—71

| | | | |
|---|---|---|---|
| Achterman, | Gates, | Murrin, | Stewart, |
| Alexander, | Gillette, | Nagel, | Stockham, |
| Allen, | Habbyshaw, | Panton, | Stone, |
| Arnold, | Hamilton, F. P., | Parks, | Stott, |
| Atkins, | Hetrick, | Rhys, | Sumney, |
| Aukerman, | Hindman, | Schrock, | Surface, |
| Baker, F. T., | Hoffner, | Schwab, | Terry, |
| Boose, | Jones, | Shortz, | Walker, |
| Boyer, | Kane, | Shreiner, | Wall, |
| Brennan, | Kelso, | Shugarts, | Welliver, |
| Brownfield, | Klingler, | Siegel, | White, |
| Brumbaugh, | Longaker, | Simon, | Wickersham, |
| Decker, | Lynch, | Simpson, | Wood, |
| Diehl, | McCreary, | Sloan, | Woodside, |
| Dilley, | McHenry, | Smith, J. A., | Yeakel, |
| Duffort, | McKinney, | Smith, W. G., | Yourishin, |
| Eberharter, | Merrell, | Snyder, F. E., | Zimmerman, |
| Flynn, | Muir, | Snyder, J. L., | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL ON FINAL PASSAGE

Mr. JOHN E. BROWN. Mr. Speaker, I desire to call up at this time House Bill No. 132, Printer's No. 245, on page 7 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. John E. Brown.

The House resumed the consideration on final passage of House Bill No. 132, entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners examining board; providing for the appointment of such boards, and defining their powers and duties; and providing penalties.

On the question recurring,

Shall the bill pass finally?

Mr. HALUSKA. Mr. Speaker and members of the House, House Bill No. 132 is a very important measure. Under the present act we have thousands upon thousands of coal miners going into the bowels of the earth to produce coal without any knowledge of the coal mines, and the result has been that we have had many thousands of fatal accidents.

Under this act a new man coming into the coal fields shall act as an apprentice with a qualified and experienced coal miner for two years. After two years he has the privilege of taking an examination and if he should pass he shall have a permit qualifying him as an experienced coal miner.

Secondly, it is much needed measure to protect organized labor. Under the present act if organized labor should come out on a strike tomorrow the coal operator is privileged to cross the state and bring in inexperienced coal miners and produce coal while these men back here in this Commonwealth are fighting for a cause.

This is a non-partisan measure. The anthracite fields have it today and it is a very much needed bill in the bituminous fields. It is a protection to both the operators and the employees, and I hope that every member of this House will give this bill due consideration.

Mr. JOHN E. BROWN. Mr. Speaker, I had hoped to get along without any discussion on this bill, because the bill is simple. Every member can read it over and see what it is It is easily understood. It is not technical. It does not have the Latin phrases that you will find in the bills that our lawyer friends get up. It is simply a safety measure, gentlemen.

Mining is considered a very hazardous job. You will find out by making inquiry of the insurance companies that they consider it so and that they charge the highest rate for insurance from a miner. If an inexperienced miner would get into a mine he would not know just where to set his post. There are lots of things that he might do that would result in his injury.

This bill requires that an inexperienced miner shall work with one of experience. I have received a great many letters from moners' organizations, and this bill was put in at the request of the miners. I have not received a single protest from the operators themselves. The operators feel that everything that will cut down compensation is very much in their interest, and I would ask you to give your support to the bill.

Mr. WELSH. Mr. Speaker and members of the Assembly, coming as I do from the bituminous coal mining region of Pennsylvania I feel that this bill should be passed.

The purpose of this bill is to grant a certificate to miners who have had practical experience in bituminous mines for a period of at least two years, and who shall present such certificate when being hired as a coal miner in Pennsylvania.

The object of this bill is as a safety measure, and should meet with the approval of every fair minded operator. Coal mine owners as well as miners should be for this bill for the reason that when this bill is put into effect it is a forward step in avoiding accidents and preventing disasters.

We should realize that the occupation of a miner is a hazardous one, and should have every safe guard possible. These men go down into the bowels of the earth to earn their livelihood and bring forth the fuel for the various industries, as well as bring comfort to mankind, deserve your every consideration.

I hope that this bill will pass this House by a big majority.

Mr. NAGEL. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Brown.

The SPEAKER. Will the gentleman from Washington, Mr. Brown, permit himself to be interrogated?

Mr. JOHN E. BROWN. Mr. Speaker, I will.

Mr. NAGEL. Not having studied some of the particular features of this bill, I would like to know whether or not this bill affects a miner or a man owning a mine where he operates that mine himself—whether or not he will have to procure a miner's certificate?

Mr. JOHN E. BROWN. Mr. Speaker, does the gentleman mean on his own farm, his own premises?

Mr. NAGEL. Mr. Speaker, on his own premises.

Mr. JOHN E. BROWN. No, Mr. Speaker.

Mr. NAGEL. Mr. Speaker and members of the House, the reason I am speaking at this time is for the protection of some of the small mines in the district from which I come, where they operate with perhaps one or two or three miners.

We fully realize that in these larger mines there is danger lurking on all sides. I believe that this bill has great merit and I believe that these miners should have protection, yet again we must be careful that we do not enact legislation that will crowd out the little man whom we in our Democratic principles and promises have stated that we should protect. For that reason I feel that this bill should have in it some amendment that would protect the little miner where there are not more than three miners working, because in these small mines there is not the danger that there is in the larger mines.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lovett, | Shortz, |
| Alexander, | Ederer, | Lynch, | Shreiner, |
| Allen, | Eroe, | Male, | Shugarts, |
| Altenburg, | Falkenstein, | Mallen, | Siegel, |
| Arnold, | Ferko, | Mason, | Simon, |
| Atkins, | Finnerty, | McCreary, | Simpson, |
| Aukerman, | Fitch, | McDermott, | Sloan, |
| Baine, | Flanagan, | McDevitt, | Smith, J. A., |
| Baker, F. T., | Flinchbaugh, | McElroy, | Smith, W. G., |
| Baker, J. J., | Flynn, | McHenry, | Snyder, F. E., |
| Baldi, | Forrest, | McKinney, | Snyder, J. L., |
| Barber, | Furman, | Melchiorre, | Sowers, |
| Barnhardt, | Gates, | Mentzer, | Sproul, |
| Bernhard, | Gerard, | Merrell, | Stank, |
| Blumberg, | Gillette, | Moomaw, | Stevens, |
| Boose, | Green, | Mooney, | Stewart, |
| Boyd, R., | Greenstein, | Moore, | Stockham, |
| Boyer, | Habbyshaw, | Moran, | Stone, |
| Bradley, | Haberlen, | Moul, | Stott, |
| Brancato, | Hagerty, | Muir, | Sumney, |
| Brennan, | Haluska, | Munley, | Surface, |
| Brown, H. S., | Hamilton, F. P., | Murrin, | Tahl, |
| Brown, J. E., | Hamilton, R. S., | Nothnagle, | Terry, |
| Brownfield, | Harkins, | O'Keefe, | Tronzo, |
| Brumbaugh, | Harmuth, | Ominsky, | Trout, |
| Burke, | Hart, | O'Neill, | Tumelty, |
| Cannon, | Hartman, | Panton, | Turner, |
| Caputo, | Hefferon, | Parks, | Van Allsburg, |
| Carr, | Hermansen, | Patterson, J. W., | Van Sickle, |
| Carson, | Hetrick, | Pearson, | Walker, |
| Castor, | Hindman, | Perry, | Wall, |
| Chervenak, | Hirsch, | Peters, | Wasserman, |
| Coakley, | Hoffner, | Pfaff, | Weidemann, |
| Cochran, | Holland, | Phillips, | Weiss, |
| Cohen, | Holstrom, | Piole, | Welliver, |
| Coleman, | Hoopes, | Powers, | Welsh, |
| Condon, | Horst, | Reising, | Westrick, |
| Conner, | Jackson, | Rhys, | White, |
| Coolahan, | Jones, | Rinn, | Wickersham, |
| Cordier, | Kane, | Roan, | Wilson, |
| Davies, | Kelso, | Root, | Witkin, |
| Decker, | Kilroy, | Ruffennach | Wood, |
| Denning, | Kinney, | Sarraf, | Woodside, |
| Dent, | Klingler, | Scanlon, | Yeakel, |
| Diehl, | Kobelak, | Schrock, | Yourishin, |
| Dilley, | LaRue, | Schrope, | Zappala, |
| Downey, G. E., | Linderman, | Schwartz, | Zimmerman, |
| Downey, J. J., | Long | Shaw, | Sarig, |
| Duffort, | Longaker, | Shepard, | |

NAYS—3

| | | |
|---|---|---|
| Nagel, | Robinson, | Schwab, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1267, entitled:

An Act to repeal the act approved the first day of June, one thousand nine hundred and fifteen (P. L. 665), entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holland, | Phillips, | Wall, |
| Coakley, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welliver, |
| Condon, | Jones, | Rhys, | Welsh, |
| Conner, | Kane, | Rinn, | Westrick, |
| Coolahan, | Kelso, | Roan, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Root, | Wilson, |

| | | | |
|---|---|---|---|
| Decker, | Klingler, | Ruffennach, | Witkin, |
| Denning, | Kobelak, | Sarraf, | Wood, |
| Dent, | LaRue, | Scanlon, | Woodside, |
| Diehl, | Linderman, | Schrock, | Yeakel, |
| Dilley, | Long, | Schrope, | Yourishin, |
| Downey, G. F., | Longaker, | Schwab, | Zappala, |
| Downey, J. J., | Lovett, | Schwartz, | Zimmerman, |
| Duffort, | Lynch, | Shaw, | Sarig, |
| Eberharter, | Male, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1354, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunites of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share-holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Munley, | Stewart, |
| Boyer, | Hagerty, | Murrin, | Stockham, |
| Bradley, | Haluska, | Nagel, | Stone, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stott, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, J. W., | Trout, |
| Cannon, | Hermansen, | Pearson, | Tumelty, |
| Caputo, | Hetrick, | Perry, | Turner, |
| Carr, | Hindman, | Peters, | Van Allsburg, |
| Carson, | Hirsch, | Pfaff, | Van Sickle, |
| Castor, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jones, | Rhys, | Welliver, |
| Condon, | Kane, | Rinn, | Welsh, |
| Conner, | Kelso, | Roan, | Westrick, |
| Coolahan, | Kilroy, | Robinson, | White, |
| Cordier, | Kirney, | Rooney, | Wickersham, |
| Davies, | Klingler, | Root, | Wilson, |
| Decker, | Kobelak, | Ruffennach, | Witkin, |
| Denning, | LaRue, | Sarraf, | Wood, |
| Dent, | Linderman, | Scanlon, | Woodside, |
| Diehl, | Long, | Schrock, | Yeakel, |
| Dilley, | Longaker, | Schrope, | Yourishin, |
| Downey, G. E., | Lovett, | Schwab, | Zappala, |
| Downey, J. J., | Lynch, | Schwartz, | Zimmerman, |
| Duffort, | Male, | Shaw, | Sarig, |
| Eberharter, | | | |

NAYS—1

Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 609, entitled:

An Act to further amend section seventeen of the act approved the tweny-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board of the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purpose thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," permitting the assignment of rights by members in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McCREARY. Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Brumbaugh.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. BRUMBAUGH. I will, Mr. Speaker.

Mr. McCREARY. Mr. Speaker, I would like to inquire of the gentleman just how this proposed bill differs from the regular state retirement fund that we now have in force.

Mr. BRUMBAUGH. Mr. Speaker, for the information of the gentleman, I do not believe that it does differ. In this the employes have a union of their own. Any member or any state employe can join this union. They can borrow up to three hundred dollars by paying in six per cent interest. If they don't have the three hundred dollars, they can't borrow. It is for the purpose of sickness

or hospital bills; that is the purpose of this bill—that they may provide for themselves or for their families if they are in need.

Mr. McCREARY. Mr. Speaker, I do not yet understand the gentleman. If the employes now have a state retirement fund, why should they need this extra one? I do not catch the connection there, if there is any.

Mr. BRUMBAUGH. Mr. Speaker, I don't know that it is an extra. It is just permitting them to borrow. It is not an extra.

Mr. McCREARY. Yes, Mr. Speaker, but it would require the State to make an appropriation and establish a bureau to take care of it, would it not?

Mr. BRUMBAUGH. No; it is their own fund, Mr. Speaker,—no appropriation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Ederer, | Mallen, | Shepard, |
| Alexander, | Eroe, | Mason, | Shortz, |
| Allen, | Falkenstein, | McCreary, | Shreiner, |
| Altenburg, | Ferko, | McDermott, | Shugarts, |
| Arnold, | Finnerty, | McDevitt, | Siegel, |
| Atkins, | Fitch, | McElroy, | Simon, |
| Aukerman, | Flanagan, | McHenry, | Simpson, |
| Baine, | Flinchbaugh, | McKinney, | Sloan, |
| Baker, F. T. | Flynn, | Melchiorre, | Smith, J. A., |
| Baker, J J., | Forrest, | Mentzer, | Smith, W. G., |
| Baldi, | Furman, | Merrell, | Snyder, F. E., |
| Barber, | Gates, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gerard, | Mooney, | Sowers, |
| Bernhard, | Gillette, | Moore, | Sproul, |
| Blumberg, | Green, | Moran, | Stank, |
| Boose, | Greenstein, | Moul, | Stevens, |
| Boyd, R., | Habbyshaw, | Muir, | Stewart, |
| Boyer, | Haberlen, | Munley, | Stockham, |
| Bradley, | Hagerty, | Murrin, | Stone, |
| Brancato, | Haluska, | Nagel, | Stott, |
| Brennan, | Hamilton, F. P., | Nothnagle, | Sumney, |
| Brown, H. S | Hamilton, R. S., | O'Keefe, | Surface, |
| Brown, J. E., | Harkins, | Ominsky, | Tahl, |
| Brownfield, | Harmuth, | O'Neill, | Terry, |
| Brumbaugh, | Hart, | Panton, | Tronzo, |
| Burke, | Hartman, | Parks, | Trout, |
| Cannon, | Hefferon, | Patterson, J. W., | Tumelty, |
| Caputo, | Hermansen, | Pearson, | Turner, |
| Carr, | Hetrick, | Perry, | Van Allsburg, |
| Carson, | Hindman, | Peters, | Van Sickle, |
| Castor, | Hirsch, | Pfaff, | Walker, |
| Chervenak | Hoffner, | Phillips, | Wall, |
| Coakley, | Holstrom | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welliver, |
| Condon, | Jones, | Rhys, | Welsh, |
| Conner, | Kane, | Rinn, | Westrick, |
| Coolahan, | Kelso, | Roan, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Rooney, | Wilson, |
| Decker, | Klingler, | Root, | Witkin, |
| Denning, | Kobelak, | Ruffennach, | Wood, |
| Dent, | LaRue, | Sarraf, | Woodside, |
| Diehl, | Linderman, | Scanlon, | Yeakel, |
| Dilley, | Long, | Schrock, | Yourishin, |
| Downey, G. E., | Longaker, | Schrope, | Zappala, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |
| Eberharter, | Male, | Shaw, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1270, as follows:

An Act to amend section five hundred and thirty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by giving to certain former policyholders of mutual fire insurance companies the same rights as persons holding policies at the time of such mutual company becoming a stock company

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and thirty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 534 Mutual Companies Organized Prior to May First One Thousand Eight Hundred and Seventy-six May Become Stock Companies Any mutual fire insurance company incorporated prior to May first one thousand eight hundred and seventy-six that may have accumulated in the course of its business not less than twenty thousand dollars ($20,000) over and above all liabilities including the cash reserve required by law on cash risks and may desire to create a capital stock may do so with the assent of two-thirds in interest of its policyholders Such interest shall be determined by the amount of premiums paid or premium notes given at a meeting specially called for that purpose of which at least six weeks' previous notice shall have been given by publication in a newspaper of general circulation published in the county in which the principal office of the company is located and also by written or printed notice addressed and mailed to each policyholder In case the consent of two-thirds of the policyholders is obtained as aforesaid and due proof thereof is made to the Insurance Commissioner the directors or trustees of the company shall open books and receive subscriptions to the stock of the company and otherwise proceed as is provided in this act for the organization of stock fire insurance companies No share of stock shall be disposed of or a certificate issued therefor unless the actual par value thereof has been paid to the company in cash The persons who are policyholders of said company at the time of such reorganization and all persons who have been policyholders of said company at any time during the period of five years immediately preceding such reorganization shall have to the same extent the first right to subscribe to said stock subject to such equitable regulations as the directors or trustees may prescribe and the surplus of the mutual company shall not be distributed but shall remain intact as the surplus of the stock company The mutual policies and all the rights and liabilities attached thereto and all the powers and obligations of the company with reference to the same shall survive and be obligations of the stock company so long as said policies remain in force When said policies shall have expired said company shall be subject in all respects to the provisions of this act as if originally organized under

the same No company shall insure upon both the stock and mutual plan except temporarily as in this section provided

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shepard, |
| Alexander, | Ferko, | McCreary, | Shortz, |
| Allen, | Finnerty, | McDermott, | Shreiner, |
| Altenburg, | Fitch, | McDevitt, | Shugarts, |
| Arnold, | Flanagan, | McElroy, | Siegel, |
| Atkins, | Flinchbaugh, | McHenry, | Simon, |
| Aukerman, | Flynn, | McKinney, | Simpson, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Habbyshaw, | Moul, | Stank, |
| Boose, | Haberlen, | Muir, | Stevens, |
| Boyd, R., | Hagerty, | Munley, | Stewart, |
| Boyer, | Haluska, | Murrin, | Stockham, |
| Bradley, | Hamilton, F. P., | Nagel, | Stone, |
| Brancato, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brennan, | Harkins, | O'Keefe, | Sumney, |
| Brown, H. S., | Harmuth, | Ominsky, | Surface, |
| Brown, J. E., | Hart, | O'Neill, | Tahl, |
| Brownfield, | Hartman, | Panton, | Terry, |
| Brumbaugh, | Hefferon, | Parks, | Tronzo, |
| Burke, | Hermansen, | Patterson, J. W., | Trout, |
| Cannon, | Hetrick, | Pearson, | Tumelty, |
| Caputo, | Hindman, | Perry, | Turner, |
| Carson, | Hirsch, | Peters, | Van Allsburg, |
| Castor, | Hoffner, | Pfaff, | Van Sickle, |
| Chervenak, | Holland, | Phillips, | Walker, |
| Coakley, | Holstrom, | Piole, | Wall, |
| Cochran, | Hoopes, | Powers, | Wasserman, |
| Cohen, | Horst, | Reising, | Weidemann, |
| Coleman, | Jackson, | Reynolds, | Weiss, |
| Condon, | Jones, | Rhys, | Welliver, |
| Conner, | Kane, | Rinn, | Welsh, |
| Coolahan, | Kelso, | Roan, | Westrick, |
| Cordier, | Kilroy, | Robinson, | White, |
| Davies, | Kinney, | Rooney, | Wickersham, |
| Decker, | Klingler, | Root, | Wilson, |
| Denning, | Kobelak, | Ruffennach, | Witkin, |
| Dent, | LaRue, | Sarraf, | Wood, |
| Diehl, | Linderman, | Scanlon, | Woodside, |
| Dilley, | Long, | Schrock, | Yeakel, |
| Downey, G. E., | Longaker, | Schrope, | Yourishin, |
| Downey, J. J., | Lovett, | Schwab, | Zappala, |
| Duffort, | Lynch, | Schwartz, | Zimmerman, |
| Eberharter, | Male, | Shaw, | Sarig, |
| Eroe, | Mallen, | | |

NAYS—1

Carr,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1061, as follows:

An Act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every bank trust company bank and trust company private banker and building and loan association shall when requested in writing so to do by the Executive Director of the State Emergency Relief Board or by an official legislative investigating committee disclose to such official or committee whether or not any person applying for or receiving unemployment relief has or had any money on deposit with or invested in such banking institution or building and loan association within one year prior to their application for relief and if so the amount of such deposit or investment

Section 2 Any bank trust company bank and trust company private banker or building and loan association who or which violates the provisions of section one of this act or who or which makes any false or misleading statement in connection with any disclosure required by said section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shaw, |
| Alexander, | Falkenstein, | Mallen, | Shepard, |
| Allen, | Ferko, | Mason, | Shortz, |
| Altenburg, | Finnerty, | McCreary, | Shreiner, |
| Arnold, | Fitch, | McDermott, | Shugarts, |
| Atkins, | Flanagan, | McDevitt, | Siegel, |
| Aukerman, | Flinchbaugh, | McElroy, | Simon, |
| Baine, | Flynn, | McHenry, | Simpson, |
| Baker, F. T., | Forrest, | McKinney, | Sloan, |
| Baker, J. J., | Furman, | Melchiorre, | Smith, J. A., |
| Baldi, | Gates, | Mentzer, | Smith, W. G., |
| Barber, | Gerard, | Merrell, | Snyder, F. E |
| Barnhardt, | Gillette, | Moomaw, | Snyder, J. L., |
| Bernhard, | Green, | Mooney, | Sowers, |
| Blumberg, | Greenstein, | Moore, | Sproul, |
| Boose, | Habbyshaw, | Moran, | Stank, |
| Boyd, R., | Haberlen, | Moul, | Stevens, |
| Boyer, | Hagerty, | Muir, | Stewart, |
| Bradley, | Haluska, | Munley, | Stockham, |
| Brancato, | Hamilton, F. P. | Murrin, | Stone, |
| Brennan, | Hamilton, R. S. | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |
| Brumbaugh, | Hartman, | O'Neill, | Terry, |
| Burke, | Hefferon, | Panton, | Tronzo, |
| Cannon, | Hermansen, | Parks, | Trout, |
| Caputo, | Hetrick, | Patterson, J. W., | Tumelty, |
| Carr, | Hindman, | Pearson, | Turner, |
| Carson, | Hirsch, | Perry, | Van Allsburg, |
| Castor, | Hoffner, | Peters, | Van Sickle, |
| Chervenak, | Holland, | Pfaff, | Walker, |
| Coakley, | Holstrom, | Phillips, | Wall, |
| Cochran, | Hoopes, | Piole, | Wasserman, |
| Cohen, | Horst, | Powers, | Weidemann, |
| Coleman, | Jackson, | Reising, | Weiss, |
| Condon, | Jones, | Reynolds, | Welliver, |
| Conner, | Kane, | Rhys, | Welsh, |
| Coolahan, | Kelso, | Rinn, | Westrick, |
| Cordier, | Kilroy, | Roan, | White, |
| Davies, | Kinney, | Robinson, | Wickersham |
| Decker, | Klingler, | Rooney, | Wilson, |
| | | Root, | Witkin, |

| | | | |
|---|---|---|---|
| Denning, | Kobelak, | Ruffennach, | Wood, |
| Dent, | LaRue, | Sarraf, | Woodside, |
| Diehl, | Linderman, | Scanlon, | Yeakel, |
| Dilley, | Long, | Schrock, | Yourishin, |
| Downey, G. E., | Longaker, | Schrope, | Zappala, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1206, as follows:

An Act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all officers and employes of the Commonwealth of Pennsylvania or of any political sub-division thereof members either enlisted or commissioned of any reserve component of the United States Army Navy or Marine Corps shall be entitled to leave of absence from their respective duties without loss of pay time or efficiency rating on all days not exceeding thirty in any one year during which they shall as members of such reserve components be engaged in the active service of the United States or in field training ordered or authorized by the Federal forces

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker and members of the House, if I understand this bill correctly, it will require not only the Commonwealth, but every borough, township, school district, poor district, county or other political sub-division of the Commonwealth to give any member of the reserve officers training corps or any other reserve component of the United States Army, Navy or Marines thirty days vacation with pay while they attend training in these respective units. I do not think that such a measure is either necessary or desirable, and I propose to vote against it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | Lovett, | Schrope, |
| Alexander, | Duffort, | Lynch, | Schwab, |
| Allen, | Eberharter, | Male, | Schwartz, |
| Altenburg, | Eroe, | Mallen, | Shaw, |
| Arnold, | Falkenstein, | Mason, | Shepard, |
| Atkins, | Ferko, | McCreary, | Shortz, |
| Aukerman, | Finnerty, | McDermott, | Shreiner, |
| Baine, | Fitch, | McDevitt, | Shugarts, |
| Baker, F. T., | Flanagan, | McElroy, | Siegel, |
| Baker, J. J., | Flinchbaugh, | McHenry, | Simon, |
| Baldi, | Flynn, | McKinney, | Simpson, |
| Barber, | Forrest, | Melchiorre, | Sloan, |
| Barnhardt, | Furman, | Mentzer, | Smith, J. A., |
| Bernhard, | Gates, | Merrell, | Smith, W. G., |
| Blumberg, | Gerard, | Moomaw, | Snyder, F. E., |
| Boose, | Gillette, | Mooney, | Snyder, J. L., |
| Boyd, R., | Green, | Moore, | Sowers, |
| Boyer, | Greenstein, | Morgan, | Stank, |
| Bradley, | Habbyshaw, | Moul, | Stevens, |
| Brancato, | Haberlen, | Munley, | Stewart, |
| Brennan, | Hagerty, | Murrin, | Stone, |
| Brown, H. S., | Haluska, | Nagel, | Stott, |
| Brown, J. E., | Hamilton, F. P., | Nothnagle, | Sumney, |
| Brownfield, | Hamilton, R. S., | O'Keefe, | Surface, |
| Brumbaugh, | Harkins, | Ominsky, | Tahl, |
| Burke, | Harmuth, | O'Neill, | Terry, |
| Cannon, | Hart, | Panton, | Tronzo, |
| Caputo, | Hartman, | Parks, | Trout, |
| Carr, | Hefferon, | Patterson, J. W., | Tumelty, |
| Carson, | Hetrick, | Pearson, | Turner, |
| Castor, | Hindman, | Perry, | Van Allsburg, |
| Chervenak, | Hirsch, | Peters, | Van Sickle, |
| Coakley, | Hoffner, | Pfaff, | Walker, |
| Cochran, | Holland, | Phillips, | Wall, |
| Cohen, | Holstrom, | Piole, | Wasserman, |
| Coleman, | Jackson, | Powers, | Weidemann, |
| Condon, | Jones, | Reising, | Weiss, |
| Conner, | Kane, | Reynolds, | Welliver, |
| Coolahan, | Kelso, | Rhys, | Welsh, |
| Cordier, | Kilroy, | Rinn, | Westrick, |
| Davies, | Kinney, | Roan, | White, |
| Decker, | Klingler, | Robinson, | Wickersham, |
| Denning, | Kobelak, | Rooney, | Witkin, |
| Dent, | LaRue, | Root, | Wood, |
| Diehl, | Linderman, | Ruffennach, | Woodside, |
| Dilley, | Long, | Sarraf, | Yeakel, |
| Downey, G. E., | Longaker, | Scanlon, | Zappala, |
| | | Schrock, | Zimmerman, |
| | | | Sarig, |

NAYS—8

| | | | |
|---|---|---|---|
| Hermansen, | Horst, | Sproul, | Wilson, |
| Hoopes, | Muir, | Stockham, | Yourishin, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1268, entitled:

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred fifty), entitled "An act authorizing boroughs to redeem outstanding bonds, and for that purpose issue and sell new interest-bearing bonds, and to provide a fund for the redemption thereof."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shaw, |
| Alexander, | Falkenstein, | Mallen, | Shepard, |
| Allen, | Ferko, | Mason, | Shortz, |
| Altenburg, | Finnerty, | McCreary, | Shreiner, |
| Arnold, | Fitch, | McDermott | Shugarts, |
| Atkins, | Flanagan, | McDevitt, | Siegel, |
| Aukerman, | Flinchbaugh, | McElroy, | Simon, |
| Baine, | Flynn, | McHenry, | Simpson, |
| Baker, F. T., | Forrest, | McKinney, | Sloan, |
| Baker, J. J., | Furman, | Melchiorre | Smith, J. A., |
| Baldi, | Gates, | Mentzer, | Smith, W. G., |
| Barber, | Gerard, | Merrell, | Snyder, F. E., |
| Barnhardt, | Gillette, | Moomaw, | Snyder, J. L., |
| Bernhard, | Green, | Mooney, | Sowers, |
| Blumberg, | Greenstein, | Moore, | Sproul, |
| Boose, | Habbyshaw, | Moran, | Stank, |
| Boyd, R., | Haberlen, | Moul, | Stevens, |
| Boyer, | Hagerty, | Muir, | Stewart, |
| Bradley, | Haluska, | Munley, | Stockham, |
| Brancato, | Hamilton, F. P. | Murrin, | Stone, |

| | | | |
|---|---|---|---|
| Brennan, | Hamilton, R. S. | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |
| Brumbaugh, | Hartman, | O'Neill, | Terry, |
| Burke, | Hefferon, | Panton, | Tronzo, |
| Cannon, | Hermansen, | Parks, | Trout, |
| Caputo, | Hetrick, | Patterson, J. W., | Tumelty, |
| Carr, | Hindman, | Pearson, | Turner, |
| Carson, | Hirsch, | Perry, | Van Allsburg, |
| Castor, | Hoffner, | Peters, | Van Sickle, |
| Chervenak, | Holland, | Pfaff, | Walker, |
| Coakley, | Holstrom, | Phillips, | Wall, |
| Cochran, | Hoopes, | Piole, | Wasserman, |
| Cohen, | Horst, | Powers, | Weidemann, |
| Coleman, | Jackson, | Reising, | Weiss, |
| Condon, | Jones, | Reynolds, | Welliver, |
| Conner, | Kane, | Rhys, | Welsh, |
| Coolahan, | Kelso, | Rinn, | Westrick, |
| Cordier, | Kilroy, | Roan, | White, |
| Davies, | Kinney, | Robinson, | Wickersham, |
| Decker, | Klingler, | Rooney, | Wilson, |
| Denning, | Kobelak, | Root, | Witkin, |
| Dent, | LaRue, | Ruffennach, | Wood, |
| Diehl, | Linderman, | Sarraf, | Woodside, |
| Dilley, | Long, | Scanlon, | Yeakel, |
| Downey, G. E., | Longaker, | Schrock, | Yourishin, |
| Downey, J. J., | Lovett, | Schrope, | Zappala, |
| Duffort, | Lynch, | Schwab, | Zimmerman, |
| Eberharter, | | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REPORT FROM COMMITTEE

Mr. PETERS, from the Committee on Highways re-reported as amended, House Bill No. 977, entitled:

An Act to amend section three of the act approved the third day of June, one thousand nine hundred and thirty-three (P. L. 1520), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five, and requiring political subdivisions to reduce their tax rates for road and street purposes for said years; providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways; and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act," providing for the allocation of the unexpended appropriation among townships of the second class, and the expenditure of such appropriation by such townships.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Fisheries will meet immediately after this session in room 324.

The Committee on Mines and Mining will meet immediately after this session in room 325.

The Committee on Counties will meet at 7:30 o'clock this evening in room 324.

The meeting of the Judiciary Local called for this afternoon is postponed.

Mr. Conner, chairman of the dinner committee of the Legislative Sons of St. Patrick, announces reservations for the dinner close tomorrow. With Governor Earle as the guest of honor, the dinner will be held in the Penn-Harris Hotel next Tuesday evening, March 26. Members of the House expecting to attend the dinner and who have not yet made reservations are urged to do so at once. Tickets may be obtained from Mr. Conner, Mr. Schwartz, Mr. Finnerty and Mr. E. J. Hart.

## RECESS

The SPEAKER. It there are no objections the Chair is about to declare a recess until 8:00 o'clock this evening. Are there objections? The Chair hears none and declares a recess until 8:00 o'clock P. M.

## AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The SPEAKER. The time of the recess having expired the House will be in order.

## BILLS INTRODUCED AND REFERRED

By Mr. KINNEY. HOUSE BILL No. 1693.

An Act to further amend section two thousand six hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by authorizing the levy and collection of a license tax on wholesale and retail dealers in solid fuels.

Referred to the Committee on Cities.

By Mr. HALUSKA. HOUSE BILL No. 1694.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Messrs. CHERVENAK, WESTRICK and HALUSKA. HOUSE BILL No. 1695.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the county of Cambria.

Referred to the Committee on Highways.

By Mr. MOONEY. HOUSE BILL No. 1696.

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania, at Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. GREENSTEIN. HOUSE BILL No. 1697.

An Act making an appropriation to the Lipkin Clinic of the Mount Siani Hospital, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HIRSCH. HOUSE BILL No. 1698.

An Act to amend sections three, five, seven, eight, ten, twelve and thirteen of the act approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," further regulating barber shops, barber schools and persons desiring licenses under the provisions of the act.

Referred to the Committee on Education.

By Mr. SCHROPE. HOUSE BILL No. 1699.

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," as amended; by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor.

Referred to the Committee on Game.

By Mr. WELSH. HOUSE BILL No. 1701.

An Act to amend article eight of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 509), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," fixing the number of councilmen in wards of boroughs having a population of more than ten thousand inhabitants.

Referred to the Committee on Boroughs and Townships.

By Mr. SHORTZ. HOUSE BILL No. 1702.

An Act to establish as a State highway a certain section of public road in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. SCHWARTZ, MELCHIORRE and BARBER. HOUSE BILL No. 1703.

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday, during certain hours; and also during other hours, unless the electors of a municipality approve thereof; providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

Referred to the Committee on Law and Order.

## SENATE MESSAGE

### SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 245. (HOUSE BILL No. 1700).

An Act to further amend section five of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled "A supplement to the act, approved the twenty-seventh day of March, one thousand nine hundred and twenty-three (P. L. 34), entitled 'An act concerning alcoholic liquors; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing for penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws'; providing for the registering of federal permits; also regulating, under permit, through a Pennsylvania Alcohol Permit Board created in the Department of Welfare, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, recovery, re-use, holding in bond, holding in storage by bailees for hire, sale at wholesale, and transportation for hire, of any alcohol or alcoholic liquid, by certain persons; also providing for fees and the disposition thereof; also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid, also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," permitting limited wine making in homes for home consumption.

Referred to the Committee on Law and Order.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. SHAW (By Request) (Concurrent).
RESOLUTION No. 100.

In the House of Representatives, March 19, 1935.

Whereas, Many individual home and property owners are presently distressed because, by reason of economic conditions and unemployment, they are without income to pay interest and principal on mortgages or taxes levied by political subdivisions; and

Whereas, Many of such individuals have saved for years in order to acquire homes for themselves and for their children, only to find their savings swept away by economic circumstances over which they have no control; therefore be it

Resolved, That it is the sense of the General Assembly, the Senate and the House of Representatives concurring therein, that for a period of three years a moratorium be granted to all classes of individuals, and all classes of small business men owning homes and other properties with distressed mortgages, and that during said period all proceeding by foreclosure, execution and tax sale be stayed on all distressed mortgages of above mentioned persons; and be it therefore

Resolved, That three Members of the Senate and three Members of the House of Representatives be appointed to draft and submit suitable legislation to carry this resolution into effect.

The President Pro Tempore of the Senate and the Speaker of the House are hereby designated to make the necessary appointments.

Referred to the Committee on Judiciary General.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate of Pennsylvania, March 19, 1935.

Whereas, The provisions of the Act of June 3, 1887, P. L. 338, clearly show that a constitutional centennial commission was organized in Philadelphia in 1886 for the purpose of providing for a proper celebration of the centennial anniversary of the adoption of the Federal Constitution by

the convention which framed it, which commission was composed of commissioners appointed by the Governor of the several states and territories of the United States; and

Whereas, A celebration which became an outstanding event was held in the city of Philadelphia, September 15, 16 and 17, 1887; and

Whereas, The one hundred and fiftieth anniversary of the adoption of the Federal Constitution by the convention occurs on September 17th, 1937, and it is fitting and proper that said event should be celebrated in the City of Philadelphia where the instrument, which made a unique contribution to the political science of the world, was written and adopted; theerfore be it

Resolved (if the House of Representatives concur), That each state and territory of the United States be invited to arrange for the appointmnt of a delegate to become a member of a Constitutional Sesqui-Centennial Commission, that the name of the delegate so appointed be transmitted to the Governor of the Commonwealth of Pennsylvania, and that said commission meet at such time and place as may be fixed by the Governor of the Commonwealth of Pennsylvania for the purpose of arranging a suitable program for such celebration;

Resolved, That the Governor of the Commonwealth be authorized to appoint a delegate for the Commonwealth of Pennsylvania to serve on said Constitutional Sesqui-Centennial Commission;

Resolved, That the Secretary of the Commonwealth transmit a copy of this resolution to the Governor of each state and territory of the United States.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on State Government.

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF HOUSE BILL NO. 120

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 120, Printer's No. 286, entitled, "An Act to amend section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' authorizing boroughs to acquire maintain and operate inclined plane passenger and vehicular traffic transportation facilities."

GEORGE H. EARLE.

## COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

### SALES TAX

A letter addressed to Mr. John Brown from Davis Grange No. 1466, favoring passage of sales tax.

A resolution from Burgettstown Grange No. 1502 addressed to Mr. John E. Brown, favoring passage of sales tax.

Referred to the Committee on Ways and Means.

## REPORTS FROM COMMITTEES

Mr. ROBINSON, from the Committee on Municipal Corporations reported as amended, House Bill No. 169, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens, in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth, and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Mr. SCHROCK, from the Committee on Fisheries reported as committed, House Bill No. 1093, entitled:

An Act to amend section five of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream, artificial or natural body of water, or nontidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties;" as added changing the licensure year for motor boats.

Mr. NOTHNAGLE, from the Committee on Municipal Corporations reported as committed, House Bill No. 1614, entitled:

An Act to further amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached, extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

Mr. HETRICK, from the Committee on Counties re-reported as amended, House Bill No. 1373, entitled:

An Act relating to local taxation; establishing a centralized system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of all county, borough, town, township, and certain school and poor taxes through the county treasurer as county tax collector, defining the powers and duties of the county tax collector and of counties, boroughs, towns, townships and school and poor districts; regulating date of certification of tax levies; abolishing the office of county, borough, town, township, school and poor district tax collectors upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws.

Mr. FURMAN, from the Committee on Ways and Means re-reported as committed, House Bill No. 836, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securties belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or col-

lect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by adding new sections and repealing certain sections; changing the method of appointing certain agents and employes of the Commonwealth engaged in the appraisement and collection of inheritance and estate taxes and mercantile taxes and license fees; and further defining the powers and duties of the Department of Revenue in the collection of such taxes and license fees.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended House Bill No. 837, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies heretofore exempt, and increasing the rate of tax on the capital stock of fire and marine insurance companies.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended House Bill No. 838, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations; imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships and companies heretofore exempt; and increasing the rate of tax on the capital stock of fire and marine insurance companies.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended House Bill No. 840, entitled:

An Act to further amend section twenty-four of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by imposing upon certain domestic insurance companies and associations a gross premiums tax on business for the year ending one thousand nine hundred and thirty-four, and every year thereafter, and requiring such companies and associations to make reports in writing to the Department of Revenue.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended, House Bill No. 841, entitled:

An Act to further amend section twenty-three of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred and twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies, and water companies and steam heating companies, and to gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended, House Bill No. 842, entitled:

An Act to further amend section seven hundred and thirteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring certain domestic insurance companies and associations to make certain reports in writing to the Department of Revenue on the fifteenth day of March, one thousand nine hundred and thirty-five, and every year thereafter.

Mr. FURMAN, from the Committee on Ways and Means re-reported as committed, House Bill No. 857, entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred and forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees for State purposes, or to pay other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring every person, copartnership, bank, national bank, bond and trust company, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and saving bank to report unclaimed deposits after ten years; repealing certain acts.

Mr. FURMAN, from the Committee on Ways and Means re-reported as commited, House Bill No. 858, entitled:

An Act to further amend section seven of the act approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy eight), entitled "An act providing for the escheat of deposits of money or property of another received for storage or safekeeping; the dividends, profits, debts, and interest on debts of corporations, companies, banks, trust companies, insurance companies, limited partnerships, and partnership associations, organized under the laws of this

Commonwealth, except mutual saving-fund society not having a capital stock represented by shares, and except also building and loan associations, and property held for the benefit of another by the same, and the profits, accretions, and interest on such property, as well as interest thereon accrued, or which should have accrued, between the fixing of the amount of such property by the award of any court and the actual distribution thereof," by requiring that unclaimed deposits with every person, copartnership, bank, national bank, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank, shall escheat after ten years.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended, House Bill No. 923, entitled:

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax imposed by this act on the shares of stock of banks and savings institutions.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended, House Bill No. 924, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection, and payment of the State tax on the stock of title insurance and trust companies.

Mr. FURMAN, from the Committee on Ways and Means re-reported as amended, House Bill No. 948, entitled:

An Act imposing a State excise tax on electric power and current generated, manufactured and sold within this Commonwealth; providing for the collection of the tax and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties on certain persons, associations, partnerships, corporations, and State departments; and imposing penalties.

Mr. FURMAN, from the Committee on Ways and Means re-reported as committed, House Bill No. 1192, entitled:

An Act to provide revenue for State purposes by imposing an excise tax on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax; conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; and providing penalties.

Mr. BRUMBAUGH, from the Committee on Public Health and Sanitation reported as committed, House Resolution No. 31.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 580, entitled:

An Act authorizing and empowering county commissioners of this Commonwealth of the counties of the second class within this Commonwealth to destroy certain public records.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Shaw, |
| Alexander, | Eroe, | Mallen, | Shepard, |
| Allen, | Falkenstein, | Mason, | Shortz, |
| Altenburg, | Ferko, | McCreary, | Shreiner, |
| Andrews, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holland, | Phillips, | Wall, |
| Coakley, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welliver, |
| Condon, | Jones, | Rhys, | Welsh, |
| Conner, | Kane, | Rinn, | Westrick, |
| Coolahan, | Kelso, | Roan, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Rooney, | Wilson, |
| Decker, | Klingler, | Root, | Witkin, |
| Denning, | Kobelak, | Ruffennach | Wood, |
| Dent, | LaRue, | Sarraf, | Woodside, |
| Diehl, | Linderman | Scanlon, | Yeakel, |
| Dilley, | Long, | Schrock, | Yourishin, |
| Downey, G. E., | Longaker, | Schrope, | Zappala, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 826, entitled:

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred and thirty-three (P. L. 804), entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard," making such continuity of service effective for qualification for service medals.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Shaw, |
| Alexander, | Eroe, | Mallen, | Shepard, |
| Allen, | Falkenstein, | Mason, | Shortz, |
| Altenburg, | Ferko, | McCreary, | Shreiner, |
| Andrews, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holland, | Phillips, | Wall, |
| Coakley, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welliver, |
| Condon, | Jones, | Rhys, | Welsh, |
| Conner, | Kane, | Rinn, | Westrick, |
| Coolahan, | Kelso, | Roan, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Rooney, | Wilson, |
| Decker, | Klingler, | Root, | Witkin, |
| Denning, | Kobelak, | Ruffennach, | Wood, |
| Dent, | LaRue, | Sarraf, | Woodside, |
| Diehl, | Linderman, | Scanlon, | Yeakel, |
| Dilley, | Long, | Schrock, | Yourishin, |
| Downey, G. E., | Longaker, | Schrope, | Zappala, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 869, entitled:

An Act requiring cities of the first class to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shaw, |
| Alexander, | Falkenstein, | Mallen, | Shepard, |
| Allen, | Ferko, | Mason, | Shortz, |
| Altenburg, | Finnerty, | McCreary, | Shreiner, |
| Andrews, | Fitch, | McDermott, | Shugarts, |
| Arnold, | Flanagan, | McDevitt, | Siegel, |
| Atkins, | Flinchbaugh, | McElroy, | Simon, |
| Aukerman, | Flynn, | McHenry, | Simpson, |
| Baine, | Forrest, | McKinney, | Sloan, |
| Baker, F. T., | Furman, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Gates, | Mentzer, | Smith, W. G., |
| Baldi, | Gerard, | Merrell, | Snyder, F. E., |
| Barber, | Gillette, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Green, | Mooney, | Sowers, |
| Bernhard, | Greenstein, | Moore, | Sproul, |
| Blumberg, | Habbyshaw, | Morgan, | Stank, |
| Boose, | Haberlen, | Moul, | Stevens, |
| Boyd, R., | Hagerty, | Muir, | Stewart, |
| Boyer, | Haluska, | Munley, | Stockham, |
| Bradley, | Hamilton, F. P., | Murrin, | Stone, |
| Brancato, | Hamilton, R. S., | Nagel, | Stott, |
| Brennan, | Harkins, | Nothnagle, | Sumney, |
| Brown, H. S., | Harmuth, | O'Keefe, | Surface, |
| Brown, J. E., | Hart, | Ominsky, | Tahl, |
| Brownfield, | Hartman, | O'Neill, | Terry, |
| Brumbaugh, | Hefferon, | Panton, | Tronzo, |
| Burke, | Hermansen, | Parks, | Trout, |
| Cannon, | Hetrick, | Patterson, J. W., | Tumelty, |
| Caputo, | Hindman, | Pearson, | Turner, |
| Carr, | Hirsch, | Perry, | Van Allsburg, |
| Carson, | Hoffner, | Peters, | Van Sickle, |
| Castor, | Holland, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelso, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Sarraf, | Woodside, |
| Diehl, | Long, | Scanlon, | Yeakel, |
| Dilley, | Longaker, | Schrock, | Yourishin, |
| Downey, G. E., | Lovett, | Schrope, | Zappala, |
| Downey, J. J., | Lynch, | Schwab, | Zimmerman, |
| Duffort, | | Schwartz, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 224, entitled:

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Shaw, |
| Alexander, | Eros, | Mallen, | Shepard, |
| Allen, | Falkenstein, | Mason, | Shortz, |
| Altenburg, | Ferko, | McCreary, | Shreiner, |
| Andrews, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holland | Phillips, | Wall, |
| Coakley, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welliver, |
| Condon, | Jones, | Rhys, | Welsh, |
| Conner, | Kane, | Rinn, | Westrick, |
| Coolahan, | Kelso, | Roan, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Rooney, | Wilson, |
| Decker, | Klingler, | Root, | Witkin, |
| Denning, | Kobelak, | Ruffennach, | Wood, |
| Dent, | LaRue, | Sarraf, | Woodside, |
| Diehl, | Linderman, | Scanlon, | Yeakel, |
| Dilley, | Long, | Schrock, | Yourishin, |
| Downey, G. E., | Longaker, | Schrope, | Zappala, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1246, as follows:

An Act to amend section two hundred and four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended further regulating the establishment and maintenance of certain branch offices or agencies

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by the act approved the thirtieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five one thousand nine hundred thirty-three-thirty-four) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

This section shall not apply to branches sub-offices and sub-agencies established or those for which locations had been purchased or leased by deed recorded or leases actually delivered prior to the first day of March one thousand nine hundred twenty-seven or to branches sub-offices and sub-agencies which resulted from mergers or consolidations of institutions effective prior to the first day of April one thousand nine hundred twenty-seven and such institutions shall have the right to relocate the same within the corporate limits of the city borough or township in which the principal place of business is located at the time of such relocation provided that such relocation is made with the approval of the department in the manner provided by this act for any removal of the place of business of an institution

This section shall not apply to any institution which has its principal place of business in a city borough or township within this Commonwealth in which one or more national banking associations incorporated under the laws of the United States was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business for the transaction of any part of its business and any such institution may hereafter establish subject to the approval of the department and thereafter maintain and operate branch banks branch offices agencies sub-offices sub-agencies and branch places of business for the transaction of any part of its business but only within the corporate limits of the city borough or township in which its principal office is located and in which such national banking association was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business The right to establish and maintain branch banks branch offices agencies sub-offices sub-agencies or branch places of business under the provisions of this subsection shall be limited to the territory included within the corporate limits on the first day of March one thousand nine hundred twenty-seven of the respective cities boroughs or

owships in which such national banking associations ere on that date operating one or more branch banks ranch offices agencies sub-offices sub-agencies or branch laces of business and such right shall not extend to dditional territory which may after the first day of larch one thousand nine hundred twenty-seven be added o such cities boroughs or townships by annexation conolidation with one or more municipal corporations or therwise nor shall it extend to other portions or divisions of municipal corporations to which such cities boroughs or townships may be annexed or with which they nay be consolidated after that date the intention being o limit to the respective cooperate limits such cities boroughs or townships as they existed on the first day of larch one thousand nine hundred twenty-seven the right o establish and maintain the branch banks branch offices gencies sub-offices sub-agencies and branch places of usiness authorized in this section

B Any institution may continue to maintain and oprate any branch bank branch office agency sub-office subgency or branch place of business lawfully established y such institution

C Any institution may in the manner provided by this ct for an amendment to its articles establish a branch ank branch office agency sub-office sub-agency or branch lace of business at any place within this Commonwealth here at the time such institution proposes to establish uch branch bank branch office agency sub-office subgency or branch place of business any national banking ssociation having its principal office in the same county s that in which the principal office of the institution proosing to take such action is located would have the power nder the laws of the United States now or hereafter nacted to establish a branch bank branch office agency ub-office sub-agency or branch place of business of such ational banking association

D Any institution in any city of the first class or any ity of the second class may in the manner provided by his act for an amendment to its articles or in pursuance f a plan of merger or consolidation in accordance with he provisions of this act establish and thereafter mainain and operate a branch bank branch office agency subffice sub-agency or branch place of business at any place ithin the corporate limits of the said city of the first lass or city of the second class in which its principal ffice is located or in any township of the first class conguous to a city of the first class where the community n which such branch bank branch office agency sub-office ub-agency or branch place of business is to be established riginally is without banking facilities or in the case of a nerger or consolidation is without banking facilities other han an institution or institutions party or parties to a lan of merger or consolidation in accordance with this ct

E Any institution may in the manner provided by this ct for an amendment to its articles establish a branch ffice or agency at the county seat of the county wherein t is situate for the sole purpose of the transaction of title nd title insurance business or to expedite the title and itle insurance business of said institution acting as agent or or in association with any Federal agency for the ranting of loans No money shall be received on deposit nd no transactions of a purely banking nature shall be onducted at such branch office or agency

Section 2 This act shall become effective immediately pon final enactment

And said bill having been read at length the third time, onsidered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas nd nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Shaw, |
| Alexander, | Eroe, | Mallen, | Shepard, |
| Allen, | Falkenstein, | Mason, | Shortz, |
| Altenburg, | Ferko, | McCreary, | Shreiner, |
| Andrews, | Finnerty, | McDermott, | Shugarts, |
| Arnold, | Fitch, | McDevitt, | Siegel, |
| Atkins, | Flanagan, | McElroy, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Flynn, | McKinney, | Sloan, |
| Baker, F. T., | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P. | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holland, | Phillips, | Wall, |
| Coakley, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welliver, |
| Condon, | Jones, | Rhys, | Welsh, |
| Conner, | Kane, | Rinn, | Westrick, |
| Coolahan, | Kelso, | Roan, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Rooney, | Wilson, |
| Decker, | Klingler, | Root, | Witkin, |
| Denning, | Kobelak, | Ruffennach | Wood, |
| Dent, | LaRue, | Sarraf, | Woodside, |
| Diehl, | Linderman, | Scanlon, | Yeakel, |
| Dilley, | Long, | Schrock, | Yourishin, |
| Downey, G. E., | Longaker, | Schrope, | Zappala, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1266, entitled:

An Act to repeal the act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 992), entitled "An act prohibiting cities, boroughs, towns and townships to increase or diminish the salary, compensation or emoluments of elected officers after their election," heretofore repealed as to cities of the second class, cities of the third class, townships of the first class and townships of the second class, as far as the same relates to boroughs.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Flynn, | Male, | Shaw, |
| Alexander, | Forrest, | Mallen, | Shepard, |
| Allen, | Eberharter, | Mason, | Shortz, |
| Altenburg, | Eroe, | McCreary, | Shreiner, |
| Andrews, | Falkenstein, | McDermott, | Shugarts, |
| Arnold, | Ferko, | McDevitt, | Siegel, |
| Atkins, | Finnerty, | McElroy, | Simon, |
| Aukerman, | Fitch, | McHenry, | Simpson, |
| Baine, | Flanagan, | McKinney, | Sloan, |

| | | | |
|---|---|---|---|
| Baker, F. T., | Flinchbaugh, | Melchiorre, | Smith, J. A., |
| Baker, J. J., | Furman, | Mentzer, | Smith, W. G., |
| Baldi, | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Munley, | Stockham, |
| Bradley, | Haluska, | Murrin, | Stone, |
| Brancato, | Hamilton, F. P., | Nagel, | Stott, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holland, | Phillips, | Wall, |
| Coakley, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Horst, | Reising, | Weiss, |
| Coleman, | Jackson, | Reynolds, | Welliver, |
| Condon, | Jones, | Rhys, | Welsh, |
| Conner, | Kane, | Rinn, | Westrick, |
| Coolahan, | Kelso, | Roan, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Rooney, | Wilson, |
| Decker, | Klingler, | Root, | Witkin, |
| Denning, | Kobelak, | Ruffennach, | Wood, |
| Dent, | LaRue, | Sarraf, | Woodside, |
| Diehl, | Linderman, | Scanlon, | Yeakel, |
| Dilley, | Long, | Schrock, | Yourishin, |
| Downey, G. E., | Longaker, | Schrope, | Zappala, |
| Downey, J. J., | Lovett, | Schwab, | Zimmerman, |
| Duffort, | Lynch, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The hour of 8:30 having arrived, the Chair lays before the House the special order on third reading and final passage fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 925, entitled:

An Act to provide revenue for State and county purposes, and, in cities coextensive with counties, for State and city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker and members of the House, in rising for the purpose of supporting this bill I believe I can safely say that this bill perhaps can and will receive the support of the majority of the members of this House regardless of their party affiliations.

I listened on Monday and Tuesday in this House to the debate on the part of the members on the other side of the House and then with a great deal of interest and perhaps with curiosity I listened to their speeches relative to the other bills, and I have noted that at least they were in accord in one proposition, and that was that wealth itself should be taxed.

I submit to the members of this House tonight that this bill does the very thing that they have been asking to have done. It is levying a tax directly upon wealth itself. It should also appeal to all the members of this House for the reason that it is not a new tax but an old one that has heretofore been collected by the counties in this state. The bill proposes now to take that collection from the counties and place it with the Revenue Department of this state. It should also appeal to the members of this House for the reason that it is not taking away from the counties the complete revenue that they have previously received. As a matter of fact, after you go into the detail of the figures, you will find it is going to return to the counties of this state a greater sum of money than they have been able to collect. Perhaps the reason why the counties have been unable to collect has been due to dilatory tactics on the part of the County Commissioners, but also in charity, I can say that it was due in part to the fact that they did not have the means nor the methods of ascertaining where the personal property was located. As a matter of fact, I think it has been a tax that in the main has been self-collected. By that I means to say if an individual made a return, it was perfectly all right—it was taxed, but if he did not make a return, then the property was not taxed. Under the methods proposed in this bill, all of it will be taxed In addition to that those who are the owners of stocks and bonds and other intangible securities, that the ordinary county has not been able to ascertain, the Commonwealth does have the facilities and the means of ascertaining it and will be able to collect it.

As to the figure that this bill will produce, it will produce in the biennium to the Commonwealth of Pennsylvania the sum of $49,600,000 and it will produce for the counties of this state a similar sum and that, if you please, is over twice as much—I am speaking of the counties now—the counties will receive twice as much in funds as they are now collecting, and at the same time it will solve one of the major problems facing this Commonwealth; that is, to meet and pay the budget that we have before us, to pay the deficit that has been passed on to us and to maintain the poor and the unemployed of this Commonwealth, and above all I am saying to you members on the other side of the House that that certainly must appeal to you. If I am to believe the words of your leaders uttered here on Monday and Tuesday evenings last, I do not think I need say anything further to this House regarding this bill, save possibly to ask that you will support the bill, as I know every Democrat in this House and every Socialist will do, and I am, therefore, asking you to join with us in passing this bill for the purpose of placing the expenses of the administration of this State upon those shoulders that are best able to pay them.

Mr. MASON. Mr. Speaker, may I interrogate the gentleman from Monroe, Mr. Achterman?

The SPEAKER. Will the gentleman from Monroe, Mr. Achterman permit himself to be interrogated?

Mr. ACHTERMAN. Mr. Speaker, I will.

Mr. MASON. Mr. Speaker, the gentleman from Monroe stated in his speech that there was an estimated revenue from this tax of $49,600,000. May I ask the gentleman to state where he got that estimate from?

Mr. ACHTERMAN. Mr. Speaker, from the Department of Revenue and, in addition to that, from various other statistics and figures relative to the wealth of the Commonwealth.

Mr. MASON. Mr. Speaker, and what does the gentleman from Monroe find that the wealth of this Commonwealth is estimated to be in accordance with that figure?

Mr. ACHTERMAN. Mr. Speaker, the wealth of the Commonwealth in accordance with that figure is thirty-two billion dollars, of which ten billion dollars is real estate wealth twenty-two billions is personal.

Mr. MASON. Mr. Speaker, may I ask the gentleman where he got that estimate from?

Mr. ACHTERMAN. Mr. Speaker, that estimate is based on the World Almanac figures and is on the basis of the per capita valuation of $3,187 multiplied by the number of people or the number of inhabitants in this Commonwealth.

Mr. MASON. The gentleman also stated that twenty-two billion dollars of that amount can be taxed as personal property either tangible or intangible; is that correct? Mr. Speaker.

Mr. ACHTERMAN. No, Mr. Speaker, that is not quite correct for the reason that some of that wealth figure is represented by tax exempt securities. However, I should like to point out to the gentleman that the figure of returned revenue that I have given to him is based only on the taxable wealth of eight billion three hundred million and not the twenty-two billion that I mentioned before.

Mr. MASON. Mr. Speaker, may I ask if the gentleman is familiar with the figures of the collections of the present personal property tax in the counties?

Mr. ACHTERMAN. I am, Mr. Speaker.

Mr. MASON. Mr. Speaker, may I ask the gentleman from Monroe on what basis that is taken and what is the total amount in dollars shown as a return under the present act?

Mr. ACHTERMAN. Mr. Speaker, it yields a revenue as I recall, of approximately between nine and ten millions of dollars. May I point out to the gentleman from Luzerne, Mr. Speaker, that on the figures which we have that it would indicate that approximately only half of the mortgages on real estate in Pennsylvania at the present time are paying the personal property tax.

Mr. MASON. Mr. Speaker, may I ask the gentleman from Monroe whether there are any other changes under the proposed legislation from the present act now in effect other than the change in millage and the method of collection?

Mr. ACHTERMAN. Mr. Speaker, there is. For instance, bank accounts. I am speaking of interest-bearing accounts.

Mr. MASON. Mr. Speaker, does the gentleman from Monroe state that the exemption on interest-bearing accounts in banks is removed under the proposed legislation?

Mr. ACHTERMAN. That is correct, Mr. Speaker; I did so state.

Mr. MASON. Mr. Speaker, will the gentleman from Monroe state whether or not there are any other changes in the proposed legislation from the present act?

Mr. ACHTERMAN. Mr. Speaker, I will say just at the moment "No."

Mr. MASON. Mr. Speaker, is the answer "No?"

Mr. ACHTERMAN. I believe so, Mr. Speaker.

Mr. MASON. Mr. Speaker, if the figures of collection under the present act are approximately correct, will the gentleman from Monroe state what will happen to the counties that would receive thereafter less than what they are securing at the present time.

Mr. ACHTERMAN. Mr. Speaker, I doubt very much if there is any county that will receive less under this plan than they are now receiving, for the reason that no county in the Commonwealth at the present is effectively and completely collecting these taxes.

Mr. MASON. Mr. Speaker, may I ask the gentleman from Monroe if that is a statement of fact or merely an estimate?

Mr. ACHTERMAN. Mr. Speaker, it is a statement of fact made from these various statistical records.

Mr. MASON. Mr. Speaker, will the gentleman from Monroe give the statistics and the records upon which he bases that statement of fact?

Mr. ACHTERMAN. Mr. Speaker, if the gentleman means as to any individual county, that I cannot do.

Mr. MASON. Mr. Speaker, as to the state at large?

Mr. ACHTERMAN. Mr. Speaker, as to the state at large, for instance, take the funded indebtedness of this Commonwealth which is approximately fourteen billion dollars and of which perhaps approximately five billion dollars is exempt, which leaves approximately nine billion dollars. In addition to that all forms various securities, stocks and so forth there is estimated that there is an equal amount in existence which of course are approximately some fourteen billion dollars.

Mr. MASON. Mr. Speaker, is the gentleman from Monroe familiar with the four mill tax on municipal bonds.

Mr. ACHTERMAN. Mr. Speaker, I am.

Mr. MASON. Mr. Speaker, will the four mill tax be changed in any way by the passage of this proposed legislation?

Mr. ACHTERMAN. No, Mr. Speaker.

Mr. MASON. Mr. Speaker, does the gentleman from Monroe state that there is no intention to change that four mill tax to six mills?

Mr. ACHTERMAN. My recollection is, Mr. Speaker, and I think it serves me correctly, that that particular situation is met by Section three—no; I will correct my statement. The same tax will apply.

Mr. MASON. Mr. Speaker, is the gentleman from Monroe familiar with the methods whereby municipalities secure the monies with which to pay taxes?

Mr. ACHTERMAN. Surely, Mr. Speaker—taxation.

Mr. MASON. Mr. Speaker, will the gentleman from Monroe state whether that taxation would be by real estate or by personalty—be on the real estate or personalty?

Mr. ACHTERMAN. Mr. Speaker, in the main it would of course be on real estate but they would also be receiving an income from this particular tax.

Mr. MASON. In other words, Mr. Speaker, the gentleman from Monroe does state that it will be an additional real estate tax in so far as municipal bonds are concerned?

Mr. ACHTERMAN. Mr. Speaker, if it were possible to follow each cent that is used—which, of course, is im-

possible it would be taken from the county general fund and conceivably might be some of the same money that is raised by this proposed tax.

Mr. MASON. Mr. Speaker, will the gentleman from Monroe tell me by what method the Department of Revenue intends to collect this tax?

Mr. ACHTERMAN. Mr. Speaker, the act specifically provides for the Department to set up the machinery, naming of course the necessary personnel to help collect it. The act is very full, complete and comprehensive thereon, if the gentleman has read the act.

Mr. MASON. Mr. Speaker, will the gentleman from Monroe tell me whether he has any estimates, figures or facts showing the number of employes and the amount of money that will necessarily be involved if the Department of Revenue should take over the collection of this tax?

Mr. ACHTERMAN. Mr. Speaker, I do not have any information as to numbers but only as a basis as you have noticed, or I presume you have noticed that there is a one half per cent charge to the counties for collection, which represents a proportional basis.

Mr. MASON. Mr. Speaker, does the gentleman from Monroe know whether or not in fixing the assessed valuation of counties for taxable purposes the personalty is considered under this act or any portion thereof is used?

Mr. ACHTERMAN. Mr. Speaker, I don't understand the question. Will the gentleman from Luzerne repeat it?

Mr. MASON. Mr. Speaker, the gentleman from Monroe undoubtedly knows of the assessed valuation of taxables upon which their yearly tax millage is based?

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. MASON. Mr. Speaker, will the gentleman from Monroe state whether or not the counties in figuring the assessed valuation for taxable purposes include personalty tangible or intangible under this act.

Mr. ACHTERMAN. Whether the counties themselves will after the passage of this act, Mr. Speaker?

Mr. MASON. Mr. Speaker, at the present time?

Mr. ACHTERMAN. Mr. Speaker, at the present time certainly in arriving at their tax figure on real estate they will estimate or at least should estimate their income from the personal property tax. However, I might add to that that the revenue that they will receive under this act will be more than what they are now collecting, so that it should not hurt their estimates.

Mr. MASON. Mr. Speaker, will the gentleman from Monroe state whether or not the taking away of this personal property tax will in any way change the counties bonded indebtedness insofar as the two per centum constitutional clause is concerned?

Mr. ACHTERMAN. My gracious, no, Mr. Speaker. If the gentleman would just read the preamble of the act he would see most distinctly and clearly that it does not affect their borrowing capacity in the least. May I add something further.

Mr. MASON. Mr. Speaker, the gentleman from Monroe may.

Mr. ACHTERMAN. If in their triennial assessment the amount would be fixed with the possibility of your borrowing capacity being infringed or injured, because with the falling prices of real estate conceivably your assessment would fall to such a figure, that as a matter of fact you had exceeded your borrowing capacity. This act and the results of it, if anything, will improve the values of your real estate. Referring again to the first part of my answer I say most distinctly that the borrowing capacity is not involved, and I might add that when you do have a final and complete assessment in your county, you will find that the assesment figures will be larger and, as a consequence, your borrowing capacity will be greater. It is most beneficial to a county.

Mr. MASON. Then, Mr. Speaker, the gentleman from Monroe states that by the passage of this legislation we will benefit the counties insofar as their borrowing capacity is concerned?

Mr. ACHTERMAN. Mr. Speaker, beyond the peradventure of a doubt.

Mr. MASON. Mr. Speaker and members of the House, as the gentleman from Monroe stated in his speech to the members of the House, this is not new legislation. There is no doubt whatsoever that in tracing back its history we can find out what the intent and what the purpose of the original act was and of the succeeding amendments or supplemental acts.

However, the gentleman from Monroe in stating that there were only one or two changes in this act erred considerably, and I feel that it is only fair to all of the members of the House that we place on record at least some of the more important changes occasioned by the passage of such new legislation, so that we may properly point out to our constituents exactly what act we are voting "yes" and "no" on. I will read several of them that I have found in studying the act.

As we all know, of course it increases the present tax from four to six mills.

2. It levies the tax for state and county purposes instead of county purposes solely.

3. It divides the tax equally—one-half to the state, one-half to the county.

4. It substitutes the Department of Revenue for the county as the tax collecting.

In addition, there are numerous other changes.

It removes the general exemption from corporations or limited partnerships paying a capital stock tax confining said exemptions solely to banks.

It gives partial exemption to corporations or limited partnerships liable to a franchise or capital stock tax for state purposes.

It removes the exemption on stocks and so forth held by bankers or brokers for trading purposes.

It removes the exemption of accounts and debit balances between customers and brokers in stock transactions.

It removes the exemptions from depositors in saving institutions having no capital stock.

It takes out the restriction that personal property taxable under this act cannot be taxed for any state purposes.

It removes the exemption that the act shall not apply to personal property received by others for the use and benefit of any non-residents or foreign corporations not doing business within this State.

It removes the proviso that assessors shall prepare an estimated return for those failing to file and add fifty per cent to their estimate and use the aggregate amount computed as the basis for taxation.

The proposed tax fixes a ten per cent penalty for those failing or refusing to file a return.

It proposes an interest charge of twelve per cent per annum on each tax from the date due and payable unless an appeal is taken to the amount of the tax.

It eliminates the penal clause applying to assessors who make a fraudulent return.

It eliminates the usury clause which makes it unlawful for the lender to require the borrower to pay the tax on the loan.

It makes the counties responsible for any costs in legal proceedings for violations of this act.

It provided that all fees, fines, penalties and bail forfeitures shall go to the Commonwealth.

It charges the county one and one-half per cent for the collection of the tax, and it raises the state tax on private and public scrip, bonds and so forth to six mills. In addition to that it removes the exemption from savings accounts. Those savings accounts were placed on the exempted list in the session of nineteen thirty-three because of the great protest and public indignation against the tax on those accounts. In regard to portions of the bill and changes therein not saying that the changes themselves are bad but for the purpose of thoroughly explaining the sections of the bill to the members of the House. I have listened with interest to the explanation of the gentleman from Monroe as to the estimate upon which this revenue is based, and it is amazing that we can figure out on the basis of the World Almanac how much money the State of Pennsylvania shall receive; that is turning it from a mere almanac to the bible of the Commonwealth of Pennsylvania when it comes to taxation.

Let me call attention to the proponent of this bill who appeared before the Ways and Means Committee. He mentioned the World Almanac and in order to bolster up his stand he likewise brought in a book written by Warburg, a banker of New York City, estimating this and that, taking a written page here and there, dividing this by that and so on, and finally working out a method whereby we had in the state of Pennsylvania twenty-two billions liable to this six mill tax, but he was not the only one that had a figure. Oh, no; the Governor of the Commonwealth in his inauguration speech stated to the people of this Commonwealth that up to the present time we have taxed real estate ninety per cent and personal property but ten per cent and that is all wrong he said because sixty per cent of the wealth of this state is subject to a tax on wealth itself and this personal property tax should be levied on that sixty per cent. Let us take the figures of the gentleman from Monroe of thirty-two billions and take sixty per cent of that and you find that the Governor of the Commonwealth has nineteen billion subject to a personal property tax and then move down to the Administration itself. We turn to the Department of Revenue and by that time the tax has dwindled down from nineteen billion to eight billion dollars upon which a personal property tax can be levied, and this is given to the members of the House just as its proponent said before the Ways and Means Committee, the most important piece of legislation in the present session of the Legislature—these figures are taken out of the air, plus the World Almanac as the basis upon which we shall get forty-nine million dollars of revenue in the next biennium when we have statistics and data collected from the various counties of the state showing what the collections have been in the past by the counties themselves.

Let me call your attention to another thing. The finger again has been pointed to the pages of our Legislative Journal since the beginning of this session that we must ease the burden on the property owner. It has been said in the inauguration of the Governor, it has been said a number of times upon the floor of this House that that should be done, and if you will turn to the preamble of the act of 1891 the act which said that three mills of a four mill personal property tax should be returned to the county, you will find almost the self-same words that have been quoted here, where we urge taking the tax off real estate:

"Whereas, there is a widespread demand for the enactment of such measures as will bring about the equalization of taxation and the relief of local taxation upon real estate," and for that reason the act of 1891 took from the state the collection of three mills of the four mill property tax and returned it to the county. That was the basis when the tax was given to the counties in the first place. That was the basis for the act of 1913 which said that the counties should receive the entire four mills to equalize taxation and take it off real estate. It is true undoubtedly that there are some errors in this act, it is true undoubtedly that in some of the counties and may happen in a large proportion of the counties, for all I know, a number of people are evading their just share of collection under this tax but I wonder if we are not going to miss that golden opportunity of relief to the property owner by passing this act. Do you realize that all we have to do if they say that this act is not working out is to put the teeth in the act that they say are necessary and ask for the cooperation between the state government and the various county governments that the proponents of this act say will be found between the state and county governments.

Leave the counties collect it, the six mill tax, and you will go back to the county and be able to say that we have cut real estate taxation in your county in half. Turn to your County Commissioners and say that we have given you the method whereby this tax can be collected, we have given to you the method whereby you can enforce collection upon those who refuse to pay or who conceal any of their assets and we will have lived up to our pledges. Go now and cut the real estate tax and we will have lived up to our pledges, we will have lived up to our vow, we will have lived up to the request of our Governor that we ease the burden upon the property owner at home.

There is another thing that I feel is of prime importance and that I ought to call to your attention in reference to this act. There is absolutely no safeguard to any of the counties if this act goes through and these various forms of estimates fail. Do you realize that if the form of collection under the proposed act does not bring in the revenue that it is supposed to bring in, but brings in only three mills instead of four mills, and from the three mills you take one and one-half per cent for collection purposes and turn it over to the Commonwealth, and from that three mills that goes back to the county you take out costs and so on for the enforcement of the collection in the form of legal action and turn back the balance to the county, it gives no safeguard that I can see to the county. If this act is passed and if our estimate is merely a dream and is not actually based on concrete figures and facts, we can say we will protect you, we will put in this act a paragraph that will state that you will receive, regardless of what the revenue is that comes in under this act, at least a sufficient amount to cover your average, let us say

for the last five or seven years for the collection of this tax. If we did that than at least we could protect the counties in part. But, no, there is nothing like that and if the tax fails, if the estimates are wrong, what happens? They must go back again and they proceed to get that difference in revenue between what they are getting now under the four mill tax and what they are going to get from the Commonwealth, and they will look to the only method of taxation left, the man that we are supposed to help, the property owner, and they will pass the difference in that tax right on to the property owners. There is no doubt about that. There is no doubt that the counties are not safeguarded in any way, and that sixty-seven counties in the State of Pennsylvania are relying, hoping and praying that the World Almanac is absolutely correct; they are banking on those utterances concerning the wealth of the Commonwealth of Pennsylvania.

I just merely want to call your attention to one other point, and that is that they have removed the exemption on savings accounts. You who were members in the session of 1933, know the general appeal that came to you from various sections of the State, asking you to exempt the poor man, the small man, that had saved a mere pittance and was keeping it in the bank,—"save him from this tax." You who were members at that time know that at the regular session we passed a bill, and that that bill itself was not a sufficient safeguard, so that at the special session of 1933, when we came back again, we amended it to make sure that it was proper and that this exemption should take place, and now, after one year you have turned around and you say, we will not exempt them, we will tax them again, as we should tax them, and we will include that in the revenue. There can not have been such a change in the Commonwealth within the last year, that the cries and the pleas that came from the various sections of the Commonwealth one year ago have changed to a demand that they be taxed now instead of being exempted.

I feel, Mr. Speaker and members of this House, that the bill in its present form is not a safeguard to the county, it is not fair and is not a just and proper method of aiding the counties and aiding the state even in the securing of its revenues.

You who come from Allegheny County, where you have collected two million dollars as an average from 1928 to 1932, do you want to go back to your county, and if this act fails, say, "Well, we had a copy of the World Almanac, which should know." You from Armstrong County and you from Berks County, that collected on an average from 1928 to 1932 three hundred sixty seven thousand and some odd dollars per year, do you care to go back and make that same report, if the act fails as a revenue raising measure. I can carry that right on through to Bucks County, Chester County, Cumberland County, Dauphin County, Delaware County, that collected four hundred and forty thousand dollars as an average, who put forth every effort to collect the tax,—right down the line to Northampton, Montgomery, Luzerne, Lehigh and York, all of them,that have really tried and hoped to collect under this act and have made a success out of it. Do you want to go back, you who represent those counties, and say, that we failed because we didn't safeguard the counties. It may be true that in some of the counties, where they have not collected, under this act they may show a gain. But there again those who have tried to enforce collection will be the ones to suffer. For that reason I am personally going to vote against the passage of this legislation, and I submit to the members of the House that the legislation in its present form is not fair, is not correct and should be voted down.

Mr. ACHTERMAN. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Mason.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MASON. I will, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, will the gentleman from Luzerne admit that the information now in the hands of the County Commissioners in the various counties of Pennsylvania, on which the assessments are now levied and collected, would likewise be available to the department here in Harrisburg?

Mr. MASON. Undoubtedly, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, will the gentleman from Luzerne inform the members of the House whether it is not correct that the expenses of collection on the part of the counties range up as high as three and a half per cent?

Mr. MASON. Mr. Speaker, I regret that I haven't got the figure, and so I cannot state, but I will assume that that statement is correct.

Mr. ACHTERMAN. From those figures, Mr. Speaker, will the gentleman from Luzerne admit that the collection of this tax insofar as the counties are concerned will be cheaper than the present method?

Mr. MASON. Mr. Speaker, based upon the figures that the gentleman has given I would say that they would correspond or be practically the same; that they would reach about the same.

Mr. ACHTERMAN. Mr. Speaker, would the gentleman from Luzerne say that the difference between one and one-half and three and one-half was practically the same?

Mr. MASON. No, Mr. Speaker; and I did not so state.

Mr. ACHTERMAN. Mr. Speaker, I beg the gentleman's pardon. Will the gentleman from Luzerne admit that with the additional tax from bank accounts alone the returns to the respective counties would exceed the amount they are now receiving on mortgages and such other securities on which they are collecting?

Mr. MASON. Mr. Speaker, does the gentleman mean that the return from savings accounts alone would equal or exceed the amount they are collecting under the present act?

Mr. ACHTERMAN. Mr. Speaker, would equal or exceed the amount they are collecting under the present act, yes.

Mr. MASON. Mr. Speaker, I regret to state that I do not have any such figure, but I doubt very much if you would find that would be correct.

Mr. ACHTERMAN. Mr. Speaker, but at least the gentleman from Luzerne would admit that the returns to the county would exceed the amounts that they are now receiving?

Mr. MASON. No; I wouldn't admit that, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, can the gentleman from Luzerne, state how much the counties are collecting under the tax?

Mr. MASON. The estimate that I have, Mr. Speaker, for the last two years is merely based upon the 1928-32 exact figures of the Department of Internal Affairs and

under that I believe you will find they have been collecting in 1934 eleven to twelve million dollars total.

Mr. ACHTERMAN. Mr. Speaker, and can the gentleman from Luzerne advise me how much of that has come from mortgages?

Mr. MASON. As I stated, Mr. Speaker, I haven't that sub-divided. I might state for the benefit of the gentleman from Monroe and for the benefit of the members of this House that I personally in the last three weeks have tried by every method conceivable to secure from the Department of Revenue and from the present administration some figures upon which I could base figures of my own for purposes of comparison and that I have been unable up until the present time, when the gentleman from Monroe stated a few figures, to secure anything at all from either the Department of Revenue or the present administration in any form.

Mr. KANE. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Monroe to define "Personal Property" in view of the fact that the act is a tax on personal property and it doesn't define what "Personal Property" is.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is in error. The act specifically states the various types of personal property that are subject to this tax. Very truthfully, it does not tax all personal property but rather property in the form of securities and of a similar nature.

Mr. KANE. Mr. Speaker, isn't the actual definition of "Personal Property"—that is, as distinguished from real estate—that personal property is readily and easily movable from one place to another?

Mr. ACHTERMAN. Mr. Speaker, that in a broad sense is correct, of course, but this act definitely states what particular types of personal property are taxable. It does not propose for one minute to tax household furniture, it does not propose to tax automobiles. I am naming those just as examples. A reference to the act itself will tell you definitely the types of personal property that are to be taxed and no other.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Monroe whether or not practically every item of personal property taxable under this act cannot be readily and easily withdrawn from this Commonwealth and taken by the owner to some other place, such as Florida, where it would not be taxable, whether bank deposits, which are taxable under this bill, cannot without any restraint whatever be taken from the banks of Pennsylvania to banks elsewhere?

Mr. ACHTERMAN. Mr. Speaker, that is true. Of course we might have an exodus of all of our people and then practically the only form of wealth that could be taxable would be real estate. If the gentleman is anticipating an exodus of all the people, then his interpretation, I assume, would be correct, but then of course we would not need any taxes.

Mr. KANE. Mr. Speaker, who will pay a tax under this, the man who keeps his money in a bank account or the man who hoards his money?

Mr. ACHTERMAN. Of course, Mr. Speaker, this is taxing the bank accounts most assuredly. Wealth that cannot be found is not taxable.

Mr. KANE. Mr. Speaker, on page twenty-three of this act it is stated that this is a tax of six mills on each dollar of the nominal value thereof. Would this tax be placed on the thousand dollar nominal value of a defaulted bond or upon the market value, the value to the holders?

Mr. ACHTERMAN. On the market value, Mr. Speaker.

Mr. KANE. Will the gentleman read the act, please, Mr. Speaker? I refer to page twenty-three.

Mr. ACHTERMAN. I will correct my statement, Mr. Speaker. It is on the nominal value.

Mr. KANE. I would like to ask the gentleman from Monroe, Mr. Speaker, upon what basis that tax would be assessed upon a judgment held by a resident of this Commonwealth against a man who cannot pay, which judgment is uncollectable at the present time?

Mr. ACHTERMAN. Mr. Speaker, the gentleman knows or I presume he knows that such an individual could of course surrender his judgment, for it has no value; it would certainly be of no value. If he has something of value or feels it is of value, he would of course pay his tax on it.

Mr. KANE. Mr. Speaker, I consider that reply evasive and I would like to ask the gentleman a similar question in a different form. May I do so?

The SPEAKER. The gentleman will proceed.

Mr. KANE. Mr. Speaker, suppose that the judgment is not valueless but is worth approximately two hundred dollars on the nominal value thereof; that is, twenty per cent of the nominal value, as a great part of our securities and bonds and other things are at the present time, would you collect from that man six mills on a thousand dollars or six mills on two hundred dollars which he could get if he sold it.

Mr. ACHTERMAN. Mr. Speaker, on the thousand dollars, of course, but that doesn't make any greater difference than is now represented by the returns on real estate where your taxes take in approximately one-third of the normal income of that real estate. The proportion is no greater here than you will find existing on real estate.

Mr. KANE. Wouldn't the passage of this act, as it is drawn result in the withdrawal of money from the banks of Pennsylvania, in the hoarding of money to escape the tax and an effort on the part of those who hold judgments that they cannot collect in full to collect all that they can immediately.

Mr. ACHTERMAN. Mr. Speaker, I can answer that question of the gentleman by saying that a similar act was in effect especially pertaining to bank accounts up to and including 1933. I have not heard or did not hear of any great withdrawal of the monies from the banks by the individuals at that time and I presume that they will not do so now; basing that presumption upon the conduct of the people of this Commonwealth previous to 1933.

Mr. KANE. Mr. Speaker, I did not hear the date that the gentleman stated. Would he please state the date?

Mr. ACHTERMAN. Mr. Speaker, 1933. If my recollections serves me correctly that was at the time that interest accounts in the banks were exempted. Previous to that time a four mill tax was collectible, whether it was collected or not I can't say, but at least it was subject to a tax and I never heard of any individual running to the banks at that time to withdraw their accounts so that they would not have to pay the tax.

Mr. KANE. Mr. Speaker, would the sponsor of this bill feel that the bill would be fairer to the tax-payer if

the tax were on the actual value of the personal property rather than to put the tax on its nominal value?

Mr. ACHTERMAN. Mr. Speaker, I believe this bill is as fair to the owners of personal property as our present tax laws are to the owners of real estate. I cannot see any differentation between them or cannot make any differentation between them and the owners of real estate. I believe this act is as equitable and just to the owners of personal property as are our present taxes to the owners of real estate.

Mr. SPROUL. Mr. Speaker and members of the House, I regret that I should have to take the part of Delaware County in this matter, but some statements were made regarding that county against which perhaps I may have a few facts.

You probably know that most counties have not been diligent in the collection of the personal property tax, because they have not insisted that a return be made or that a penalty be levied. This tax bill will have a very harmful affect upon the county of Delaware which I represent. In our case, the county has made a very diligent and successful effort to levy and collect the four mill personal property tax. The figures as prepared by the Board of Assessment in revision of taxes, show that the county has been successful in levying and collecting greater taxes in the year 1934 than they did in the year 1929 when personal property values were at their highest. As an example, in the year 1929, personal property assessment was $100,000,000 and in the year 1934, it was $108,000,000. On the basis of last year's figures, the County collected $432,000 on the four mills personal property tax.

Under the provisions of this new bill, the State would colect $648,000 of which half is returnable to the County, or $324,000, making a loss to the County of Delaware of $108,000. These are facts. This loss can only be made up by increasing the tax on real estate, which is a deplorable thing to do at this time, and will mean an increase on our real estate of practically three-fourths of a mill. And I am told in the case of Montgomery of one and two-tenths mills.

The proponents of this bill claim that they will be able to uncover a great deal more of taxable personal property, and this increase will more than compensate the counties for the loss sustained by this bill, but I am positive in the case of Delaware County, that this will not be true. As our records prove, the county has been very efficient in levying and collecting these taxes.

This bill also has a very damaging effect upon the financial structure of our county, and I believe some other counties of the State. The borrowing capacity of the counties is computed on the basis of the total assessment valuation of real estate and personal property. Many counties have borrowed nearly to their limit at the present time, and if this tax becomes a State tax, the counties lose the assessment valuation on personal property and therefore many counties will become over-borrowed. Am I correct in that statement, may I ask the gentleman from Monroe?

The SPEAKER. Does the gentleman desire to interrogate the gentleman from Monroe?

Mr. SPROUL. I wil proceed Mr. Speaker.

This is true in our county because we have been diligent in the collection of this tax. In the mechanics of this bill before you, which relate to the filing of returns and appeals, the ordinary citizen is very likely to become a prey to his own unknowing error. If they fail to make returns, the Department makes an assessment and they get a notice from Harrisburg, a point far removed from their homes. They are confused and do not know what to do with it. If they do not make a protest of the assessment within thirty days, they are forever barred from appeal and again under this bill, if they fail to make a return and later on the assessment is made and they go in and make a return, then under this bill the Department is required to add a penalty of ten per cent. There is no leeway to relieve this poor tax payer against it as he is subject to the penalty of ten per cent and in addition is subject to the interest of six per cent from the time he should have made the return.

I do not believe that there is anyone present who upon being asked by a tax payer as to what stocks and bonds are returnable, would be able to give a definite answer, therefore instead of the tax payer going to his county seat to find out what securities are returnable, he will have to communicate with Harrisburg by mail, which is in a lot of cases very unsatisfactory and if the tax payer goes beyond the period when such returns should be made, he is liable for this assessment penalty on his assessment together with a six per cent interest.

Again I would say that this bill benefits those who have not exerted strenuous efforts to collect, penalizes severely those who have, stifles initiative in public office, whereas it should encourage efficient public servants. If other counties had collected as we did, I believe you would be on your feet opposing this bill.

In closing, I wish to state that our biggest objection to this bill is the fact that the County Commissioner will have to levy an increased tax on real estate if this measure is passed. This is against the principles and platform of both parties and we deplore very much the passage of a bill that will make this necessary in our County.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, th yeas and nays were taken and were as follows, viz:

YEAS—112

| | | | |
|---|---|---|---|
| Achterman, | Dent, | LaRue, | Robinson, |
| Alexander, | Diehl, | Long, | Ruffenuach, |
| Allen, | Dilley, | Lovett, | Sarraf, |
| Altenburg, | Downey, J. J., | Lynch, | Scanlon, |
| Andrews, | Eberharter, | Male, | Schrope, |
| Arnold, | Eroe, | McDermott, | Schwab, |
| Aukerman, | Falkenstein, | McElroy, | Shaw, |
| Baine, | Finnerty, | McHenry, | Shepard, |
| Baker, J J., | Fitch, | Melchiorre, | Shugarts, |
| Barber, | Flanagan, | Mentzer, | Siegel, |
| Bradley, | Flinchbaugh, | Moomaw, | Simon, |
| Brancato, | Furman, | Mooney, | Smith, J. A., |
| Brown, H. S., | Gerard, | Moran, | Smith, W. G., |
| Brown, J. E., | Haberlen, | Moul, | Stank, |
| Brownfield, | Hagerty, | Munley, | Stevens, |
| Brumbaugh, | Haluska, | Murrin, | Tronzo, |
| Burke, | Hamilton, F. P., | Nagel, | Tumelty, |
| Cannon, | Harkins, | O'Keefe, | Van Allsburg, |
| Caputo, | Harmuth, | Ominsky, | Van Sickle, |
| Carson, | Hirsch, | O'Neill, | Walker, |
| Chervenak, | Holland, | Panton, | Weiss, |
| Coakley, | Holstrom, | Patterson, J. W., | Welliver, |
| Cochran, | Hoopes, | Pearson, | Welsh, |
| Cohen, | Kelso, | Pfaff, | Westrick, |
| Coleman, | Kilroy, | Piole, | Wilson, |
| Condon, | Kinney, | Powers, | Yourishin, |
| Coolahan, | Klingler, | Reising, | Zappala, |
| Decker, | Kobelak, | Rinn, | Sarig, |

NAYS—78

| | | | |
|---|---|---|---|
| Atkins, | Green, | Moore, | Sproul, |
| Baker, F. T., | Greenstein, | Muir, | Stewart, |
| Baldi, | Habbyshaw, | Nothnagle, | Stockham, |
| Barnhardt, | Hamilton, R. S., | Parks, | Stott, |
| Bernhard, | Hart, | Peters, | Sumney, |
| Blumberg, | Hefferon, | Phillips, | Surface, |
| Boose, | Hermansen, | Reynolds, | Tahl, |
| Boyd, R., | Hoffner, | Rhys, | Trout, |
| Boyer, | Horst, | Roan, | Turner, |
| Brennan, | Jackson, | Root, | Wall, |
| Castor, | Jones, | Schrock, | Wasserman, |
| Conner, | Kane, | Schwartz, | Weidemann, |
| Cordier, | Linderman, | Shortz, | White, |
| Davies, | Longaker, | Shreiner, | Wickersham, |
| Duffort, | Mallen, | Simpson, | Witkin, |
| Ederer, | Mason, | Sloan, | Wood, |
| Ferko, | McCreary, | Snyder, F. E., | Woodside, |
| Forrest, | McDevitt, | Snyder, J. L., | Yeakel, |
| Gates, | McKinney, | Sowers, | Zimmerman, |
| Gillette, | Merrell, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## TIME EXTENDED ON BILL

Mr. WEISS. Mr. Speaker, I move that the time on House Bill No. 871 Printer's No. 305, entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; and abolishing the existing board for the assessment and revision of taxes and the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties.

on page 22 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

## BILL ON THIRD READING

Mr. HINDMAN. Mr. Speaker, I desire to call up at this time House Bill No. 306, Printer's No. 145, on page 20, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Hindman.

The House resumed the consideration on third reading of House Bill No. 306, entitled:

An Act providing for the registration of milk bottles and containers, forbidding refilling, using, selling, purchasing, giving, taking, retaining, destroying, disposing or trafficking in same without the written consent of owners, imposing penalties, fines and imprisonment, providing for issuing process in nature of a search warrant; providing what shall constitute prima facie proof, forbidding defacement, covering up, removing or concealing name, mark or device; defining procedure; providing disposition of fines; providing that appeal will not invalidate conviction for second offence, but that sentence shall await decisions of appeal, providing that the requiring, taking or accepting a deposit shall not be deemed a sale; providing that registration prior to this act entitles registrants to benefits of act, and providing for the transfer of certificates of registration.

On the question,

Will the House agree to the bill on third reading?

Mr. HINDMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 2, line 19, by striking out the words "twenty-five cents" and insert in lieu thereof "one dollar"

Amend sec. 4, page 3, line 26, by inserting after the word "whatsoever" the following: "of five or more bottles"

Amend sec. 4, page 4, line 6, by striking out the word "using"

Amend sec. 4, page 4, line 7, by striking out the word "retaining"

Amend sec. 6, page 5, line 10, by striking out the words "the costs of prosecution and" and insert in lieu thereof "a fine of not less than fifty dollars, nor more than two hundred and fifty dollars or"

Amend sec. 6, page 5, line 13, by inserting after the word "months" the following: "or both, and to pay the costs of prosecution"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## BILL ON THIRD READING

Mr. WEIDEMANN. Mr. Speaker, I desire to call up at this time House Bill No. 720, Printer's No. 184, on page 20, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Weidemann.

The House resumed the consideration on third reading of House Bill No. 720, entitled:

An Act to amend sections six hundred and fifty, six hundred and fifty-one, section six hundred and fifty-two as amended, sections six hundred and fifty-four, six hundred and fifty-five and six hundred and fifty six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," empowering counties to acquire lands for recreational purposes, parkways, bridle paths and foot paths by eminent domain.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WEIDEMANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 11 of title, by inserting after the word "purposes" the following: "and to build"

Amend title, page 1, lines 12 and 13 of title, by striking out the words "by eminent domain"

Amend sec. 1, page 2, line 14, by striking out the light-faced brackets before and after the word "or"

Amend sec. 1, pag 2, line 15, by striking out with heavy-faced brackets the following: "or the exercise of the power of eminent domain"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## REPORT FROM COMMITTEE

Mr. MELCHIORRE, from the Committee on Ways and Means asked and obtained unanimous consent to report as amended, House Bill No. 1473, entitled:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of nonresidents derived from property or business in Pennsylvania; defining taxable income and requiring filing of returns thereof; providing for the assessment, collection and lien of said tax and for the disposition of proceeds thereof; providing for administration and enforcement of the act by the Department of Revenue; conferring powers and imposing duties on certain persons, partnerships, associations, corporations, school districts, State officers, employes and departments; imposing penalties and appropriating the revenues derived from said tax.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1269, as follows:

An Act to amend section eight hundred and four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by requiring policies of mutual insurance companies other than mutual life companies to show that the insured may become subject to assessment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 804 Policy Provisions Mutual insurance companies other than mutual life companies may insert in any form of policy prescribed by the law of this Commonwealth any provisions or conditions required by its plan of insurance which are not inconsistent or in conflict with any law of this Commonwealth Such policy in lieu of conforming to the language and form prescribed by such law may conform thereto in substance if such policy includes a provision or endorsement reciting that the policy shall be construed as if in the language and form prescribed by such law and a copy of such policy and endorsements if any shall have been first filed with and shall not have been disapproved by the Insurance Commissioner Provided That all such policies whether issued on the purely mutual plan or issued for a cash premium with an additional contingent premium shall contain on the face of the policy a clause so worded as to plainly indicate to the insured that he as a policyholder in a mutual insurance company is subject to assessment whenever the need for an assessment arises

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Longaker, | Schrope, |
| Alexander, | Eberharter, | Lovett, | Schwab, |
| Allen, | Ederer, | Lynch, | Schwartz, |
| Altenburg, | Eroe, | Male, | Shaw, |
| Andrews, | Falkenstein, | Mallen, | Shepard, |
| Arnold, | Ferko, | Mason, | Shortz, |
| Atkins, | Finnerty, | McCreary, | Shugarts, |
| Aukerman, | Fitch, | McDermott, | Siegel, |
| Baine, | Flanagan, | McDevitt, | Simon, |
| Baker, F. T., | Flinchbaugh, | McElroy, | Simpson, |
| Baker, J. J., | Flynn, | McHenry, | Sloan, |
| Baldi, | Forrest, | McKinney, | Smith, J. A., |
| Barber, | Furman, | Melchiorre, | Smith, W. G., |
| Barnhardt, | Gates, | Mentzer, | Snyder, F. E., |
| Bernhard, | Gerard, | Merrell, | Snyder, J. L., |
| Blumberg, | Gillette, | Moomaw, | Sowers, |
| Boose, | Green, | Mooney, | Sproul, |
| Boyd, R., | Greenstein, | Moore, | Stank, |
| Boyer, | Haberlen, | Moran, | Stevens, |
| Bradley, | Hagerty, | Moul, | Stewart, |
| Brancato, | Haluska, | Muir, | Stockham, |
| Brennan, | Hamilton, F. P., | Munley, | Stone, |
| Brown, H. S., | Hamilton, R. S., | Murrin, | Stott, |
| Brown, J. E., | Harkins, | Nagel, | Tahl, |
| Brownfield, | Harmuth, | Nothnagle, | Terry, |
| Brumbaugh, | Hart, | O'Keefe, | Tronzo, |
| Burke, | Hartman, | Ominsky, | Trout, |
| Cannon, | Hefferon, | O'Neill, | Tumelty, |
| Caputo, | Hermansen, | Panton, | Turner, |
| Carr, | Hetrick, | Parks, | Van Allsburg, |
| Carson, | Hindman, | Patterson, J. W., | Van Sickle, |
| Castor, | Hirsch, | Pearson, | Wall, |
| Chervenak, | Hoffner, | Perry, | Wasserman, |
| Coakley, | Holland, | Peters, | Weidemann, |
| Cochran, | Holstrom, | Pfaff, | Weiss, |
| Cohen, | Hoopes, | Phillips, | Welliver, |
| Coleman, | Horst, | Piole, | Welsh, |
| Condon, | Jackson, | Powers, | Westrick, |
| Conner, | Jones, | Reising, | White, |
| Coolahan, | Kane, | Reynolds, | Wickersham, |
| Cordier, | Kelso, | Rhys, | Wilson, |
| Davies, | Kilroy, | Rinn, | Witkin, |
| Decker, | Kinney | Roan, | Wood, |
| Denning, | Klingler, | Robinson, | Woodside, |
| Dent, | Kobelak, | Rooney, | Yeakel, |
| Diehl, | LaRue, | Root, | Yourishin, |
| Dilley, | Linderman, | Ruffennach, | Zappala, |
| Downey, G. E., | Long, | Sarraf, | Zimmerman, |
| Downey, J. J., | | Scanlon, | Sarig, |

NAYS—6

| | | | |
|---|---|---|---|
| Habbyshaw, | Shreiner, | Surface, | Walker, |
| Schrock, | Sumney, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1163 (Senate Bill No. 153), entitled:

An Act to further amend section five hundred and thirty-one of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law; providing for the incorporation

of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by classifying foreign mutual fire, mutual marine, or mutual fire and marine companies for the purpose of licensing and relicensing and providing the requirements for licensing and relicensing.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—194

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Lynch, | Schwab, |
| Alexander, | Eberharter, | Male, | Schwartz, |
| Allen, | Ederer, | Mallen, | Shaw, |
| Altenburg, | Eroe, | Mason, | Shepard, |
| Andrews, | Falkenstein, | McCreary, | Shortz, |
| Arnold, | Ferko, | McDermott, | Shreiner, |
| Atkins, | Finnerty, | McDevitt, | Shugarts, |
| Aukerman, | Fitch, | McElroy, | Siegel, |
| Baine, | Flanagan, | McHenry, | Simon, |
| Baker, F. T., | Flinchbaugh, | McKinney, | Simpson, |
| Baker, J. J., | Flynn, | Melchiorre, | Sloan, |
| Baldi, | Forrest, | Mentzer, | Smith, J. A., |
| Barber, | Furman, | Merrell, | Smith, W. G., |
| Barnhardt, | Gates, | Moomaw, | Snyder, F. E., |
| Bernhard, | Gerard, | Mooney, | Snyder, J. L., |
| Blumberg, | Green, | Moore, | Sowers, |
| Boose, | Greenstein, | Moran, | Sproul, |
| Boyd, R., | Habbyshaw, | Moul, | Stank, |
| Boyer, | Haberlen, | Muir, | Stevens, |
| Bradley, | Hagerty, | Munley, | Stewart, |
| Brancato, | Haluska, | Murrin, | Stockham. |
| Brennan, | Hamilton, F. P. | Nagel, | Stott, |
| Brown, H. S., | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, J. E., | Harkins, | Ominsky, | Surface, |
| Brownfield, | Harmuth, | O'Neill, | Tahl, |
| Brumbaugh, | Hart, | Panton, | Terry, |
| Burke, | Hartman, | Parks, | Tronzo, |
| Cannon, | Hermansen, | Patterson, J. W., | Trout, |
| Caputo, | Hetrick, | Pearson, | Tumelty, |
| Carr, | Hindman, | Perry, | Turner. |
| Carson, | Hirsch, | Peters, | Van Allsburg, |
| Castor, | Hoffner, | Pfaff, | Van Sickle, |
| Chervenak. | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst. | Powers, | Weiss, |
| Cohen, | Jackson, | Reising, | Welliver, |
| Coleman, | Jones, | Reynolds, | Welsh, |
| Condon, | Kane, | Rhys, | Westrick, |
| Conner, | Kelso, | Rinn, | Wickersham, |
| Coolahan, | Kilroy, | Roan, | Wilson, |
| Cordier, | Kinney, | Robinson, | Witkin, |
| Davies, | Klingler, | Rooney, | Wood, |
| Decker, | Kobelak, | Root, | Woodside, |
| Denning, | LaRue. | Ruffennach | Yeakel, |
| Dent, | Linderman | Sarraf, | Yourishin, |
| Diehl, | Long, | Scanlon, | Zappala, |
| Dilley, | Longaker, | Schrock, | Zimmerman, |
| Downey, G. E., | Lovett, | Schrope, | Sarig, |
| Downey, J. J., | | | |

NAYS—3

| | | |
|---|---|---|
| Nothnagle, | Walker, | Weidemann, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 62, as follows:

An Act to amend article three section one clause (c) of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by requiring the crediting minimum charges of water companies towards the payment for water actually consumed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (c) of article three section one of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a

limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" is hereby amended to read as follows

(c) To have reasonable rules and regulations subject to existing law and the provisions of this act governing the conduct of its business and the conditions under which it shall be required to render service

It may require the payment of charges in advance the making of reasonable minimum payments and deposits to secure future payments of such charges or it may allow discounts for prompt payments of the same or impose penalties for failure to pay promptly Provided That such advance charges minimum payments deposits discounts or penalties are reasonable and apply equally and without discrimination or preference to all shippers consumers and patrons under like conditions and under similar circumstances Provided further That all minimum charges of water companies be credited towards the payment for water actually consumed during the current billing period at the current rate

And said bill having been read at length the third time, time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwab, |
| Alexander, | Ederer, | Male, | Schwartz, |
| Allen, | Eroe, | Mallen, | Shaw, |
| Altenburg, | Falkenstein, | Mason, | Shepard, |
| Andrews, | Ferko, | McCreary, | Shortz, |
| Arnold, | Finnerty, | McDermott, | Shreiner, |
| Atkins, | Fitch, | McDevitt, | Shugarts, |
| Aukerman, | Flanagan, | McElroy, | Siegel, |
| Baine, | Flinchbaugh, | McHenry, | Simon, |
| Baker, F. T., | Flynn, | McKinney, | Simpson, |
| Baker, J J., | Forrest, | Melchiorre, | Sloan, |
| Baldi, | Furman, | Mentzer, | Smith, J. A., |
| Barber, | Gates, | Merrell, | Smith, W. G., |
| Barnhardt, | Gerard, | Moomaw, | Snyder, F. E., |
| Bernhard, | Green, | Mooney, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moore, | Sowers, |
| Boose, | Habbyshaw, | Moran, | Sproul, |
| Boyd, R., | Haberlen, | Moul, | Stank, |
| Boyer, | Hagerty, | Muir, | Stevens, |
| Bradley, | Haluska, | Munley, | Stewart, |
| Brancato, | Hamilton, F. P., | Murrin, | Stockham, |
| Brennan, | Hamilton, R. S., | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |
| Brumbaugh, | Hartman, | O'Neill, | Tronzo, |
| Burke, | Hefferon, | Panton, | Trout, |
| Cannon, | Hermansen, | Parks, | Tumelty, |
| Caputo, | Hetrick, | Patterson, J. W., | Turner, |
| Carr, | Hindman, | Pearson, | Van Allsburg, |
| Carson, | Hirsch, | Perry, | Van Sickle, |
| Castor, | Hoffner, | Peters, | Walker, |
| Chervenak, | Holland, | Pfaff, | Wall, |
| Coakley, | Holstrom, | Phillips, | Wasserman, |
| Cochran, | Hoopes, | Piole, | Weidemann, |
| Cohen, | Horst, | Powers, | Weiss, |
| Coleman, | Jackson, | Reising, | Welliver, |
| Condon, | Jones, | Reynolds, | Welsh, |
| Conner, | Kane, | Rhys, | Westrick, |
| Coolahan, | Kelso, | Rinn, | Wickersham, |
| Cordier, | Kilroy, | Roan, | Wilson, |
| Davies, | Kinney, | Robinson, | Witkin, |
| Decker, | Klingler, | Rooney, | Wood, |
| Denning, | Kobelak, | Root, | Woodside, |
| Dent, | LaBue, | Ruffennach, | Yeakel, |
| Diehl, | Linderman, | Sarraf, | Yourishin, |
| Dilley, | Long, | Scanlon, | Zappala, |
| Downey, G. E., | Longaker, | Schrock, | Zimmerman, |
| Downey, J. J., | Lovett, | Schrope, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 918, entitled:

An Act to prohibit deductions from wages of employe for the payment of store bills for goods wares and merchandise declaring with certain exceptions certain contracts agreements and understandings against public policy and void and providing penalties

Section 1 Be it enacted by the Senate and House o Representatives of the Commonwealth of Pennsylvania i General Assembly met and it is hereby enacted by th authority of the same That no employer shall hereafte enter into any contract agreement or understanding wit any person association copartnership or corporation operat ing a store or what is commonly called a company stor or general supply store as the result of which the employe agrees to withhold or permit to be withheld wages due o becoming due an employe of such employer by reaso of the sale or furnishing of goods wares and merchandis other than coal to such employe and to pay over th wages so withheld to such person association copartner

ship or corporation operating such store or company store or general supply store in cancellation of the amount due at such store by such employe Any such contract agreement or understanding is hereby declared to be against public policy and void

No employer who operates a company store or general supply store for the sale of goods wares and merchandise to his employes engaged in mining manufacturing or other industrial work shall deduct from the wages of his employes any amount due by reason of the sale of goods wares and merchandise to such employes at such company or general supply store other than for coal and such articles as are furnished to the employe to carry on his work in any mine factory or industrial establishment No employer or employe shall have the right to enter into any contract agreement or understanding to avoid the provisions of this clause and every such contract agreement or understanding is hereby declared to be against public policy and void

Any person association copartnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or such person or the member officer or agent of any association copartnership or corporation responsible for such violation shall be sentenced to imprisonmeut for not more than six months or both at the discretion of the court

And said bill having been read at length the third time, time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Lovett, | Schwab, |
| Alexander, | Eberharter, | Lynch, | Schwartz, |
| Allen, | Ederer, | Male, | Shaw, |
| Altenburg, | Eroe, | Mallen, | Shepard, |
| Andrews, | Falkenstein, | Mason, | Shortz, |
| Arnold, | Ferko, | McCreary, | Shreiner, |
| Atkins, | Finnerty, | McDermott, | Shugarts, |
| Aukerman, | Fitch, | McDevitt, | Siegel, |
| Baine, | Flanagan, | McElroy, | Simon, |
| Baker, F. T., | Flinchbaugh, | McHenry, | Simpson, |
| Baker, J J., | Flynn, | McKinney, | Sloan, |
| Baldi, | Forrest, | Melchiorre, | Smith, J. A., |
| Barber, | Furman, | Mentzer, | Smith, W. G., |
| Barnhardt, | Gates, | Merrell, | Snyder, F. E., |
| Bernhard, | Gerard, | Moomaw, | Snyder, J. L., |
| Blumberg, | Green, | Mooney, | Sowers, |
| Boose, | Greenstein, | Moore, | Sproul, |
| Boyd, R., | Habbyshaw, | Moran, | Stank, |
| Boyer, | Haberlen, | Moul, | Stevens, |
| Bradley, | Hagerty, | Muir, | Stewart, |
| Brancato, | Haluska, | Munley, | Stockham, |
| Brennan, | Hamilton, F. P., | Nagel, | Stott, |
| Brown, H. S., | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, J. E., | Harkins, | O'Keefe, | Surface, |
| Brownfield, | Harmuth, | Ominsky, | Tahl, |
| Brumbaugh, | Hart, | O'Neill, | Tronzo, |
| Burke, | Hartman, | Panton, | Trout, |
| Cannon, | Hefferon, | Parks, | Tumelty, |
| Caputo, | Hermansen, | Patterson, J. W., | Turner, |
| Carr, | Hetrick, | Pearson, | Van Allsburg, |
| Carson, | Hindman, | Perry, | Van Sickle, |
| Castor, | Hirsch, | Peters, | Walker, |
| Chervenak, | Hoffner, | Pfaff, | Wall, |
| Coakley, | Holland, | Phillips, | Wasserman, |
| Cochran, | Holstrom, | Piole, | Weidemann, |
| Cohen, | Hoopes, | Powers, | Weiss, |
| Coleman, | Horst, | Reising, | Welliver, |
| Condon, | Jackson, | Reynolds, | Welsh, |
| Conner, | Jones, | Rhys, | Westrick, |
| Coolahan, | Kane, | Rinn, | Wickersham, |
| Cordier, | Kelso, | Roan, | Wilson, |
| Davies, | Kilroy, | Robinson, | Witkin, |
| Decker, | Kinney, | Rooney, | Wood, |
| Denning, | Klingler, | Root, | Woodside, |
| Dent, | Kobelak, | Ruffennach, | Yeakel, |
| Diehl, | [illegible] | Sarraf, | Yourishin, |
| Dilley, | Linderman | Scanlon, | Zappala, |
| Downey, G. E., | Long, | Schrock, | Zimmerman, |
| Downey, J. J., | Longaker, | Schrope, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1227, entitled:

An Act authorizing the courts of quarter sessions to stay sales of goods and chattels distrained upon by sureties of defaulting tax collectors and providing a procedure to exonerate the sureties where delinquent taxpayers are unable to pay taxes and to direct satisfaction of the taxes charged in duplictes where it appears such taxes have been paid.

And said bill having been read at length the third time, time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwab, |
| Alexander, | Ederer, | Male, | Schwartz, |
| Allen, | Eroe, | Mallen, | Shaw, |
| Altenburg, | Falkenstein, | Mason, | Shepard, |
| Andrews, | Ferko, | McCreary, | Shortz, |
| Arnold, | Finnerty, | McDermott, | Shreiner, |
| Atkins, | Fitch, | McDevitt, | Shugarts, |
| Aukerman, | Flanagan, | McElroy, | Siegel, |
| Baine, | Flinchbaugh | McHenry, | Simon, |
| Baker, F. T., | Flynn, | McKinney, | Simpson, |
| Baker, J J., | Forrest, | Melchiorre, | Sloan, |
| Baldi, | Furman, | Mentzer, | Smith, J. A., |
| Barber, | Gates, | Merrell, | Smith, W. G., |
| Barnhardt, | Gerard, | Moomaw, | Snyder, F. E., |
| Bernhard, | Green, | Mooney, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moore, | Sowers, |
| Boose, | Habbyshaw, | Moran, | Sproul, |
| Boyd, R., | Haberlen, | Moul, | Stank, |
| Boyer, | Hagerty, | Muir, | Stevens, |
| Bradley, | Haluska, | Munley, | Stewart, |
| Brancato, | Hamilton, F. P., | Murrin, | Stockham, |
| Brennan, | Hamilton, R. S., | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |
| Brumbaugh, | Hartman, | O'Neill, | Tronzo, |
| Burke, | Hefferon, | Panton, | Trout, |
| Cannon, | Hermansen, | Parks, | Tumelty, |
| Caputo, | Hetrick, | Patterson, J. W., | Turner, |
| Carr, | Hindman, | Pearson, | Van Allsburg, |
| Carson, | Hirsch, | Perry, | Van Sickle, |
| Castor, | Hoffner, | Peters, | Walker, |
| Chervenak, | Holland, | Pfaff, | Wall, |
| Coakley, | Holstrom, | Phillips, | Wasserman, |
| Cochran, | Hoopes, | Piole, | Weidemann, |
| Cohen, | Horst, | Powers, | Weiss, |
| Coleman, | Jackson, | Reising, | Welliver, |
| Condon, | Jones, | Reynolds, | Welsh, |
| Conner, | Kane, | Rhys, | Westrick, |
| Coolahan, | Kelso, | Rinn, | Wickersham, |
| Cordier, | Kilroy, | Roan, | Wilson, |
| Davies, | Kinney, | Robinson, | Witkin, |
| Decker, | Klingler, | Rooney, | Wood, |
| Denning, | Kobelak, | Root, | Woodside, |
| Dent, | [illegible] | Ruffennach, | Yeakel, |
| Diehl, | Linderman, | Sarraf, | Yourishin, |
| Dilley, | Long, | Scanlon, | Zappala, |
| Downey, G. E., | Longaker, | Schrock, | Zimmerman, |
| Downey, J. J., | Lovett, | Schrope, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 955, as follows:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever public funds are held in trust for public school purposes by any corporation which is or may become subject to the provisions of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) known as the "Non-profit Corporation Law" and in the opinion of such corporation and of the board of school directors of the school district entitled to the benefits of such fund and in the opinion of the Superintendent of Public Instruction such funds should be paid over into the general fund of such school district and used for general school purposes and in order to carry out such purposes the corporate trustee applies in the manner provided in article ten of said Nonprofit Corporation Law to the court of common pleas for the dissolution of the corporation the consent of the Commonwealth of Pennsylvania is hereby given to the transfer of any such funds to the general fund of such school district and to their use for general school purposes

Section 2 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwab, |
| Alexander, | Ederer, | Male, | Schwartz, |
| Allen, | Eroe, | Mallen, | Shaw, |
| Altenburg, | Falkenstein, | Mason, | Shepard, |
| Andrews, | Ferko, | McCreary, | Shortz, |
| Arnold, | Finnerty, | McDermott, | Shreiner, |
| Atkins, | Fitch, | McDevitt, | Shugarts, |
| Aukerman, | Flanagan, | McElroy, | Siegel, |
| Baine, | Flinchbaugh, | McHenry, | Simon, |
| Baker, F. T., | Flynn, | McKinney, | Simpson, |
| Baker, J J., | Forrest, | Melchiorre, | Sloan, |
| Baldi, | Furman, | Mentzer, | Smith, J. A., |
| Barber, | Gates, | Merrell, | Smith, W. G., |
| Barnhardt, | Gerard, | Moomaw, | Snyder, F. E., |
| Bernhard, | Green, | Mooney, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moore, | Sowers, |
| Boose, | Habbyshaw, | Moran, | Sproul, |
| Boyd, R., | Haberlen, | Moul, | Stank, |
| Boyer, | Hagerty, | Muir, | Stevens |
| Bradley, | Haluska, | Munley, | Stewart, |
| Brancato, | Hamilton, F. P., | Murrin, | Stockham, |
| Brennan, | Hamilton, R. S., | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |
| Brumbaugh, | Hartman, | O'Neill, | Terry, |
| Burke, | Hefferon, | Panton, | Tronzo, |
| Cannon, | Hermansen, | Parks, | Tumelty, |
| Caputo, | Hetrick, | Patterson, J. W., | Turner, |
| Carr, | Hindman, | Pearson, | Van Allsburg, |
| Carson, | Hirsch, | Perry, | Van Sickle, |
| Castor, | Hoffner, | Peters, | Walker, |
| Chervenak, | Holland, | Pfaff, | Wall, |
| Coakley, | Holstrom, | Phillips, | Wasserman, |
| Cochran, | Hoopes, | Piole, | Weidemann, |
| Cohen, | Horst, | Powers, | Weiss, |
| Coleman, | Jackson, | Reising, | Welliver, |
| Condon, | Jones, | Reynolds, | Welsh, |
| Conner, | Kane, | Rhys, | Westrick, |
| Coolahan, | Kelso, | Rinn, | Wickersham, |
| Cordier, | Kilroy, | Roan, | Wilson, |
| Davies, | Kinney, | Robinson, | Witkin, |
| Decker, | Klingler, | Rooney, | Wood, |
| Denning, | Kobelak, | Root, | Woodside, |
| Dent, | LaRue, | Ruffennach, | Yeakel, |
| Diehl, | Linderman, | Sarraf, | Yourishin, |
| Dilley, | Long, | Scanlon, | Zappala, |
| Downey, G. E., | Longaker, | Schrock, | Zimmerman, |
| Downey, J. J., | Lovett, | Schrope, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1242, entitled:

An Act relating to the maintenance of insane feebleminded and other persons confined in various institutions by counties of the second class fixing liability for their support providing for the collection of the moneys due the counties of the second class therefor and for proceeding relating thereto.

And said bill having been read at length the third time time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwab, |
| Alexander, | Ederer, | Male, | Schwartz, |
| Allen, | Eroe, | Mallen, | Shaw, |
| Altenburg, | Falkenstein, | Mason, | Shepard, |
| Andrews, | Ferko, | McCreary, | Shortz, |
| Arnold, | Finnerty, | McDermott, | Shreiner, |
| Atkins, | Fitch, | McDevitt, | Shugarts, |
| Aukerman, | Flanagan, | McElroy, | Siegel, |
| Baine, | Flinchbaugh, | McHenry, | Simon, |
| Baker, F. T., | Flynn, | McKinney, | Simpson, |
| Baker, J J., | Forrest, | Melchiorre, | Sloan, |
| Baldi, | Furman, | Mentzer, | Smith, J. A., |
| Barber, | Gates, | Merrell, | Smith, W. G., |
| Barnhardt, | Gerard, | Moomaw, | Snyder, F. E., |
| Bernhard, | Green, | Mooney, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moore, | Sowers, |
| Boose, | Habbyshaw, | Moran, | Sproul, |
| Boyd, R., | Haberlen, | Moul, | Stank, |
| Boyer, | Hagerty, | Muir, | Stevens |
| Bradley, | Haluska, | Munley, | Stewart, |
| Brancato, | Hamilton, F. P., | Murrin, | Stockham, |
| Brennan, | Hamilton, R. S., | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |
| Brumbaugh, | Hartman, | O'Neill, | Tronzo, |
| Burke, | Hefferon, | Panton, | Trout, |
| Cannon, | Hermansen, | Parks, | Tumelty, |
| Caputo, | Hetrick, | Patterson, J. W., | Turner, |
| Carr, | Hindman, | Pearson, | Van Allsburg, |
| Carson, | Hirsch, | Perry, | Van Sickle, |
| Castor, | Hoffner, | Peters, | Walker, |
| Chervenak, | Holland, | Pfaff, | Wall, |
| Coakley, | Holstrom, | Phillips, | Wasserman, |
| Cochran, | Hoopes, | Piole, | Weidemann, |
| Cohen, | Horst, | Powers, | Weiss, |
| Coleman, | Jackson, | Reising, | Welliver, |
| Condon, | Jones, | Reynolds, | Welsh, |
| Conner, | Kane, | Rhys, | Westrick, |
| Coolahan, | Kelso, | Rinn, | Wickersham, |
| Cordier, | Kilroy, | Roan, | Wilson, |
| Davies, | Kinney, | Robinson, | Witkin, |
| Decker, | Klingler, | Rooney, | Wood, |
| Denning, | Kobelak, | Root, | Woodside, |
| Dent, | LaRue, | Ruffennach, | Yeakel, |
| Diehl, | Linderman, | Sarraf, | Yourishin, |
| Dilley, | Long, | Scanlon, | Zappala, |
| Downey, G. E., | Longaker, | Schrock, | Zimmerman, |
| Downey, J. J., | Lovett, | Schrope, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 749, entitled:

An Act to amend section two hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended reducing the number of assistant district attorneys in counties of the fifth and sixth class.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. NAGEL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1287, as follows:

An Act Providing when how and under what circumstances and conditions a claimant being a county municipality township or school dirstrict may at a judicial sale on a tax or municipal claim bid in the real estate for record costs or postpone the sale for the procedure in such cases by petition rule notice hearing and decree of Court to sell said real estate freed and cleared of all taxes municipal claims liens mortgages ground rents charges and estates and to prorate the proceeds of said sale if insufficient to pay all tax and municipal claims in full for the stay of procedings for redemption and priority thereof and of the status of liens during said period and for the right of a tax or municipal claimant to purchase the real estate at any sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That (a) When at a sheriff's sale on a tax or municipal claim the real estate cannot be sold for a sum sufficient to pay all taxes due and payable and municipal claims where the amount is definite and determined together with the costs thereon the plaintiff being a county municipality township or school district may bid in the said real estate for record costs and purchase same subject to taxes municipal claims liens mortgages ground rents discharges and estates or said plaintiff may postpone the sale without the payment of costs and file a petition in the Court of Common Pleas of the proper county setting forth that a tax claim is due and unpaid for three calendar years that no extension for the payment thereof is in effect under any state law and/or a municipal claim has been filed of record for three full calendar years and remains unpaid that no extension for the payment thereof is in effect under any state law that plaintiff has exposed the real estate to sheriff's sale and was unable to obtain a bid sufficient to pay all taxes due and payable and municipal claims where the amount is definite and determined in full

(b) Upon the production of a certification by a title insurance company or official certificates where a title insurance company certification is not available showing the state of the record and the ownership of the real estate and all tax and municipal claims mortgages ground rents and other charges on or estates in the land the Court shall grant a rule upon all parties thus shown to be interested to appear and show cause why a decree should not be made that said real estate be sold freed and cleared of their respective claims mortgages ground rents charges and estates

(c) Twenty days' notice of the filing of said petition and rule shall be given personally to all parties shown to be interested in the real estate or upon their attorneys of record In the event personal service cannot be had upon any of the parties in interest then twenty days' notice computed from the date of the last advertisement of the filing of said petition and rule shall be advertised once a week for two successive weeks in one newspaper published printed and distributed in the county or city in which the said real estate is located and in the legal periodical if any designated by the Court for that purpose provided that where notice by advertisement is required twenty days' notice by registered mail shall also be given to all mortgagees or last assignees in interest of record Said notice shall contain the caption of said proceedings a brief description of the real estate to be sold and the essential parts of the rule

(d) If upon a hearing thereafter the Court is satisfied that service has been made as herein required upon the parties in interest and that the facts stated in the petition are true it shall order and decree that said real estate be sold to the highest bidder at a subsequent sheriff's sale day to be fixed by the Court free and clear of all claims liens mortgages ground rents charges and estates without further advertisements or further notice to the parties in interest except that a copy of the final Order of Court with the caption of the case and a description of the real estate shall be posted in the Court House and at a conspicuous place on the premises at least twenty days before the date of sale The purchaser at such sale shall take and forever thereafter have an absolute title to the real estate freed and discharged from all taxes municipal claims liens mortgages ground rents charges and estates subject only to the right of redemption hereinafter provided for

Section 2 When a county municipality township or school district being a claimant bids in real estate for record costs at a tax or municipal claim sale it may after it has held said real estate for two years petition the Court to sell said real estate freed and cleared of all claims liens mortgages ground rents charges and estates in the same manner and with the same effect as provided where a tax claim is due and unpaid for three full calendar years but without the right of redemption Provided however That during said two year period the owner lien creditor or anyone interested in said real estate may redeem it on the terms provided in this act for redemption

Section 3 Any person interested in said real estate may at any time before the sale pay the petitioner the whole of its claim with interest and costs whereupon the petition proceedings shall at once determine

Section 4 If sufficient money is not bid at any sale pursuant to petition and rule as herein provided to pay all tax claims due and payable and municipal claims where the amount is definate and determined in full then the real estate may be sold to the highest bidder and the proceeds realized shall be prorated among all the tax and municipal claimants and said tax and municipal claims shall thereupon be fully discharged

Section 5 (a) Any real estate sold pursuant to petition and rule as herein provided may be redeemed by the owner lien creditor or by anyone interested in said real estate at any time within two years after said sale by paying all taxes and municipal claims accrued and chargeable against the real estate prior to the sale thereof together with the cost and interest thereon and also all taxes and claims whether filed or not which would have accrued and become chargeable against the real estate had the same been purchased at the sale by some party other than the county city or other municipal division

(b) If both owner and creditor desire to redeem the owner shall have the right so to do only in case he pays

the creditor's claim in full If more than one creditor desires to redeem the one who was lowest in lien at the time of sale shall have the prior right upon payment in full of the claim of the one higher in lien Within the two years one who was lower in lien may redeem from one higher in lien who has already redeemed and the owner may redeem from him and so on throughout in each case by paying the claim of the one whose right was higher and one higher in lien may redeem from one lower in lien unless his claim is paid but in each case the right must be exercised within the two year period dating from the time the real estate was first sold

(c) Any person entitled to redemption may present his petition to the proper Court setting forth the facts and his readiness to pay the redemption money whereupon the Court shall grant a rule to show cause why the purchaser should not reconvey to him the premises sold and if upon hearing the Court shall be satisfied of the facts it shall make the rule absolute and upon payment of the money into Court or to the proper person shall enforce it by attachment

(d) When any real estate is sold as provided in this act no lien whatsoever against such real estate shall be deemed to be discharged during the period of redemption but if said real estate is not redeemed then all liens against the same shall be deemed discharged from the date that the right of redemption expired

Section 6 Any county municipality township or school district being a claimant shall have the right and is hereby empowered to bid and become the purchaser of the real estate at any sale and while said real estate so bid in is held and owned by a county municipality township or school district it shall not be subject to tax claims unless it is redeemed by the former owner lien creditor or by anyone interested in said real estate

Section 7 Nothing contained in this act shall be construed to repeal the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" except insofar as said act is inconsistent with this act All acts and parts of acts inconsistent herewitv are hereby repealed

Section 8 This act shall become effective the first day of October one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwab, |
| Alexander, | Ederer, | Male, | Schwartz, |
| Allen, | Eroe, | Mallen, | Shaw, |
| Altenburg, | Falkenstein, | Mason, | Shepard, |
| Andrews, | Ferko, | McCreary, | Shortz, |
| Arnold, | Finnerty, | McDermott, | Shreiner, |
| Atkins, | Fitch, | McDevitt, | Shugarts, |
| Aukerman, | Flanagan, | McElroy, | Siegel, |
| Baine, | Flinchbaugh, | McHenry, | Simon, |
| Baker, F. T., | Flynn, | McKinney, | Simpson, |
| Baker, J J., | Forrest, | Melchiorre, | Sloan, |
| Baldi, | Furman, | Mentzer, | Smith, J. A., |
| Barber, | Gates, | Merrell, | Smith, W. G., |
| Barnhardt, | Gerard, | Moomaw, | Snyder, F. E., |
| Bernhard, | Green, | Mooney, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moore, | Sowers, |
| Boose, | Habbyshaw, | Moran, | Sproul, |
| Boyd, R., | Haberlen, | Moul, | Stank, |
| Boyer, | Hagerty, | Muir, | Stevens, |
| Bradley, | Haluska, | Munley, | Stewart, |
| Brancato, | Hamilton, F. P., | Murrin, | Stockham, |
| Brennan, | Hamilton, R. S., | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |
| Brumbaugh, | Hartman, | O'Neill, | Tronzo, |
| Burke, | Hefferon, | Panton, | Trout, |
| Cannon, | Hermansen, | Parks, | Tumelty, |
| Caputo, | Hetrick, | Patterson, J. W., | Turner, |
| Carr, | Hindman, | Pearson, | Van Allsburg, |
| Carson, | Hirsch, | Perry, | Van Sickle, |
| Castor, | Hoffner, | Peters, | Walker, |
| Chervenak, | Holland, | Pfaff, | Wall, |
| Coakley, | Holstrom, | Phillips, | Wasserman, |
| Cochran, | Hoopes, | Piole, | Weidemann, |
| Cohen, | Horst, | Powers, | Weiss, |
| Coleman, | Jackson, | Reising, | Welliver, |
| Condon, | Jones, | Reynolds, | Welsh, |
| Conner, | Kane, | Rhys, | Westrick, |
| Coolahan, | Kelso, | Rinn, | Wickersham, |
| Cordier, | Kilroy, | Roan, | Wilson, |
| Davies, | Kinney, | Robinson, | Witkin, |
| Decker, | Klingler, | Rooney, | Wood, |
| Denning, | Kobelak, | Root, | Woodside, |
| Dent, | LaRue, | Ruffennach, | Yeakel, |
| Diehl, | Linderman, | Sarraf, | Yourishin, |
| Dilley, | Long, | Scanlon, | Zappala, |
| Downey, G. E., | Longaker, | Schrock, | Zimmerman, |
| Downey, J. J., | Lovett, | Schrope, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1240, entitled:

An Act relating to the purchase and sale of old gold and prescribing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwartz, |
| Alexander, | Ederer, | Male, | Shaw, |
| Allen, | Eroe, | Mallen, | Shepard, |
| Altenburg, | Falkenstein, | Mason, | Shortz, |
| Andrews, | Ferko, | McCreary, | Shreiner, |
| Arnold, | Finnerty, | McDermott, | Shugarts, |
| Atkins, | Fitch, | McDevitt, | Siegel, |
| Aukerman, | Flanagan, | McElroy, | Simon, |
| Baine, | Flinchbaugh, | McHenry, | Simpson, |
| Baker, J J., | Flynn, | McKinney, | Sloan, |
| Baldi, | Forrest, | Melchiorre, | Smith, J. A., |
| Barber, | Furman, | Mentzer, | Smith, W. G., |
| Barnhardt, | Gates, | Merrell, | Snyder, F. E., |
| Bernhard, | Gerard, | Moomaw, | Snyder J. L., |
| Blumberg, | Green, | Mooney, | Sowers, |
| Boose, | Greenstein, | Moore, | Sproul, |
| Boyd, R., | Habbyshaw, | Moul, | Stank, |
| Boyer, | Haberlen, | Muir, | Stevens, |
| Bradley, | Hagerty, | Munley, | Stewart, |
| Brancato, | Haluska, | Murrin, | Stockham, |
| Brennan, | Hamilton, F. P., | Nagel, | Stott, |
| Brown, H. S., | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, J. E., | Harkins, | O'Keefe, | Surface, |
| Brownfield, | Harmuth, | Ominsky, | Tahl, |
| Brumbaugh, | Hart, | O'Neill, | Terry, |
| Burke, | Hartman, | Panton, | Tronzo, |
| Cannon, | Hefferon, | Parks, | Trout, |
| Caputo, | Hermansen, | Patterson, J. W., | Tumelty, |
| Carr, | Hetrick, | Pearson, | Turner, |

| | | | |
|---|---|---|---|
| Carson, | Hindman, | Perry, | Van Allsburg, |
| Castor, | Hirsch, | Peters, | Van Sickle, |
| Chervenak, | Hoffner, | Pfaff, | Walker, |
| Coakley, | Holland, | Phillips, | Wall, |
| Cochran, | Holstrom, | Piole, | Wasserman, |
| Cohen, | Hoopes, | Powers, | Weidemann, |
| Coleman, | Horst, | Reising, | Weiss, |
| Condon, | Jackson, | Reynolds, | Welliver, |
| Conner, | Jones, | Rhys, | Welsh, |
| Coolahan, | Kane, | Rinn, | Westrick, |
| Cordier, | Kelso, | Roan, | Wickersham, |
| Davies, | Kilroy, | Robinson, | Wilson, |
| Decker, | Kinney, | Rooney, | Witkin, |
| Denning, | Klingler, | Root, | Wood, |
| Dent, | Kobelak, | Ruffennach, | Woodside, |
| Diehl, | LaRue, | Sarraf, | Yeakel, |
| Dilley, | Linderman, | Scanlon, | Yourishin, |
| Downey, G. E., | Long, | Schrock, | Zappala, |
| Downey, J. J., | Longaker, | Schrope, | Zimmerman, |
| Duffort, | Lovett, | Schwab, | Sarig, |

NAYS—1

Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 711, entitled:

An Act to abolish the Journal of the House of Representatives and to adopt the Legislative Journal as the official Journal of the House of Representatives.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—110

| | | | |
|---|---|---|---|
| Achterman, | Flinchbaugh, | McCreary, | Scanlon, |
| Alexander, | Furman, | McDermott, | Schrope, |
| Andrews, | Gates, | McElroy, | Schwab, |
| Arnold, | Gerard, | McHenry, | Shaw, |
| Aukerman, | Haberlen, | Melchiorre, | Siegel, |
| Barber, | Hagerty, | Mentzer, | Smith, J. A., |
| Bradley, | Haluska, | Moomaw, | Smith, W. G., |
| Brancato, | Hamilton, F. P., | Mooney, | Stank, |
| Brown, H. S., | Harkins, | Moran, | Stevens, |
| Burke, | Harmuth, | Moul, | Sumney, |
| Carson, | Hartman, | Munley, | Surface, |
| Chervenak, | Hetrick, | Murrin, | Terry, |
| Coakley, | Hindman, | Nagel, | Tronzo, |
| Cochran, | Hirsch, | O'Keefe, | Tumelty, |
| Cohen, | Holland, | Ominsky, | Van Allsburg, |
| Coleman, | Holstrom, | O'Neill, | Van Sickle, |
| Coolahan, | Hoopes, | Panton, | Walker, |
| Decker, | Kelso, | Patterson, C., | Weiss, |
| Dent, | Kilroy, | Patterson, J. W., | Welliver, |
| Diehl, | Kinney, | Pearson, | Welsh, |
| Dilley, | Klingler, | Pfaff, | White, |
| Downey, G. E., | Kobelak, | Powers, | Wilson, |
| Downey, J. J., | LaRue, | Reising, | Wood, |
| Eberharter, | Long, | Rinn, | Woodside, |
| Eroe, | Longaker, | Robinson, | Yourishin, |
| Finnerty, | Lovett, | Ruffennach, | Zappala, |
| Fitch, | Lynch, | Sarraf, | Sarig, |
| Flanagan, | Male, | | |

NAYS—57

| | | | |
|---|---|---|---|
| Allen, | Green, | McDevitt, | Simon, |
| Altenburg, | Greenstein, | Merrell, | Sloan, |
| Baker, F. T., | Habbyshaw, | Moore, | Snyder, F. E., |
| Barnhardt, | Hamilton, R. S., | Muir, | Snyder, J. L., |
| Bernhard, | Hart, | Nothnagle, | Sproul, |
| Blumberg, | Hefferon, | Parks, | Stewart, |
| Boose, | Hermansen, | Phillips, | Stockham, |
| Boyd, R., | Hoffner, | Piole, | Stott, |
| Boyer, | Horst, | Reynolds, | Trout, |
| Brennan, | Jackson, | Rhys, | Turner, |
| Carr, | Jones, | Roan, | Wall, |
| Duffort, | Kane, | Root, | Wasserman, |
| Ferko, | Linderman, | Schrock, | Weidemann, |
| Forrest, | Mallen, | Schwartz, | Zimmerman, |
| Gillette, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1245, as follows:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" eliminating compensation to owners whose property is destroyed to abate nuisances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 4141 Power of Viewers The viewers appointed as aforesaid [may

First Determine] Shall determine whether or not the property premises building business or occupation is a nuisance and if they shall find it is a nuisance shall so return in their award [and

Second Find what if any compensation shall be paid by the said city to the owner or owners of said property premises building business or occupation for the abatement of the same and if the findings of the said viewers be in favor of the said city and direct the abatement of said nuisance then judgment shall be entered upon their award within thirty days after the same is filed unless the said award be appealed from or exceptions there to be filed within thirty days No execution or other process for the collection of any sum of money awarded to any person or persons corporation or corporations as compensation for the abatement of any nuisance shall issue until the said nuisance has been fully and completely abated and return thereof made to the court]

Section 4142 Appeals Any of the parties interested in any proceedings provided by the preceding two sections may appeal to the court of common pleas of the proper county within thirty days from the date of filing an award such appeal to be in the same form as now governs appeals from the awards of viewers appointed pursuant to this act to assess damages for property taken injured or destroyed the party appealing to pay the costs incurred and to give bond with one surety for the payment of all costs which may thereafter be incurred Upon such appeal being perfected the court shall frame an issue which issue shall be placed at the head of the next trial list then open and shall be tried by the court and jury in the same manner as feigned issues are now tried Upon such trial the jury shall have power to find the same facts as are provided may be found by the viewers [If the jury shall find in favor of the city and award any compensation to the owner or owners of said property premises building business or occupation judgment shall be entered upon the verdict of a jury No execution or other process for the collection of such judgment shall issue until the nuisance complained of shall have been fully and completely abated and return thereof made to the court upon which the court shall have power to award execution or other

process necessary to enforce the collection of the judgment]

Section 4143 Abatement of Nuisance After Award by Viewers Whenever the award of viewers or the verdict of a jury shall find that a nuisance exists and the owner or owners of any property premises building business or occupation causing the same shall fail to abate the same within sixty days from the date of the findings of the viewers or the judgment in case of an appeal the authorities of said city shall have full power and authority to enter upon said property premises or building where said nuisance exists and abate the same and shall not be liable in any form of action for so doing The cost and expense of abating the same shall be [deducted from any compensation awarded in said proceeding] paid by the owner of the property and may be recovered by the city in an action of assumpsit

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McDERMOTT. Mr. Speaker, will the gentleman from Dauphin, Mr. Shreiner, kindly explain the purpose of this bill?

Mr. SHREINER. Mr. Speaker, there was a series of bills handed to me by the third class city league. This bill only applies to third class cities. The bill has only one amendment and that is in case of expenses the payment is to be made by the owner instead of taken from any compensation that may be received. Is that satisfactory?

Mr. McDERMOTT. Mr. Speaker, I wish to thank the gentleman.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwab, |
| Alexander, | Ederer, | Male, | Schwartz, |
| Allen, | Eroe, | Mallen, | Shaw, |
| Altenburg, | Falkenstein, | Mason, | Shepard, |
| Andrews, | Ferko, | McCreary, | Shortz, |
| Arnold, | Finnerty, | McDermott, | Shreiner, |
| Atkins, | Fitch, | McDevitt, | Shugarts, |
| Aukerman, | Flanagan, | McElroy, | Siegel, |
| Baine, | Flinchbaugh, | McHenry, | Simon, |
| Baker, F. T., | Flynn, | McKinney, | Simpson, |
| Baker, J. J., | Forrest, | Melchiorre, | Sloan, |
| Baldi, | Furman, | Mentzer, | Smith, J. A., |
| Barber, | Gates, | Merrell, | Smith, W. G., |
| Barnhardt, | Gerard, | Moomaw, | Snyder, F. E., |
| Bernhard, | Green, | Mooney, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moore, | Sowers, |
| Boose, | Habbyshaw, | Moran, | Sproul, |
| Boyd, R., | Haberlen, | Moul, | Stank, |
| Boyer, | Hagerty, | Muir, | Stevens, |
| Bradley, | Haluska, | Munley, | Stewart, |
| Brancato, | Hamilton, F. P., | Murrin, | Stockham, |
| Brennan, | Hamilton, R. S., | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hartman, | Ominsky, | Tahl, |
| Brumbaugh, | Hefferon, | O'Neill, | Terry, |
| Burke, | Hermansen, | Panton, | Tronzo, |
| Cannon, | Hetrick, | Parks, | Trout, |
| Caputo, | Hindman, | Patterson, J. W., | Tumelty, |
| Carr, | Hirsch, | Pearson, | Turner, |
| Carson, | Hoffner, | Perry, | Van Allsburg, |
| Castor, | Holland, | Peters, | Van Sickle, |
| Chervenak, | Holstrom, | Pfaff, | Walker, |
| Cochran, | Hoopes, | Phillips, | Wall, |
| Cohen, | Horst, | Piole, | Wasserman, |
| Coleman, | Jackson, | Powers, | Weidemann, |
| Condon, | Jones, | Reising, | Weiss, |
| Conner, | Kane, | Reynolds, | Welliver, |
| Coolahan, | Kelso, | Rhys, | Welsh, |
| Cordier, | Kilroy, | Rinn, | Westrick, |
| Davies, | Kinney, | Roan, | Wickersham, |
| Decker, | Klingler, | Robinson, | Witkin, |
| Denning, | Kobelak, | Rooney, | Wood, |
| Dent, | LaRue, | Root, | Woodside, |
| Diehl, | Linderman, | Ruffennach, | Yeakel, |
| Dilley, | Long, | Sarraf, | Yourishin, |
| Downey, G. E., | Longaker, | Scanlon, | Zappala, |
| Downey, J. J., | Lovett, | Schrock, | Zimmerman, |
| Duffort, | | Schrope, | Zarig, |

NAYS—1

Coakley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1247, as follows:

An Act to amend section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" changing the method of service of writs on persons who are without the Commonwealth and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collecting of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of the act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

Section 18 The sheriff to whom the scire facias is given for service shall add to the writ as parties defendant all persons other than those named therein who may be found in possession of the property described or any part thereof and in case no one is found in possession by the sheriff he shall post a true copy of the writ on the most public part of said property and he shall add to the said writ the names of any persons not already named therein whom he may ascertain to have an interest in the property described or any part thereof which writ shall then be further served as follows

(a) By serving as in the case of a summons such of those named in the writ or added thereto as may be found in the county in which the writ issued and

(b) Where the sheriff has information that those named in the writ or added thereto or any of them may be found in any other county of this Commonwealth the said person

shall be served as in the case of a summons by the sheriff of the county in which the said defendants of any of them may reside he being deputized for that purpose by the sheriff of the county in which the writ issues and

(c) In case any of those named in the writ or added thereto [cannot be found by the sheriff or their residences within this Commonwealth are unknown to him or in case they] are known to reside without the Commonwealth the said writ may be served by [advertising a copy thereof or a brief notice of the contents of the same once a week for three successive weeks in one newspaper of general circulation in the county and in the legal periodical if any designated by the court for that purpose] mailing a true and attested copy of the writ to such persons in a registered letter to their post office addresses But if the sheriff shall certify in his return of service that he has been unable to find certain of those named in the writ or added thereto or their addresses and alleges service as above set forth on those who can be served such return of nihil habet as to the ones he was unable to locate shall constitute a full service of such writ Provided however That any defendent may accept service of said writ in person or by counsel with the same effect as if duly served therewith by the sheriff

Where the said writ [or the brief notice of the contents thereof have been advertised as aforesaid the same shall have the same effect as if the writ had been personally served and all those named therein or added thereto as to whom publication has been made shall file their affidavit of defense as required by the said writ within fifteen days after the date of the last weekly advertisement of the said writ and] has been so served all those named therein or added thereto who have been so served [as in case of a summons] shall file their affidavit of defense as required by said writ within fifteen days after such service Service of any such writ may be made at any time within three months from the date on which it was issued but it shall be served and returned at the earliest date possible and the plaintiff may require its return at any time whether or not it be actually served

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Lovett, | Schwartz, |
| Alexander, | Eberharter, | Lynch, | Shaw, |
| Allen, | Ederer, | Male, | Shepard, |
| Altenburg, | Eroe, | Mallen, | Shortz, |
| Andrews, | Falkenstein, | Mason, | Shreiner, |
| Arnold, | Ferko, | McCreary, | Shugarts, |
| Atkins, | Finnerty, | McDermott, | Siegel, |
| Aukerman, | Fitch, | McDevitt, | Simon, |
| Baine, | Flanagan, | McElroy, | Simpson, |
| Baker, F. T., | Flinchbaugh, | McHenry, | Sloan, |
| Baker, J J., | Flynn, | McKinney, | Smith, J. A., |
| Baldi, | Forrest, | Melchiorre, | Smith, W. G., |
| Barber, | Furman, | Mentzer, | Snyder, F. E., |
| Barnhardt, | Gates, | Merrell, | Snyder, J. L., |
| Bernhard, | Gerard, | Moomaw, | Sowers, |
| Blumberg, | Green, | Mooney, | Sproul, |
| Boose, | Greenstein, | Moore, | Stank, |
| Boyd, R., | Habbyshaw, | Moran, | Stevens, |
| Boyer, | Haberlen, | Moul, | Stewart, |
| Bradley, | Hagerty, | Muir, | Stockham, |
| Brancato, | Haluska, | Munley, | Stott, |
| Brennan, | Hamilton, F. P., | Murrin, | Sumney, |
| Brown, H. S., | Hamilton, R. S., | Nagel, | Surface, |
| Brown, J. E., | Harkins, | Nothnagle, | Tahl, |
| Brownfield, | Harmuth, | O'Keefe, | Terry, |
| Brumbaugh, | Hart, | Ominsky, | Tronzo, |
| Burke, | Hartman, | O'Neill, | Trout, |
| Cannon, | Hefferon, | Panton, | Tumelty, |
| Caputo, | Hermansen, | Parks, | Turner, |
| Carr, | Hetrick, | Patterson, J. W., | Van Allsburg, |
| Carson, | Hindman, | Pearson, | Van Sickle, |
| Castor, | Hirsch, | Perry, | Walker, |
| Chervenak, | Hoffner, | Peters, | Wall, |
| Coakley, | Holland, | Pfaff, | Wasserman, |
| Cochran, | Holstrom, | Phillips, | Weidemann, |
| Cohen, | Hoopes, | Piole, | Weiss, |
| Coleman, | Horst, | Powers, | Welliver, |
| Condon, | Jackson, | Reising, | Welsh, |
| Conner, | Jones, | Reynolds, | Westrick, |
| Coolahan, | Kane, | Rhys, | Wickersham, |
| Cordier, | Kelso, | Rinn, | Wilson, |
| Davies, | Kilroy, | Robinson, | Witkin, |
| Decker, | Kinney, | Rooney, | Wood, |
| Denning, | Klingler, | Root, | Woodside, |
| Dent, | Kobelak, | Ruffennach, | Yeakel, |
| Diehl, | LaRue, | Sarraf, | Yourishin, |
| Dilley, | Linderman, | Schrock, | Zappala, |
| Downey, G. E., | Long, | Schrope, | Zimmerman, |
| Downey, J. J., | Longaker, | Schwab, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1248, entitled:

An Act to amend section five of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing that all property owned by any county, city, or other municipality or municipal division, and actual places of religious worship, places of burial not held or used for private or corporate profit, and institutions of purely public charity, shall be subject to roadway paving claims.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lynch, | Schwab, |
| Alexander, | Ederer, | Male, | Schwartz, |
| Allen, | Eroe, | Mallen, | Shaw, |
| Altenburg, | Falkenstein, | Mason, | Shepard, |
| Andrews, | Ferko, | McCreary, | Shortz, |
| Arnold, | Finnerty, | McDermott, | Shreiner, |
| Atkins, | Fitch, | McDevitt, | Shugarts, |
| Aukerman, | Flanagan, | McElroy, | Siegel, |
| Baine, | Flinchbaugh, | McHenry, | Simon, |
| Baker, F. T., | Flynn, | McKinney, | Simpson, |
| Baker, J J., | Forrest, | Melchiorre, | Sloan, |
| Baldi, | Furman, | Mentzer, | Smith, J. A., |
| Barber, | Gates, | Merrell, | Smith, W. G., |
| Barnhardt, | Gerard, | Moomaw, | Snyder, F. E., |
| Bernhard, | Green, | Mooney, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moore, | Sowers, |
| Boose, | Habbyshaw, | Moran, | Sproul, |
| Boyd, R., | Haberlen, | Moul, | Stank, |
| Boyer, | Hagerty, | Muir, | Stevens, |
| Bradley, | Haluska, | Munley, | Stewart, |
| Brancato, | Hamilton, F. P., | Murrin, | Stockham, |
| Brennan, | Hamilton, R. S., | Nagel, | Stott, |
| Brown, H. S., | Harkins, | Nothnagle, | Sumney, |
| Brown, J. E., | Harmuth, | O'Keefe, | Surface, |
| Brownfield, | Hart, | Ominsky, | Tahl, |

| | | | |
|---|---|---|---|
| Brumbaugh, | Hartman, | O'Neill, | Terry, |
| Burke, | Hefferon, | Panton, | Tronzo, |
| Cannon, | Hermansen, | Parks, | Trout, |
| Caputo, | Hetrick, | Patterson, J. W., | Tumelty, |
| Carr, | Hindman, | Pearson, | Van Allsburg, |
| Carson, | Hirsch, | Perry, | Van Sickle, |
| Castor, | Hoffner, | Peters, | Walker, |
| Chervenak, | Holland, | Pfaff, | Wall, |
| Coakley, | Holstrom, | Phillips, | Wasserman, |
| Cochran, | Hoopes, | Piole, | Weidemann, |
| Cohen, | Horst, | Powers, | Weiss, |
| Coleman, | Jackson, | Reising, | Welliver, |
| Condon, | Jones, | Reynolds, | Welsh, |
| Conner, | Kane, | Rhys, | Westrick, |
| Coolahan, | Kelso, | Rinn, | Wickersham, |
| Cordier, | Kilroy, | Roan, | Wilson, |
| Davies, | Kinney, | Robinson, | Witkin, |
| Decker, | Klingler, | Rooney, | Wood, |
| Denning, | Kobelak, | Root, | Woodside, |
| Dent, | LaRue, | Ruffennach, | Yeakel, |
| Diehl, | Linderman, | Sarraf, | Yourishin, |
| Dilley, | Long, | Scanlon, | Zappala, |
| Downey, G. E., | Longaker, | Schrock, | Zimmerman, |
| Downey, J. J., | Lovett, | Schrope, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1479, entitled:

An Act to amend the title and section three of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Schwartz, |
| Alexander, | Eroe, | Mallen, | Shaw, |
| Allen, | Falkenstein, | Mason, | Shepard, |
| Altenburg, | Ferko, | McCreary, | Shortz, |
| Andrews, | Finnerty, | McDermott, | Shreiner, |
| Arnold, | Fitch, | McDevitt, | Shugarts, |
| Atkins, | Flanagan, | McElroy, | Siegel, |
| Aukerman, | Flinchbaugh, | McHenry, | Simon, |
| Baine, | Flynn, | McKinney, | Simpson, |
| Baker, F. T., | Forrest, | Melchiorre, | Sloan, |
| Baker, J J., | Furman, | Mentzer, | Smith, J. A., |
| Baldi, | Gates, | Merrell, | Smith, W. G., |
| Barber, | Gerard, | Moomaw, | Snyder, F. E., |
| Barnhardt, | Green, | Mooney, | Snyder, J. L., |
| Bernhard, | Greenstein, | Moore, | Sowers, |
| Blumberg, | Habbyshaw, | Moran, | Sproul, |
| Boose, | Haberlen, | Moul, | Stank, |
| Boyd, R., | Hagerty, | Muir, | Stevens, |
| Boyer, | Haluska, | Munley, | Stewart, |
| Bradley, | Hamilton, F. P., | Murrin, | Stockham, |
| Brancato, | Hamilton, R. S., | Nagel, | Stott, |
| Brennan, | Harkins, | Nothnagle, | Sumney, |
| Brown, H. S., | Harmuth, | O'Keefe, | Surface, |
| Brown, J. E., | Hart, | Ominsky, | Tahl, |
| Brownfield, | Hartman, | O'Neill, | Terry, |
| Brumbaugh, | Hefferon, | Panton, | Tronzo, |
| Burke, | Hermansen, | Parks, | Trout, |
| Cannon, | Hetrick, | Patterson, J. W., | Tumelty, |
| Caputo, | Hindman, | Pearson, | Turner, |
| Carr, | Hirsch, | Perry, | Van Allsburg, |
| Carson, | Hoffner, | Peters, | Van Sickle, |
| Castor, | Holland, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelso, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | Wickersham, |
| Cordier, | Kinney, | Robinson, | Wilson, |
| Davies, | Klingler, | Rooney, | Witkin, |
| Decker, | Kobelak, | Root, | Wood, |
| Denning, | LaRue, | Ruffennach, | Woodside, |
| Dent, | Linderman, | Sarraf, | Yeakel, |
| Diehl, | Long, | Scanlon, | Yourishin, |
| Dilley, | Longaker, | Schrock, | Zappala, |
| Downey, G. E., | Lovett, | Schrope, | Zimmerman, |
| Downey, J. J., | Lynch, | Schwab, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1480, entitled:

An Act to amend the title and section one as amended, and section three, of the act approved the tenth day of April, one thousand nine hundred and thirty-one (P. L. 23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Pennsylvania Historical Commission; providing for cooperation by the Department of Forest and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation," by transferring the control and supervision of said park to the Department of Forests and Waters.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Schwartz, |
| Alexander, | Eroe, | Mason, | Shaw, |
| Allen, | Falkenstein, | McCreary, | Shepard, |
| Altenburg, | Ferko, | McDermott, | Shortz, |
| Andrews, | Finnerty, | McDevitt, | Shreiner, |
| Arnold, | Fitch, | McElroy, | Shugarts, |
| Atkins, | Flanagan, | McHenry, | Siegel, |
| Aukerman, | Flinchbaugh, | McKinney, | Simon, |
| Baine, | Flynn, | Melchiorre, | Simpson, |
| Baker, F. T., | Forrest, | Mentzer, | Sloan, |
| Baker, J J., | Furman, | Merrell, | Smith, J. A., |
| Baldi, | Gates, | Moomaw, | Smith, W. G., |
| Barber, | Gerard, | Mooney, | Snyder, F. E., |
| Barnhardt, | Green, | Moore, | Snyder, J. L., |
| Bernhard, | Greenstein, | Moran, | Sowers, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |

| | | | |
|---|---|---|---|
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Munley, | Stevens, |
| Boyer, | Haluska, | Murrin, | Stewart, |
| Bradley, | Hamilton, F. P., | Nagel, | Stockham, |
| Brancato, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brennan, | Harkins, | O'Keefe, | Sumney, |
| Brown, H. S., | Harmuth, | Ominsky, | Surface, |
| Brown, J. E., | Hart, | O'Neill, | Tahl, |
| Brownfield, | Hartman, | Panton, | Terry, |
| Brumbaugh, | Hefferon, | Parks, | Tronzo, |
| Burke, | Hermansen, | Patterson, J. W., | Trout, |
| Cannon, | Hetrick, | Pearson, | Tumelty, |
| Caputo, | Hindman, | Perry, | Turner, |
| Carr, | Hirsch, | Peters, | Van Allsburg, |
| Carson, | Hoffner, | Pfaff, | Van Sickle, |
| Castor, | Holland, | Phillips, | Walker, |
| Chervenak, | Holstrom, | Piole, | Wall, |
| Coakley, | Hoopes, | Powers, | Wasserman, |
| Cochran, | Horst, | Reising, | Weidemann, |
| Cohen, | Jackson, | Reynolds, | Weiss, |
| Coleman, | Jones, | Rhys, | Welliver, |
| Condon, | Kane, | Rinn, | Welsh, |
| Conner, | Kelso, | Roan, | Westrick, |
| Coolahan, | Kilroy, | Robinson, | Wickersham, |
| Cordier, | Kinney, | Rooney, | Wilson, |
| Davies, | Klingler, | Root, | Witkin, |
| Decker, | Kobelak, | Ruffennach, | Wood, |
| Denning, | LaRue, | Sarraf, | Woodside, |
| Dent, | Linderman, | Scanlon, | Yeakel, |
| Diehl, | Long, | Schrock, | Yourishin, |
| Dilley, | Longaker, | Schrope, | Zappala, |
| Downey, G. E., | Lovett, | Schwab, | Zimmerman, |
| Downey, J. J., | Lynch, | White, | Sarig, |
| Duffort, | Male, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 88, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HART. Mr. Speaker and ladies and gentlemen of the House, House Bill No. 88 provides for the organization and equipment of two colored batallions of infantry of the National Guard of Pennsylvania. Taking into consideration the fairmindedness of the members of this House, I do not feel that it is necessary to go extensively and exhaustively into the reasons why this bill should be enacted into law. I think that every man and every woman in this House knows well the loyalty of the negro troops in every war in which this country has been engaged. And yet notwithstanding this fact, Pennsylvania is one of the largest states in this country that refuses to give recognition to negroes in the National Guard of the State of Pennsylvania. Why this is, is a matter that I know not. But I do know this, that when a crisis confronts this country under any and all conditions, there is never a time that you have to appeal to the colored men to do their duty and do it as it ought to be done for the preservation of this country. With the present threatening war clouds that hover over this House, it does seem to me that this is an opportune time for Pennsylvania to do what it has refused to do in the past, and let the young colored men know, if they are to be taken out of their homes, whether they want to go or not, and I can assure you they always want to go, and there is never any hesitancy on the part of the negroes when war clouds threaten,—I feel that now is the opportune time for Pennsylvania to give that justice which the negroes are entitled to have given to them, by giving them consideration in the National Guard of Pennsylvania. In the budget that has been presented to us, there is close to half a million dollars asked for the training of young white men, and in this bill we simply ask for the paltry sum of fifty thousand dollars, in order that young colored men may be trained and prepared to meet whatever crisis may confront them in the future.

There is another element that enters into this matter, and that is the federalization of the National Guard units. I am very happy to say tonight that we have two Congressmen in Washington who are looking after the federalization of this unit after it shall have been authorized by the State of Pennsylvania, and the two Congressmen who are looking after these interests have set a good example for this House. One is an outstanding Democrat and the other is a Republican. It does seem to me that if a Republican Congressman and a Democratic Congressman can work hand in hand for those things to which the negroes are rightfully entitled, there ought not to be any hesitation on the part of this House to give us that recognition that we are entitled to.

To use the words of my distinguished friend on the other side of the House, Homer Brown, I want to say that I am not appealing to the Republicans, to the Democrats or to the Socialists, but I am appealing to the fairmindedness of the white men and of the colored men and of the ladies and gentlemen of this House to do justice to the negroes of the State of Pennsylvania.

Mr. HOOPES. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Hart.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. HART. I will, Mr. Speaker.

Mr. HOOPES. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether the two battalions which he is asking us to vote for are to be additional battalions to the present strength of the Pennsylvania National Guard.

Mr. HART. Mr. Speaker, yes sir, they are.

Mr. HOOPES. Mr. Speaker, because I am opposed to any increase in the Pennsylvania National Guard, regardless of race, creed or color, I am opposed to the addition of these two battalions, and for that reason I am going to vote "no" on this bill.

Mr. HOMER S. BROWN. Mr. Speaker, in rising to support House Bill No. 88, I wish to state that I think that the State of Pennsylvania owes to those of my race the right to be prepared when they are called upon by the nation to make the supreme sacrifice in the time of war.

May I call your attention, ladies and gentlemen of the House, to the fact that during the last war approximately forty-three thousand negro soldiers answered the call. Many of them today sleep on Flander's Field where poppies grow. They with the comrades of other races enrich the soil of Continental Europe. It does seem to me that this State of ours, which we all love, ought to be fair enough, when it calls upon a man to give all that he has, to give him an opportunity to prepare himself, so that when he does go to war, he goes on an equal basis, an

equal footing with every soldier of every race, every creed and every clime.

There may be some opposition to this bill because there may be those in this House who are opposed to an increase in armaments, there may be those who are opposed to war. Mr. Speaker, no man in this House is more opposed to war than I am. War is inhuman, war is the creation of the savage, but as long as we have nations that are selfish, as long as we have individuals as heads of nations who count life cheap we shall have war. With the war clouds hanging over Europe today, it may be that before this General Assembly meets again, we shall be engaged in another war. War is devilish, war is hellish, war is inhuman, and, as I said before, I am opposed to war. War is the offspring of hell itself, but I do wish to say that if any war should come, we ought to be prepared to meet any emergency.

Mr. SHEPARD. Mr. Speaker and members of the House, I am opposed to war and I am not a fighter. I was too young for the other war and I hope I will be too old for the next. But since it seems that we must have these battalions in this National Guard, I feel that the negroes ought to be permitted to get into it too for whatever it is worth. I am sure that the Democratic members of this House are desirous of being at all times fair to any of the other members of this House, and I ask the support of the Democratic and Republican members for this measure, so that when war does come, and I hope that it will never come, but whenever it does come, we will have a part in it like everybody else. I ask you to vote in favor of this bill.

Mr. ZIMMERMAN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Hart.

The Speaker. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. HART. I will, Mr. Speaker.

Mr. ZIMMERMAN. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Hart, if he knows what action the American Legion of the Department of Pennsylvania has taken in regard to this measure.

Mr. HART. Mr. Speaker, I do. The American Legion of the State of Pennsylvania has gone on record whole heartedly in favor of this organization, and has gone further, by petitioning every member of this House to vote for the passage of this bill.

Mr. ZIMMERMAN. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Hart, if he knows what action the Veterans of Foreign Wars in convention assembled have taken in regard to this measure.

Mr. Hart. Mr. Speaker, I do, the same as the American Legion.

Mr. ZIMMERMAN. Mr. Speaker and ladies and gentlemen of the House, I might say that I have been conducting this conversation as a friendly investigation, or friendly interrogation, because I already knew what both the American Legion and the Veterans of Foreign Wars had done in regard to this measure. I am glad to say that as a member of both of these organizations, they are both in hearty accord with the bill of Mr. Hart.

I can say further that it has been my privilege to have served with colored soldiers during the war, and I can attest to everything which the gentleman from Philadelphia, Mr. Hart, has said, in regard to the courage, in regard to the loyalty, in regard to the fortitude and in reward to the patriotism of the colored soldiers not only in the World War, but I believe I can truthfully say, in all of the wars in which the United States has taken a part. I believe I can speak for the Vetrans of Foreign Wars and for the American Legion, and I therefore, ask the membership of this House to vote favorably for this measure.

Mr. ANDREWS. Mr. Speaker and members of the House, the members of the colored race have served with great distinction but with very little recognition, in every war in which our nation has participated. Ordinarily I would oppose a measure of this kind, but I believe that the members of the colored race, because of their fidelity, loyalty and patriotism, are entitled to the recognition that the enactment of this measure would give them.

Mr. NAGEL. Mr. Speaker and members of the House, as has been said, I am opposed to bloodshed and strife, and I would not want by any act that I should do to lend any help in bringing about or furthering anything that might bring on war. We have before us this evening House Bill No. 88, Printer's Number 318, by which we are asked to create two colored battalions for a race of people who just about a half a century ago were in bondage. I feel, members of the House, that if we refuse to vote for this bill, we would be showing ingratitude to some of the people of our country who are worthy of recognition. I want to pay tribute this evening to the members of that race who are members of this House for their intelligence, for their civic pride and for the patriotism they have shown in this House, and I ask the ladies and gentlemen of the House to support this bill.

Mr. REYNOLDS. Mr. Speaker and members of the House, I want to say that I feel very gratified because of the fairmindedness of these gentlemen, who have so forcibly stated that they appreciate what the negroes have done. I wish to state that a few narrow minded officers of the State of Pennsylvania have been so shortsighted that they have refused to allow negroes to join the State militia. I am unalterably opposed ordinarily to any kind of segregation in the State of Pennsylvania, but when the officers of the National Guard have been so unfair as to keep my people out of the National Guard, we have no alternative than to come to this fair body of men, of liberal mind, and ask them to rectify a wrong. Mr. Speaker, I am very proud of the fact that these men here appreciate the work of the negro soldiers, but I am also at the same time very sorry that we have to come here and ask for special legislation from the hands of the members of this House, some of whom fought side by side with the colored troops.

I agree with what former Governor Pinchot said, that there is no law on the statute books of Pennsylvania that keeps the negro out of the National Guard, but I am sorry to say that in this fair State of Pennsylvania we have a class of citizens that are so unfair and so unjust that they would keep these very worthy soldiers out of the National Guard.

Mr. BLUMBERG. Mr. Speaker and members of the House, I simply wanted to call the attention of the members of the House to the fact that up until the close of the Spanish-American War, Pennsylvania did have a colored regiment. I further wish to say that the last commanding officer of such a colored regiment was none other than our Representative Hart.

As a token of the high esteem in which we hold him and as a rather belated recognition of the forty-two thousand colored boys of Pennsylvania who served in the World

War, I wish to raise my voice and ask the members of the House to vote unanimously in favor of this bill.

Mr. JOHN E. BROWN. Mr. Speaker, this is all news to me, and I would like to interrogate the sponsor of this bill, Mr. Hart, the gentleman from Philadelphia.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. HART. Mr. Speaker, I will.

Mr. JOHN E. BROWN. Mr. Speaker, I would like to ask the gentleman from Philadelphia if there has been a demand from the military department of the State that the military forces be increased by two battalions at the present time.

Mr. HART. Yes sir, Mr. Speaker.

Mr. JOHN E. BROWN. Mr. Speaker, I would like to ask the gentleman if he proposes to have colored men in those two battalions, only.

Mr. HART. Yes sir, Mr. Speaker.

Mr. JOHN E. BROWN. Mr. Speaker, I am in favor of the bill. I want to say that if I thought there was no necessity for these two battalions I would be opposed to this measure at this time, appropriating fifty thousand dollars. But as there is a necessity for the two additional battalions, I would like very much to see them filled with colored men. I want to say that during the Spanish-American War colored men gave valiant service, and also during the World War, and I think that they have earned the right to have two battalions in the state of Pennsylvania.

Mr. MORAN. Mr. Speaker and members of the House, I am not opposed to any race, creed or color. I am going to vote for this bill, but I would like to request members of the National Guard, both colored and white, that whenever we make an apporpriation to support this organization, that they do not go out and protect the big interests when the workers are out on strike. Take that home with you to your different communities.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | Longaker, | Schrope, |
| Alexander, | Duffort, | Lovett, | Schwab, |
| Allen, | Eberharter, | Lynch, | Schwartz, |
| Altenburg, | Ederer, | Male, | Shaw, |
| Andrews, | Eroe, | Mallen, | Shepard, |
| Arnold, | Falkenstein, | Mason, | Shortz, |
| Atkins, | Ferko, | McCreary, | Shugarts, |
| Aukerman, | Finnerty, | McDermott, | Siegel, |
| Baine, | Fitch, | McDevitt, | Simon, |
| Baker, F. T., | Flanagan, | McElroy, | Simpson, |
| Baker, J J., | Flinchbaugh, | McHenry, | Sloan, |
| Baldi, | Flynn, | McKinney, | Smith, J. A., |
| Barber, | Forrest, | Melchiorre, | Smith, W. G., |
| Barnhardt, | Furman, | Mentzer, | Snyder, F. E., |
| Bernhard, | Gates, | Merrell, | Snyder, J. L., |
| Blumberg, | Gerard, | Moomaw, | Sowers, |
| Boose, | Green, | Mooney, | Sproul, |
| Boyd, R., | Greenstein, | Moore, | Stank, |
| Boyer, | Habbyshaw, | Morgan, | Stevens, |
| Bradley, | Haberlen, | Moul, | Stewart, |
| Brancato, | Hagerty, | Muir, | Stockham, |
| Brennan, | Haluska, | Munley, | Stott, |
| Brown, H. S., | Hamilton, F. P., | Murrin, | Sumney, |
| Brown, J. E., | Hamilton, R. S., | Nagel, | Surface, |
| Brownfield, | Harkins, | Nothnagle, | Tahl, |
| Brumbaugh, | Harmuth, | O'Keefe, | Terry, |
| Burke, | Hart, | Ominsky, | Tronzo, |
| Cannon, | Hartman, | O'Neill, | Trout, |
| Caputo, | Hefferon, | Panton, | Tumelty, |
| Carr, | Hermansen, | Parks, | Turner, |
| Carson, | Hetrick, | Patterson, J. W., | Van Allsburg, |
| | Hindman, | Pearson, | Van Sickle, |
| | Hirsch, | Perry, | Walker, |
| | Hoffner, | Peters, | Wall, |
| | Holland, | Pfaff, | Wasserman, |
| | Holstrom, | Phillips, | Weidemann, |
| | Horst, | Piole, | Weiss, |
| | Jackson, | Powers, | Welliver, |
| | Jones, | Reising, | Welsh, |
| | Kane, | Reynolds, | Westrick, |
| | Kelso, | Rhys, | Wickersham, |
| | Kilroy, | Rinn, | Witkin, |
| | Kinney, | Roan, | Wood, |
| | Klingler, | Robinson, | Woodside, |
| | Kobelak, | Rooney, | Yeakel, |
| | LaRue, | Root, | Yourishin, |
| | Linderman, | Ruffennach, | Zappala, |
| | Long, | Sarraf, | Zimmerman, |
| | | Schrock, | Sarig, |

NAYS—2

| | |
|---|---|
| Hoopes, | Wilson, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. REYNOLDS. Mr. Speaker, I vote "aye" and would like to file my reasons:

Mr. Speaker, I ask to be recorded as voting in the affirmative on House Bill No. 88, Printer's No. 318. I wish to state that I am uualterably opposed to the principle of segregation in any form. I feel that the State of Pennsylvania should blush with shame at the fact that the officials of the National Guard are so prejudice that they absolutely refuse to admit negro citizens in the National Guard. I think an investigation should be instituted to find out why negroes are excluded. It is the most vicious and unfair practice I ever heard of. However, I am voting for this bill because it will give to its loyal citizens a privilege that is rightfully theirs. Again I state that I am one hundred per cent against the principle of segregation that the bill carries with it. I hope the State of Pennsylvania will soon rectify this unfair practice.

## RESIGNATION OF HON. CLARENCE L. EDERER

The SPEAKER. The Chair lays before the House a communication from the gentleman from Montgomery, Mr. Ederer.

The communication was read by the Clerk as follows:

March 20, 1935.

Hon. Wilson G. Sarig,
Speaker of the House of Representatives,
Harrisburg, Pennsylvania.
Dear Mr. Speaker:

I hereby tender my resignation as a Representative from the Third Legislative District of Montgomery County, and request that this resignation be laid before the House of Representatives. The reason for this resignation is that I will be a candidate for Senator at the special election to be held in Montgomery County on April 9, 1935, called to elect a successor to Senator James S. Boyd. This resignation is made in time so that a special election may be held on the same day to fill the vacancy caused by my resignation, and thus avoid the expense which would result were such election called on some other day.

Respectfully yours,

(Signed), CLARENCE L. EDERER.

The SPEAKER. The resignation will be spread upon the Journal.

## PROCLAMATION FOR SPECIAL ELECTION IN MONTGOMERY COUNTY

The SPEAKER laid before the House the following proclamation which was read by the Clerk:

COMMONWEALTH OF PENNSYLVANIA, ss:

To Hazeltine S. Lever, Sheriff of the County of Montgomery:

Greeting: Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Third Legislative District of the County of Montgomery, consisting of the County of Montgomery, excluding the boroughs of Bridgeport, Narberth and West Conshohocken, Conshohocken and Norristown, and the townships of Lower Merion, Upper Merion and Plymouth, which are included in the first and second Legislative Districts, caused by the reason of the resignation of Clarence L. Ederer, one of the Representatives from said Third District, on the twentieth day of March, one thousand nine hundred and thirty-five.

Now, therefor, I Wilson G. Sarig, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said Third Legislative District of the County of Montgomery on the ninth day of April, A. D., one thousand nine hundred and thirty-five, to choose a person to represent said Third Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and thirty-six, and that you give due and public notice of said election throughout said Third Legislative District and to at least one of the inspectors of each election district therein, in the form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this 20th day of March, A. D. one thousand nine hundred and thirty-five.

WILSON G. SARIG,
Speaker of the House of Representatives.

Mr. ZIMMERMAN. Mr. Speaker and ladies and gentlemen of the House, I do not want to have it taken as an indication that because of the fact that I made a statement to the House last night, that that was the first time that I addressed the House of Representatives, and further that since making that remark I have spoken twice, that that is going to be an indication that I intend to burden the House from now on. I have no such intention or thought in mind.

I could not let this opportunity go by without saying a few words in behalf of my colleague who is about to leave us in the capacity of a member. It so happens that of the Third Legislative District of Montgomery County there are three members, Mr. Longaker, Mr. Ederer and myself, and for that reason I would like to say to the House that as a member of the Third Legislative District, and I speak for the other two members of that District, we feel that in losing Clarence we are losing a loyal member of the House and a staunch supporter of all good legislation that has been presented to the House, and, more than that, a loyal companion. I know that in a group such as we three members, in the recent campaigns in which we have been engaged, there must undoubtedly grow up a fine spirit of comradeship, that comes not only out of the political battle line, but out of the many fine asociations that we enjoy as members of the Montgomery County delegation. So, it is with deep regret that we see Clarence leave the membership of this House, and I think I can speak for all the host of friends that he has, when I say that he has been devoted to the best interests of the Commonwealth of Pennsylvania, and I know that he has served those best interests, not only as a member, but more than that, he has served as one who has the best interests of this House and the Commonwealth at heart, and I believe in the final analysis they are the qualities that make up a well balanced legislator.

So, in saying farewell to Clarence, I wish to say we all wish him good luck and God speed in the new endeavor that he is about to undertake. I thank you.

Mr. EDERER. Mr. Speaker and members of the House, after that very lovely tribute from my colleague, Mr. Zimmerman, it is almost impossible for me to speak. I want to thank you all for the kindnesses you have shown to me in my five terms in this House. I hope if I am successful in becoming a member of the Senate that you will consider me your friend there, and I know you will find me at all times ready to cooperate with all of you.

## BILL RE-REFERRED

Mr. SIMON, returned from the Committee on Judiciary Special with the recommendation that they be re-referred to the Committee on Labor, the following House Bills:

HOUSE BILL No. 417, entitled:

An Act to amend sections one, two and five of the act approved the nineteenth day of July, one thousand nine hundred and thirteen (P. L. 843), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees and prescribing a penalty for non-compliance therewith;" by requiring reports of disability caused by occupational diseases, and of all accidents without regard to continuation of disability.

HOUSE BILL No. 920, entitled:

An Act to repeal section two and to amend section four of the act approved the third day of June, one thousand nine hundred and thirty-three (P. L. 1515), entitled "A supplement to the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination; and providing procedure for the determination of liability and compensation thereunder;' defining the liability of public or charitable bodies, corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor, and the rights of persons injured in such employment; establishing the State Work Relief Compensation Fund to provide such compensation in certain cases, and providing for the administration of such fund by the State Workmen's Insurance Fund; and making an appropriation therefor," by abolishing the additional waiting period, and modifying the rate of contribution to the State Work Relief Compensation Fund.

HOUSE BILL No. 416, entitled:

An Act to amend section two thousand two hundred and nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy seven), entitled "An Act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the ap-

pointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department boards and commissions shall be determined," by extending the power and duties of the Department of Labor and Industry; and authorizing the creation of a fund for the payment of compensation under certain circumstances to physically handicapped workmen.

HOUSE BILL No. 415, entitled:

An Act supplementing the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by creating a "Handicapped Employes' Fund" in the State Treasurer; providing for the payment of moneys into said fund by employers in certain accident cases and the use of moneys in said fund for the payment of compensation for the injury to or death of employes previously disabled or handicapped.

HOUSE BILL No. 102, entitled:

An Act to amend the title, section one as amended, section three hundred and one, and section three hundred and eleven as amended of, and to add sections one hundred and eight and one hundred and nine to article one, and section three hundred and twenty-one to article three to the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by extending the provisions of the act to certain occupational diseases contracted by miners in the course of their employment.

HOUSE BILL No. 155, entitled:

An Act to further amend clause (d) of section three hundred and six of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment, establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder," by providing for the payment of compensation for the first week after disability in certain cases.

HOUSE BILL No. 44, entitled:

An act to further amend clause (e) of section three hundred and six of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by changing the limitations on medical, surgical and hospital services and supplies.

HOUSE BILL No. 379, entitled:

An Act to amend paragraph (e) of section three hundred six and section four hundred seventeen of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended; further regulating and changing the time when hearings on petitions shall be held, and the surgical, medical and hospital services, medicines and supplies furnished injured employes.

HOUSE BILL No. 403, entitled:

An Act to further amend article four of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by requiring employers in the case of every injury to file either an agreement or a claim petition in the name of the claimant.

HOUSE BILL No. 336, entitled:

An Act to amend sections five, sixteen and eighteen of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," providing that subscribers to such fund may take such insurance for periods of less than a year.

HOUSE BILL No. 91, entitled:

An Act to amend sections one hundred and three and three hundred and one of, and to add sections one hundred and eight, one hundred and nine and four hundred and thirty-five to, the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder;" providing compensation for occupational diseases; and providing definitions, provisions and procedure related to recovery of compensation in such cases.

HOUSE BILL No. 119, entitled:

An Act to amend Sections three hundred and one, three hundred and six as amended, four hundred and thirteen as amended, and four hundred and thirty-four as amended, of the act approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder."

HOUSE BILL No. 1140, entitled:

An Act to further amend Section three hundred five of the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by increasing the requirements to be met by employers desiring to be self-insurers, and providing for better enforcement of the provisions of the act by conferring additional powers upon the Department of Labor and Industry and by prescribing and changing certain presumptions, rules of evidence, and penalties.

HOUSE BILL No. 1155, entitled:

An Act imposing upon employers subject to the Workmen's Compensation Law or their workmen's compensation insurance carriers, including the State Workmen's Insurance Fund, expenses and costs incurred by the Commonwealth in administering and enforcing certain laws for the benefit of those injured in industry and for the benefit of the dependents of those killed in industry.

HOUSE BILL No. 405, entitled:

An Act to amend section three hundred and one of the act approved the second day of June, one thousand nine hundred and fifteen, (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation and providing procedure for the determination of liabil-

ity and compensation thereunder," by enlarging the class of accidents to which the said act shall apply.

HOUSE BILL No. 404, entitled:

An Act to amend section three hundred and one of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the courts of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," extending said act to occupational diseases contracted in the course of employment.

HOUSE BILL No. 407, entitled:

An Act to amend sections three hundred and six and three hundred and nine of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended; by increasing the period for which compensation is paid for certain disabilities, and the amount of such compensation; requiring payment for total disability in addition to payment for partial disability in certain cases; providing for unlimited medical, dental, and hospital service, and necessary transportation, and for the right of the employe to consult a physician of his own choice at the cost of the employer.

HOUSE BILL No. 411, entitled:

An Act to further amend section four hundred and thirteen of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by making certain changes in practice and procedure under the said act; and fixing the date when this act becomes effective.

HOUSE BILL No. 412, entitled:

An Act to amend section five hundred and one of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 746), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by requiring the employer to pay for legal services and other disbursements in support of demands, claims and suits for compensation in certain cases; and providing for the enforcement of such payment.

HOUSE BILL No. 406, entitled:

An Act to amend section three hundred five of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by providing for the carrying of insurance by employers in only the State Workmen's Insurance Fund.

HOUSE BILL No. 413, entitled:

An Act to amend section five hundred and one of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment, establishing an elective schedule of compensation, and providing procedure for the determination of liability and compensation thereunder," by providing that payments may be awarded to claimants of renumeration for surgical, medical, dental and hospital services and supplies, and that such payment may be enforced as payments of compensation are enforced.

HOUSE BILL No. 414, entitled:

An Act to amend the act approved the twenty-first day of July, one thousand nine hundred and nineteen (P. L. 1077), entitled "An act to provide for the administration of the Workmen's Compensation Act of one thousand nine hundred fifteen by creating the Bureau of Workmen's Compensation of the Department of Labor and Industry; providing for the establishment of the Workmen's Compensation Board to have charge of such bureau; authorizing the division of the Commonwealth into workmen's compensation districts, and the appointment of workmen's compensation referees; defining the powers and duties of the Commissioner of Labor and Industry, the Bureau of Workmen's Compensation, the Workmen's Compensation Board, the workmen's compensation referees and the factory inspectors of the Department of Labor and Industry, in enforcing the said act; and fixing the salaries of the members of the Workmen's Compensation Board, the workmen's compensation referees, and certain of their employes and assistants; and repealing certain acts," by adding a new section, providing for the assessment of the cost of administering the Workmen's Compensation Law against employers and insurance carriers including certain political subdivisions of the Commonwealth, and the collection thereof.

HOUSE BILL No. 409, entitled:

An Act to further amend section three hundred and eleven of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder;" by making the time limitation on giving notice of accidents inapplicable in certain cases.

HOUSE BILL No. 408, entitled:

An Act to amend section three hundred and seven of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by providing for the payment of reasonable funeral expenses, increasing payments in case of death, and providing for payments for children, regardless of age, who are dependent by reason of mental or physical disability.

HOUSE BILL No. 410, entitled:

An Act to amend section three hundred and fifteen of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder," by extending the period for the filing of claims for compensation.

The SPEAKER. The bills are now re-referred to the Committee on Labor.

## ANNOUNCEMENT

### COMMITTEE MEETING

The Committee on Cities will meet tomorrow morning at 9:30 o'clock in room 323.

## ADJOURNMENT

Mr. JACKSON. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 10:00 o'clock A. M.

The motion was agreed to, and (at 10:45 o'clock P. M.) the House adjourned until Thursday, March 21, 1935, at 10:00 o'clock A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

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Vol. 18. HARRISBURG, PA., THURSDAY, MARCH 21, 1935 No. 33

## HOUSE OF REPRESENTATIVES

The House met at 10:00 o'clock A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

### PRAYER

The Reverend Marshall L. Shepard, a member of the House, offered the following prayer:

O God, our Heavenly Father, we thank Thee for the light of this day, for its opportunities and for its challenges. We pray Thee, as we face the tasks here in the Legislature this morning, that we may follow the truth, wherever it may lead. Give us the courage to do the right and the strength that alone can make it possible that shall come from Thee. As we go to our several homes, we pray that Thou wilt guide us in safety, that we may see those who are near and dear to us in peace and in good health. Bless the officers of this House, the Speaker and all his aides. These and all other blessings, we ask in His name and for His sake, Amen.

### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. Parks, the further reading was dispensed with and the Journal approved.

### BILLS INTRODUCED AND REFERRED

By Mr. SHEPARD. HOUSE BILL No. 1704.

An Act making an appropriation to the Colored Children's Bureau located at seven hundred twenty-two North Forty-third Street, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. McHENRY (By Request). HOUSE BILL No. 1705.

An Act making an appropriation for the purchase of a history of the One Hundred and Ninth Field Artillery of the Pennsylvania National Guard and providing for the distribution thereof.

Referred to the Committee on Appropriations.

By Mr. SCHROCK. HOUSE BILL No. 1706.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act; establishing an additional route in the County of Somerset.

Referred to the Committee on Highways.

By Mr. SCHROCK. HOUSE BILL No. 1707.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Somerset.

Referred to the Committee on Highways.

By Mr. SCHROCK. HOUSE BILL No. 1708.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Somerset.

Referred to the Committee on Highways.

By Mr. KELSO. HOUSE BILL No. 1709.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lawrence.

Referred to the Committee on Highways.

By Mr. McCREARY. HOUSE BILL No. 1710.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, per-

sons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Erie.

Referred to the Committee on Highways.

By Mr. MOONEY. HOUSE BILL No. 1711.

An Act making an appropriation to the Saint Rossalia Founding Asylum for Babies, at Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. OMINSKY. HOUSE BILL No. 1712.

An Act to amend section one of the act approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent"; by increasing the amount of exemption to five hundred dollars.

Referred to the Committee on Judiciary General.

By Mr. TUMELTY. HOUSE BILL No. 1713.

An Act to amend section one, paragraph four, as amended, of the act approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred seventy-five), entitled "An act providing for the registration of bottles, boxes, siphons, siphon-heads, tins, kegs, cans, soda-fountains, cylinders of carbonic-acid gas, or other containers; and forbidding the refilling of, or dealing or trafficking in, such registered bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, by persons other than the owners thereof, without the written consent of the owner, and imposing a penalty therefor; providing for the issuing of process in the nature of search warrant; providing what shall be prima facie proof thereof; and providing that the delivery of said bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, shall not constitute a sale thereof," by increasing the penalties provided therein, and changing the disposition to be made of the proceeds of penalties imposed for violations.

Referred to the Committee on Judiciary General.

By Mr. BARNHARDT. HOUSE BILL No. 1714.

An Act making an appropriation to the Benevolent Association's Home for Children, Pottsville, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FORREST. HOUSE BILL No. 1715

An Act making an appropriation to the Montgomery Hospital, at Norristown, Montgomery County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FORREST. HOUSE BILL No. 1716.

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a public library, although a school library already exists.

Referred to the Committee on Education.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. BAINE (Concurrent) Resolution No. 101

In the House of Representatives, March 20, 1935.

Whereas, Many home owners are, by reason of economic conditions, distressed by mortgages on which they are unable to pay the interest and principal as required by the contract; and

Whereas, Many Building and Loan Association, organized for the express purpose of aiding persons of small means to acquire homesteads, are seemingly taking advantage of distressed home owners and engaging in malpractices which need legislative correction; and

Whereas, Some Building and Loan Association impose burdensome fines and penalties, fail to credit all accumulated interest, refuse upon request to furnish receipts and itemized statements of payments, continue to charge exhorbitant rates of interest, unduly sacrifice the equity of home owners at present market prices by ruthless foreclosure proceedings and execution without thoroughly investigating specific cases, and in addition to a mortgage require bond in double the amount of the mortgage which may be executed against personal property and other realty; and

Whereas, Many Building and Loan Associations neglect to cooperate with the Home Owners Loan Corporation in refinancing mortgages on homes, in order that the equity of home owners may be saved, therefore be it

Resolved, The Senate and House of Representatives concurring, that the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint five members of their respective houses, to constitute a joint legislative committee, whose duty it shall be to thoroughly and impartially investigate the practices of Building and Loan Associations during the present economic depression, and ascertain what, if any, unlawful and harsh practices are engaged in by such associations, and what legislation should be enacted to aid distressed home owners, to correct those practices and to prevent any future recurrence thereof:

Resolved, That said committee make a report to the General Assembly as early as possible with such drafts of legislation as to it appears necessary:

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. And person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Banking.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### LIQUOR LICENSES

A resolution from the Win One Class, 4th Presbyterian Church, Washington, addressed to Hon. Walter Carson.

A resolution from the Round-Up Sabbath School Class of the First Presbyterian Church of Burgettstown.

A resolution from the Men's Bible Class, Roscoe Presbyterian Church.

A resolution from the Men's Bible Class of the West, Alexander Presbyterian Church, West Alexander.

A resolution from the Brotherhood Class of the Allison Avenue Baptist Bible School, Washington.

A resolution from the Ladies Bible Class of the First

Presbyterian Church, Burgettstown; favoring amendment to the Liquor Laws prohibiting issuance of liquor and beer licenses within three hundred feet of a church or school.

Referred to the Committee on Law and Order.

SALES TAX

A communication from the Davis Grange No. 1466 addressed to Hon. Walter Carson favoring passage of sales tax to relieve real estate.

Referred to the Committee on Ways and Means.

TAXES

A resolution from the Pawnee Grange No. 1375 addressed to Hon. Walter Carson, favoring relief of school taxes on real estate, opposing increase in gas tax and opposing diversion of gas tax.

Referred to the Committee on Ways and Means.

EDUCATION

A resolution from the Washington County Federation of Women's Clubs, addressed to Mr. Walter L. Carson, endorsing Secretary's Rule's plan for reorganization in education, embodied in his "Three Rs".

Referred to the Committee on Education.

## LEAVE OF ABSENCE

Mr. Moran asked and obtained leave of absence for Mr. McHENRY.

## REPORTS FROM COMMITTEES

Mr. KILROY, from the Committee on Cities reported as committed, House Bill No. 1067, entitled:

An Act to amend section twenty-five of the act approved the tenth day of May, one thousand nine hundred and twenty-seven (P. L. 866), entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a board of magistrates; providing for a chief magistrate; prescribing their powers and duties; providing for clerks; establishing a central administrative office; imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; and repealing certain prior acts," by changing the time of holding the election for the office of chief city magistrate and the term thereof, and terminating the term of the chief magistrate now in office.

Mr. KILROY, from the Committee on Cities reported as amended, House Bill No. 1161 (Senate Bill No. 108), entitled:

An Act to amend paragraph six of section thirteen of article nineteen of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission.

Mr. JAMES W. PATTERSON, from the Committee on Cities re-reported as amended, House Bill No. 1156, entitled:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1199, entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; requiring appeals heretofore taken to the courts of common pleas to be filed directly with the Superior Court and conferring jurisdiction upon such court to hear such appeals; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurors; conferring certain duties upon the prothonotary of the Superior Court, and certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, incluring the cost of administering the workmen's compensation system; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL RECOMMITTED

Mr. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of a hearing and amendment.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1421, entitled:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor; abolishing the elected directors of the poor and terminating the terms of those now in office, but providing that certain directors shall continue as employes; and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 945, entitled:

An Act relating to the imposition of costs of commitment and maintenance where the court of quarter sessions commits poor or mentally defective persons to an almshouse, home or hospital, of a poor district where such person has no legal settlement.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1265, entitled:

An Act to repeal the act approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine (P. L. 851), entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 734, entitled:

An Act to amend clause forty-six of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," authorizing the erection of memorials.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1311, entitled:

An Act to amend section one thousand five hundred and eleven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as added; authorizing school districts to provide for the treatment of diseased tonsils of pupils, and to furnish glasses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 804 (Senate Bill No. 185), entitled:

An Act to amend section eleven of the act approved the sixth day of May, one thousand nine hundred and twenty-seven (P. L. 820), entitled "An act regulating the practice of the profession of engineering in all of its branches, including surveying; providing for the registration of certain persons practicing or offering to practice said profession; conferring certain powers and imposing certain duties upon the State registration board for professional engineers, upon the court of common pleas of Dauphin County; and providing penalties," by removing the penalty for failure to renew certificates.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1170 (Senate Bill No. 242), entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law; and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applicants for examination and registration, and changing violations of the act from misdemeanors to summary proceedings.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 169, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens, in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth, and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1093, entitled:

An Act to amend section five of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream, artificial or natural body of water, or nontidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties;" as added changing the licensure year for motor boats.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1614, entitled:

An Act to further amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1473, entitled:

An Act imposing a graduated income tax for school purposed on residents of Pennsylvania including fiduciaries and on income of nonresidents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

## BILL RECOMMITTED

Mr. VanSICKLE. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further amendment.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 533, entitled:

An Act to amend section one thousand and seventeen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pahphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by prohibiting the owner of a vehicle from passing school busses in certain cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and seventeen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehciles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts of fines forfeitures fees and miscellaneous refunds" is hereby amended to read as follows

Section 1017 Passing Street Cars

(a) The driver of a vehicle shall not overtake and pass upon the left any interurban or street car proceeding in the same direction whether actually in motion or temporarily at rest when a travelable portion of the highway extends to the right of such street car even though such portion of the highway is occupied or obstructed Provided however This provision shall not apply to one way streets

(b) No operator of a vehicle who meets or overtakes a street passenger car or school bus that has stopped for the purpose of taking on or discharging passengers shall pass said car or school bus on the side on which the passengers get on or off until the car has started and until any passengers who may have alighted have reached the side of the highway except that where a safety zone has been established or at an intersection where traffic is controlled by a peace officer or a traffic signal a vehicle need not be brought to a full stop before passing any such railway interruban [or] street car or school bus but may proceed past such car at a speed not greater than is reasonable or proper and in no event greater than ten (10) miles an hour and with due caution for the safety of pedestrians

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

On the question,

Will the House agree to the section?

Mr. VanALLSBURG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 15, by striking out the word "extends" and inserting in lieu thereof: "exists"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one thousand and seventeen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescrib g and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts, making an appropriation and providing for refunds," by prohibiting the owner of a vehicle from passing school busses in certain cases.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1373, entitled:

An Act Relating to local taxation establishing a centralized system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of all county borough town township and certain school and poor taxes except in certain cities through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughts towns townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second third fourth fifth sixth seventh and eighth classes a centralized county system for the collection of all county borough town township school and poor taxes is hereby established

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. MOOMAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of a public hearing on Wednesday, April 3, 1935, at 2:00 o'clock P. M.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 836, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by adding new sections and repealing certain sections changing the method of appointing certain agents and employes of the Commonwealth engaged in the appraisement and collection of inheritance and estate taxes and mercantile taxes and license fees and further defining the powers and duties of the Department of Revenue in the collection of such taxes and license fees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that Sections one thousand two hundred one and one thousand two hundred four of the Act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the law imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" be and the same are hereby amended to read as follows

Section 1201 Procedure Relating to Collection of Tax on Transfers of Property of Resident Decedents The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General in connection with the collection by the registers of Wills of the several counties of transfer inheritance and estate taxes.

The Department of Revenue shall have the power and its duty shall be

(a) To supervise the making of appraisements in estates of resident decedents and for this purpose to adopt and enforce rules and regulations for the just administration of the laws imposing transfer inheritance taxes

(b) To appoint or approve or disapprove the appointment fix the compensation and approve or disapprove all expense accounts of such appraisers [appointed by registers of wills to appraise decedents' estates] expert appraisers investigators clerks and other employes as may be necessary to enable the registers of wills of the several counties to collect transfer inheritance and estate taxes

(c) To supervise and direct the work of investigators appraisers expert appraisers permanent appraisers and other employes appointed [by the Auditor General] to assist registers of wills in enforcing the transfer inheritance tax laws

(d) To receive from the several registers of wills and enter in a book to be kept for the purpose the monthly statements of all returns made by appraisers during the preceding month upon which the taxes have been paid or remain unpaid

(e) To exercise all of the powers vested in the register of wills if the register of wills in any case fails within the time provided by law to take the proceedings necessary to secure the filing of the inventory or schedule of the property of a resident decedent or to collect the tax due and for this purpose to institute such proceedings as may be necessary charging to the register of wills and deducting from any commissions or fees otherwise due him all costs expenses and attorney's fees incurred by the department in connection with such proceedings

(f) In settling the accounts of registers or of any county treasurer who has acted prior to the qualification of the register of wills of his county to credit the account-

ing officer and deduct from the settlement all commissions due such officer for collecting transfer inheritance taxes the compensation and expenses paid [with the approval of the Auditor General] to investigators appraisers and expert appraisers the costs of advertising and all other reasonable fees and expenses incurred in the collection of the tax and

(g) To receive from registers of wills all duplicate receipts for taxes paid to them by executors and administrators to charge the registers receiving the money with the amounts receipted for to seal with its official seal and countersign the original receipt and transmit it to the executor or administrator whereupon it shall be a proper voucher in the settlement of the estate In no event shall the executor or administrator be entitled to a credit in his account by the register unless the receipt is so sealed and countersigned by the Department of Revenue

Section 1204 Procedure Relating to Collection of Mercantile License Taxes and Fees Assessable by the Mercantile Appraisers The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General or by the Auditor General and city treasurers in cities of the first class in connection with the collection of mercantile license taxes auctioneers' brokers' agents' and factors' license taxes and all other license taxes and fees which it is the duty of mercantile appraisers to assess

The Department of Revenue shall have the power and its duty shall be

(a) To prepare cause to be printed and furnish blanks to be distributed by the mercantile appraisers of the several counties to vendors of and dealers in goods wares and merchandise auctioneers brokers agents and factors keepers for profit of shooting-galleries shuffleboard rooms billiard or pool rooms bowling alleys nine or ten pin alleys or any other alleys or places in which similar games are played owners or lessees of places of amusement buildings tents or enclosures who or which are now required by law to make returns to or file applications with the mercantile appraisers

All such blanks shall be in the form prescribed by the Department of Revenue shall request such information as may be necessary to assess the license tax or fee for the period to be covered by the return or application and shall contain an affidavit as to the correctness of the facts stated

(b) To prepare and furnish to the mercantile appraisers forms of notice to be left by them with vendors of or dealers in goods wares and merchandise brokers agents or factors and other persons assessable for license tax purposes specifying their respective classifications and the amount of license money due the Commonwealth

(c) To publish the mercantile appraisers' list of names and classification of each person subject to license in each county having a population of less than one million in not less than two or more than three newspapers of general circulation in such counties and in conjunction with the city treasurer to direct that such list and classification shall be published in four newspapers in cities of the first class The respective county treasurers shall pay for all advertising authorized hereunder at the rates and subject to the limitations now provided by law and subject to the approval of the bills therefor by the Department of Revenue

(d) To exonerate any county treasurer from the collection of any amount shown upon the list certified to the department as due the Commonwealth if it be shown to the satisfaction of the department that the party listed as owing such amount is not subject to the payment thereof according to the true intent and meaning of the act imposing the tax or license fee or that it is impracticable to collect and recover such amount [and]

(e) To investigate and ascertain the character and amount or volume of business transacted by any dealer vendor auctioneer broker agent factor or other person association or corporation required to make a return to or file an application with the mercantile appraiser of any county if through fraud accident or mistake such dealer vendor broker agent factor or other person shall fail to make a full complete and accurate return or the mercantile appraiser shall have failed to make a full complete and accurate report with respect thereto For the purpose of conducting such investigation the department shall have all the powers conferred upon it for the collection of State taxes in other cases and all taxes based upon such valuation shall be collectible at any time either before or after the expiration of the year for which the tax is to be paid and

(f) To appoint mercantile appraisers in the various counties and in cities of the first class and to appoint or approve the appointment of such clerks or assistants as may be necessary to enable the mercantile appraisers to perform the duties imposed upon them by law and to approve or disapprove all expense accounts of mercantile appraisers clerks and assistants appointed to assist them and to fix the compensation of such clerks or assistants

Section 2 At the end of Article II of the said Act the following sections are hereby added

Section 214 Appointment of Inheritance Tax Appraisers Investigators and Clerks The Department of Revenue shall have the power and its duty shall be to appoint or approve or disapprove the appointment and fix the compensation and approve or disapprove the expense accounts of such appraisers expert appraisers permanent appraisers investigators clerks and other employes as may be necessary to enable the registers of wills of the several counties to collect the transfer inheritance and estate taxes

Section 215 Appointment of Mercantile Tax Appraisers and Clerks The Department of Revenue shall have the power and its duty shall be to appoint or approve the appointment of mercantile appraisers in the various counties and in cities of the first class and such clerks or assistants as may be necessary to enable the mercantile appraisers to perform the duties imposed upon them by law and to approve or disapprove all expense accounts of mercantile appraisers or clerks or assistants appointed to assist them and to fix the compensation of such clerks or assistants

Section 3 Section four hundred six and four hundred seven of the said Act are hereby repealed All other acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 The amendment to Section one thousand two hundred one of the Fiscal Code contained in Section one of this act Section two hundred fourteen added to The Fiscal Code by Section two of this act and the repeal of Section four hundred seven of The Fiscal Code contained in Section three of this act shall become effective the first day of June one thousand nine hundred thirty-five

The amendment to Section one thousand two hundred four of The Fiscal Code contained in Section one of this act Section two hundred fifteen added to The Fiscal Code by Section two of this act and the repeal of Section four hundred six of The Fiscal Code contained in Section three of this act shall become effective the first day of January one thousand nine hundred thirty-six

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 837 as follows:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight and seventy-nine" by imposing a tax upon the capital stock of certain corporations joint-stock associations limited partnerships and companies heretofore exempt and increasing the rate of tax on the capital stock of fire and marine insurance companies

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred fifty-seven) are hereby further amended to read as follows

Section 20 That hereafter except in the case of corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign insurance companies it shall be the duty of the president vice-president secretary or treasurer of every corporation having capital stock every joint-stock association limited partnership and every company whatsoever now or hereafter organized or incorporated by or under any laws of this Commonweath and of every corporation joint-stock association limited partnership and company whatsoever now or hereafter incorporated or organized by or under the law of any other State or Territory of the United States or by the United States or by any foreign government and doing business in and liable to taxation within this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of any limited partnership or joint-stock association company or corporation whatsoever association or associations copartnership or copartnerships person or persons or in any other manner to make annually on or before the fifteenth day of March for the calendar year next preceding a report in writing to the Department of Revenue on a form or forms to be prescribed and furnished by it [stating specifically] Such report shall in addition to any other information required by the Department of Revenue set forth

First The amount of its capital stock at the close of the year for which report is made together with the highest selling price per share and the average selling price thereof during said year

Second Its debt account

Third Its income account together with the disposition of any net income and its profit and loss statement

Fourth Its general balance sheet

Fifth Its real estate and tangible personal property if any owned and permanently located outside of the Commonwealth and value of the same and the value of the property if any exempt from taxation

Sixth [The proportion of its capital stock invested in and actually and exclusively employed and used in manufacturing within the Commonwealth during the year for which report is made

Seventh] A valuation and appraisal in the manner hereinafter provided of the capital stock of the said corporation company joint-stock association or limited partnership at its actual value in cash as it existed at the close of the year for which the report is made

The affidavit of two of the officers of such corporation limited partnership joint-stock association or company shall be attached to said report Such affidavit shall be in the form required by the Department of Revenue but shall state in addition to any other averments required by the department that with fidelity and according to the best of their knowledge and belief the affiants have estimated valued and appraised as shown in said report the capital stock of the said corporation at its actual value in cash as it existed at the close of the year for which report is made not less however than first the average which said stock sold for during the year and second not less than the price or value indicated or measured by net earnings or by the amount of profit made and either declared in dividends expended in betterments or carried into the surplus or sinking fund and third not less than the actual value indicated or measured by consideration of the intrinsic value of its tangible property and assets and of the value of its good will and franchises and privileges as indicated by the material results of their exercise taking also into consideration the amount of its indebtedness

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis the procedure in case the Department of Revenue is not satisfied with the appraisement made by the officers of the taxpayer and the penalties for failing to file reports and pay taxes shall be as prescribed by law

Section 21 That every corporation other than corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit and every joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the Treasury of the Commonwealth annually through the Department of Revenue a tax at the rate of five mills upon each dollar of the actual value of its whole capital stock of all kinds including common special and preferred as ascertained in the manner prescribed in said twentieth section and it shall be the duty of the treasurer or other officers having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the treasury of the Commonwealth within the time prescribed by law for the payment of State taxes settled by the Department of Revenue Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Provided also That corporations limited partnerships and joint-stock associations liable to tax on capital stock under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manner than for the whole body of stock holders or members thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned or held by them as in the case of individuals [And provided] Provided further That the provisions of this section shall [not] apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products [or] and for manufacturing purposes [which is invested in and actually and exclusively employed in carrying on laundering the processing and curing of meats their products and by-products or manufacturing with the State] excepting companies engaged in the [brewing or] distilling of [spirits or malt] liquors [and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of laundering or processing and curing meats their products and by-products or manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or appurtment to the laundering or manufacturing business or the business of processing and curing meats their products and by-products in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the laundering or manufacturing plant and business or the plant and business used in the processing and curing of meats their products and by-products] Provided further In case of fire and marine insurance companies the tax imposed by this section shall be at the rate of [three] five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania

Section 2 This act shall be retroactive to the first day of January one thousand nine hundred thirty-four so that corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products and

for manufacturing purposes shall pay the tax on their capital stock hereby imposed for the calendar years one thousand nine hundred thirty-four and one thousand nine hundred thirty-five in the same fashion as other corporations limited partnerships and joint-stock associations

Section 3 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 838 as follows:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax upon the capital stock of certain corporations joint-stock associations limited partnerships and companies heretofore exempt and increasing the rate of tax on the capital stock of fire and marine insurance companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred fifty-seven) are hereby further amended to read as follows

Section 20 That hereafter except in the case of corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign insurance companies it shall be the duty of the president vice-president secretary or treasurer of every corporation having capital stock every joint-stock association limited partnership and every company whatsoever now or hereafter organized or incorporated by or under any laws of this Commonwealth and of every corporation joint-stock association limited partnership and company whatsoever now or hereafter incorporated or organized by or under the law of any other State or Territory of the United States or by the United States or by any foreign government and doing business in and liable to taxation within this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of any limited partnership or joint-stock association company or corporation whatsoever association or associations copartnership or copartnerships person or persons or in any other manner to make annually on or before the fifteenth day of March for the calendar year next preceding a report in writing to the Department of Revenue on a form or forms to be prescribed and furnished by it [stating specifically] Such report shall in addition to any other information required by the Department of Revenue set forth

First The amount of its capital stock at the close of the year for which report is made together with the highest selling price per share and the average selling price thereof during said year

Second Its debt account

Third Its income account together with the disposition of any net income and its profit and loss statement

Fourth Its general balance sheet

Fifth Its real estate and tangible personal property if any owned and permanently located outside of the Commonwealth and value of the same and the value of the property if any exempt from taxation

Sixth [The proportion of its capital stock invested in and actually and exclusively employed and used in manufacturing within the Commonwealth during the year for which report is made

Seventh] A valuation and appraisal in the manner hereinafter provided of the capital stock of the said corporation company joint-stock association or limited partnership at its actual value in cash as it existed at the close of the year for which the report is made

The affidavit of two of the officers of such corporation limited partnership joint-stock association or company shall be attached to said report Such affidavit shall be in the form required by the Department of Revenue but shall state in addition to any other averments required by the department that with fidelity and according to the best of their knowledge and belief the affiants have estimated valued and appraised as shown in said report the capital stock of the said corporation at its actual value in cash as it existed at the close of the year for which report is made not less however than first the average which said stock sold for during the year and second not less than the price or value indicated or measured by net earnings or by the amount of profit made and either declared in dividends expended in betterments or carried into the surplus or sinking fund and third not less than the actual value indicated or measured by consideration of the intrinsic value of its tangible property and assets and of the value of its good will and franchises and privileges as indicated by the material results of their exercise taking also into consideration the amount of its indebtedness

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis the procedure in case the Department of Revenue is not satisfied with the appraisement made by the officers of the taxpayer and the penalties for failing to file reports and pay taxes shall be as prescribed by law

Section 21 (a) That every domestic corporation other than corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit and every joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the Treasury of the Commonwealth annually through the Department of Revenue a tax at the rate of five mills upon each dollar of the actual value of its whole capital stock of all kinds including common special and preferred as ascertained in the manner prescribed in said twentieth section [and it]

(b) Every foreign corporation joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a franchise tax at the rate of five mills upon a taxable value to be determined in the following manner The actual value of its whole capital stock of all kinds including common special and preferred shall be ascertained in the manner prescribed in the twentieth section of this act and shall then be divided into three equal parts

(1) Of one third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the value of the taxpayer's tangible property situated within the Commonwealth and whose denominator is the value of all the taxpayer's property wherever situated

(2) Of another third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the expenditures of the taxpayers for wages salaries commissions or other compensation to its em-

ployes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the taxpayer for wages salaries commissions or other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

The sum of the amounts determined in accordance with the foregoing three rules shall be the taxable value

In a case where only two of the foregoing three rules are applicable the remaining third equal part of the value of the entire capital stock shall be divided into two equal parts each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable that part of the entire capital stock attributed to business carried on within the Commonwealth shall be determined solely by that rule.

The amount assignable to this Commonwealth of expenditures of the taxpayer for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth

The amount of the taxpayer's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the taxpayer by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined by the Department of Revenue to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a taxpayer maintains an office warehouse or other place of business in a state other than under this subsection the Department of Revenue shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the taxpayer to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a taxpayer for wages salaries commissions or other compensation or the gross receipts of the taxpayer are found to be situated incurred or received without the Commonwealth

(c) It shall be the duty of the treasurer or other officers having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the treasury of the Commonwealth within the time prescribed by law for the payment of State taxes settled by the Department of Revenue Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Provided also That corporations limited partnerships and joint-stock associations liable to a tax [on capital stock] under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manner thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned or held by them as in the case of individuals [And Provided] Provided further That the provisions of this section shall [not] apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products [or] and for manufacturing purposes [which is invested in and actually and exclusively employed in carrying or laundering the processing and curing of meats their products and by-products or manufacuring within the State] excepting companies engaged in the [brewing or] distilling of [spirits or malt] liquors [and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of laundering or processing and curing meats their products and by-products or manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or appurtenant to the laundering or manufacturing business or the business of processing and curing meats their products and by-products in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the laundering or manufacturing plant and business or the plant and business used in the processing and curing of meats their products and by-products] Provided In case of fire and marine insurance companies the tax imposed by this section shall be at the rate of [three] five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania

Section 2 If this act is declared unconstitutional by a final judgment order or decree of a court of competent jurisdiction all the provisions of section twenty-one of the act amended by this act pertaining to the taxation of the capital stock of foreign corporations which were made inapplicable and inoperative thereto by this amendment shall thereupon become operative and applicable in respect to such corporations from the effective date of this act and such corporations shall for that period and thereafter be taxed to the same extent and in the same manner as if this amendment had not been enacted In such event any taxes which were settled under this act shall to the extent that such taxes have been paid and are unrefunded be credited against the taxes settled and imposed for the same period under the provisions of said section twenty-one which are again made operative and applicable to foreign corporations by this section Provided That if such credit exceeds the taxes due the excess may be refunded upon application being made to the Board of Finance and Revenue in the manner prescribed by law

Section 3 The provisions of this act shall be retroactive to the first day of January one thousand nine hundred thirty-four so that capital stock of domestic corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products and for manufacturing purposes shall pay the tax license imposed for the calendar years one thousand nine hundred thirty-four and one thousand nine hundred thirty-five in the same fashion as other corporations limited partnerships and joint-stock associations.

Section 4 This act shall become effective immediately upon its final enactment and its provisions shall be applicable to the settlements of franchise taxes on foreign corporations for the year ending the thirty-first day of December one thousand nine hundred and thirty-five or any fiscal years ending after the effective date of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 840, entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by imposing upon cer-

tain domestic insurance companies and associations a gross premiums tax on business for the year ending one thousand nine hundred and thirty-four and every year thereafter and requiring such companies and associations to make reports in writing to the Department of Revenue

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand and ninety-three) is hereby further amended to read as follows

Section 24 It shall be the duty of the president secretary or other proper officer of each and every insurance company association or exchange incorporated by or under any law of this Commonwealth [except] including life insurance companies and companies doing business upon the mutual plan without any capital stock and purely mutual beneficial asociations whose funds for the benefit of members and their families or heirs are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon to make report in writing to the Department of Revenue on or before the fifteenth day of March in each year setting forth the entire amount of premiums premium deposits contributions or assessments received by such company association or exchange during the year ending with the thirty-first day of December preceding whether the said premiums premium deposits contributions or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere and every such company association or exchange shall pay into the State Treasury through the Department of Revenue within the time prescribed by law for the payment of State taxes settled by the Department of Revenue in addition to any other taxes to which it may be liable under the first and twenty-first sections of this act a tax of eight mills on the dollar upon the gross amount of said premiums premium deposits contributions and assessments received from business transacted within this Commonwealth

Such company association or exchange in reporting for taxation may deduct from the gross premiums premium deposits contributions and assessments all amounts returned on policies cancelled or not taken and all premiums paid for reinsurance where such reinsurances are effected in companies associations and exchanges authorized to transact business in this Commonwealth by contracts or agreements entered into or executed by all parties thereto within this Commonwealth If such contract or agreement is not entered into or executed by all parties thereto within this Commonwealth such company association or exchange in reporting for taxation may not deduct such premiums so paid unless the tax thereon is paid when due by the company in which such reinsurance is effected and mutual companies associations exchanges and stock companies with participating features which may for any reason be required to report under this act in addition to the aforesaid deductions may deduct that portion of the advanced premiums premium deposits contributions or assessments returned in cash or credited to members or policyholders whether as dividends earnings savings or return deposits upon the expiration or termination of their contracts Provided That hereafter the annual tax upon premiums of insurance companies of other states or foreign governments shall be at the rate of two per centum upon the gross premiums of every character and description received from business done within this Commonwealth within the entire calendar year preceding The penalties for failure to make report and pay the tax as herein required shall be as provided by law

The second section was read as follows:

Section 2 It shall be the duty of all companies and associations required to pay the tax imposed by this amendment to pay such tax upon gross income of premiums premium deposits contributions and assessments received by such companies or associations from business transacted within this Commonwealth during the year ending the thirty-first day of December one thousand nine hundred thirty-four and every calendar year thereafter It shall be the duty of the president secretary or other proper officer of every company association or exchange required to pay the tax imposed by this amendment to file a report on or before the fifteenth day of May one thousand nine hundred thirty-five setting forth the entire amount of premiums premium deposits contributions or assessments received by such company association or exchange during the year ending with the thirty-first day of December one thousand nine hundred thirty-four

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 4, line 17 by striking out at the end of the line after the word "hundred" the following: "thirty"

Amend section 2, page 4, line 18 by striking out at the beginning of the line before the word 'and" the word "four"

and inserting in lieu thereof the word "thirty-five"

Amend section 2, page 4, line 18 by striking out at the end of the line after the word "thereafter" the following: "It shall be the"

Amend section 2, page 4 by striking out lines 19 to 27, inclusive.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third and fourth sections and title were separately read and agreed to as follows:

Section 3 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 4 This act shall become effective immediately upon its final enactment

An Act to further amend section twenty-four of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by imposing upon certain domestic insurance companies and associations a gross premiums tax on business for the year ending one thousand nine hundred and thirty-four, and every year thereafter, and requiring such companies and associations to make reports in writing to the Department of Revenue.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 841, entitled:

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred and twenty) entitled "A further supplement to and act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies and water companies and steam heating companies and to gross receipts of municipality owned or operated public utilities and public untility services previously exempt from the tax

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-three of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred and twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred sixty-two) is hereby further amended to read as follows

Section 23 That every railroad company pipe line company conduit company steamboat company canal company slack water navigation company transportation company street passenger railway company traction company and every other company association joint-stock association or limited partnership now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the Uuited States or any foreign government and doing business in this Commonwealth and every copartnership person or persons owning operating or leasing to or from another corporation company association point-stock association limited partnership copartnership person or persons any railroad pipe line conduit steamboat canal slack water navigation street passenger railway traction system or other device for the transportation of freight passengers baggage or oil and every limited partnership association joint-stock association corporation or company engaged in or hereafter engaged in the transportation of freight or oil within this State and every telephone company telegraph company express company electric light company water-power company hydro-electric company natural gas company artificial gas company water company and steam heating company palace car company and sleeping car company now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every limited partnership association joint-stock association copartnership person or persons engaged in telephone telegraph express electric light and power water-power hydro-electric natural gas artificial gas water company and steam heating palace car or sleeping car business in this Commonwealth shall pay to the State Treasurer through the Department of Revenue a tax of eight mills upon the dollar upon the gross receipts of said corporation company or association limited partnership joint-stock association copartnership person or persons received from passengers baggage and freight transported wholly within this State from telegraph or telephone messages transmitted wholly within the State from express palace car or sleeping car business done wholly within this State or from electric light and power water-power and hydro-electric business natural gas business and artificial gas business and water business and steam heating business and from the transportation of oil done wholly within the State The said tax shall be paid within the time scribed by law for the payment of taxes settled by the Department of Revenue and for the purpose of ascertaining the amount of the same it shall be the duty of the treasurer or other proper officer of the said company copartnership limited partnership association joint-stock association or corporation or person or persons to transmit to the Department of Revenue on or before the first day of February and August of each year a statement under oath or affirmation of the amount of gross receipts of the said companies copartnerships corporations associations joint-stock association limited partnership person or persons derived from all sources and of gross receipts from business done wholly within the State during the period of six months immediately preceding the first days of January and July of each year The time for filing reports may be extended estimated settlements may be made by the Department of Revenue if reports are not filed and the penalties for failing to file report and pay the tax shall be as prescribed by the laws defining the powers and duties of the Department of Revenue Provided That in any case where the works of any corporation company copartnership association joint-stock association limited partnership person or persons are operated by another corporation company copartnership association joint-stock association limited partnership person or persons the taxes imposed by this section shall be apportioned between the said corporations companies copartnership associations joint-stock associations limited partnerships person or persons in accordance with the terms of their respective leases or agreements but for the payment of the said taxes the Commonwealth shall first look to the corporoation company copartnership association joint-stock association limited partnership person or persons operating the works and upon payment by the said company corporation copartnership association joint-stock association limited partnership person or persons of a tax upon the receipts as herein provided derived from the operation thereof no other corporation company copartnership association joint-stock association limited partnership person or persons shall be held liable under this section for any tax upon the proportion of said receipts received by said corporation company copartnership association joint-stock association limited partnership person or persons for the use of said works

[Nothing contained in this] This act shall be construed [to impose any tax upon any municipality nor upon] to apply to municipalities and to impose a tax upon the gross receipts derived from any municipality owned and operated public utility or from any public utility service within the purview of this act furnished by any municipality

[No tax shall be collected under the provisions of this act from any municipality upon the gross receipts derived from the ownership and operation of any public utility or from the furnishing by any municipality of any public utility service prior to the passage of this amendment]

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 5, line 17, by striking out the light-faced brackets appearing before and after the words "Nothing contained in this"

Amend sec. 1, page 5, line 17, by striking out the word "This"

Amend sec. 1, page 5, line 18, by striking out the light-faced bracket appearing before the word "to"

Amend sec. 1, page 5, line 19, by striking out the light-faced bracket appearing after the word "upon"

Amend sec. 1, page 5, lines 19 and 20, by striking out the

following words: "to apply to municipalities and to impose a tax upon"

Amend sec. 1, page 5, line 22, by striking out the following words: "within the purview of this act"

Amend sec. 1, page 5, line 24, by striking out the light-faced bracket appearing before the word "No"

Amend sec. 1, page 5, line 28, by striking out the light-faced bracket appearing after the word "amendment"

On the question,

Will the House agree to the amendments?

Mr. ROBINSON. Mr. Speaker, I object, and ask that the House vote down these amendments.

Mr. HOOPES. Mr. Speaker and members of the House, these amendments to House Bill 841, Printer's No. 370, section 1, on page 5, are for the purpose of taking out the provisions which propose to make this tax apply to municipally owned utilities. It is our thought that in attempting to tax utilities we should not extend it to those utilities which are owned by the boroughs and cities and other municipalities in this Commonwealth. We are supposed to be here for the purpose of passing tax measures, not only to raise funds for the Commonwealth, but also to relieve the local tax burdens back home. A tax upon a municipally owned public utility cannot be paid by anybody except the local taxpayers, whom you are talking about relieving, and for that reason, in order to bring this issue and nothing else before the House, I have proposed these amendments. If I let the bill go through to third reading, as I did with one the other day, and oppose it at that time, then I am going to be in the position of having to vote against a tax upon privately owned utilities, which I have no desire to do. I do not think that it is at all desirable to extend this tax to municipally owned water companies and electric light plants. Our boroughs and cities have a heavy enough burden to carry at the present time and I can see no advantage in adding to it by extending these taxes to those particular plants, and the only thing that this amendment does to this bill is to take off the tax from your municipally owned utilities. So I ask the members of the House to support these amendments by voting "aye" and I ask for a roll call.

## MOTION TO POSTPONE

Mr. SOWERS. Mr. Speaker, I move that this bill together with the amendments be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. HOOPES and Mrs. WILSON and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Altenburg, | Habbyshaw, | Muir, | Stewart, |
| Atkins, | Hamilton, R. S., | Nothnagle, | Stockham, |
| Baine, | Hart, | Parks, | Turner, |
| Baker, F. T., | Hermansen, | Perry, | Van Allsburg, |
| Brennan, | Hoopes, | Peters, | Weidemann, |
| Brown, J. E., | Horst, | Phillips, | Westrick, |
| Carr, | Jackson, | Schrock, | Wickersham, |
| Cordier, | Jones, | Schwartz, | Wilson, |
| Davies, | Longaker, | Shreiner, | Wood, |
| Duffort, | McDevitt, | Simpson, | Woodside, |
| Ferko, | McKinney, | Snyder, F. E., | Yeakel, |
| Gates, | Moran, | Sowers, | Zimmerman, |
| Green, | | | |

NAYS—91

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Kelso, | Powers, |
| Alexander, | Downey, G. E., | Kilroy, | Reising, |
| Arnold, | Downey, J. J., | Kinney, | Robinson, |
| Aukerman, | Eberharter, | Klingler, | Ruffennach, |
| Baker, J. J., | Eroe, | Kobelak, | Sarraf, |
| Bernhard, | Falkenstein, | Long, | Scanlon, |
| Boose, | Finnerty, | Lovett, | Schrope, |
| Bradley, | Fitch, | Lynch, | Schwab, |
| Brancato, | Flanagan, | Male, | Shaw, |
| Brown, H. S., | Flinchbaugh, | McCreary, | Shepard, |
| Brownfield, | Furman, | McDermott, | Shugarts, |
| Brumbaugh, | Gerard, | Melchiorre, | Siegel, |
| Burke, | Haberlen, | Mentzer, | Smith, J. A., |
| Caputo, | Hagerty, | Mooney, | Stevens, |
| Carson, | Haluska, | Moul, | Tronzo, |
| Chervenak, | Hamilton, F. P., | Murrin, | Tumelty, |
| Coakley, | Harkins, | O'Keefe, | Walker, |
| Cohen, | Harmuth, | Ominsky, | Weiss, |
| Coleman, | Hartman, | Panton, | Welsh, |
| Coolahan, | Hetrick, | Patterson, J. W., | Yourishin, |
| Decker, | Hindman, | Pearson, | Zappala, |
| Dent, | Hirsch, | Pfaff, | Sarig, |
| Diehl, | Holstrom, | Piole, | |

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred and twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies and water companies and steam heating companies and to gross receipts of municipality owned or operated public utilities and public utility services previously exempt from the tax.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 842, entitled:

An Act to further amend section seven hundred and thirteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Com-

monwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring certain domestic insurance companies and associations to make certain reports in writing to the Department of Revenue on the fifteenth day of March one thousand nine hundred and thirty-five and every year thereafter

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred and thirteen of an act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred and seventy-four) is hereby further amended to read as follows

Section 713 Reports by Domestic Insurance Companies It shall be the duty of the president secretary or other proper officer of each and every insurance company association or exchange incorporated by or under any law of this Commonwealth [except] including companies doing business upon the mutual plan without any capital stock and purely mutual beneficial associations whose funds for the benefit of members their families or heirs are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon to make report to the Department of Revenue on or before the fifteenth day of March in each year showing the entire amount of premiums premium deposits contributions or assessments received by such company association or exchange during the year ending with the thirty-first day of December preceding whether the said premiums premium deposits contributions or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere In such report the reporting officer shall assess the tax provided by law upon the gross amount of such premiums premium deposits and assessments received from business transacted within this Commonwealth during such year but in making such report to the Department of Revenue and assessment of tax every such company association and exchange may make the deductions permitted by law

The second section was read as follows:

Section 2 It shall be the duty of the president secretary or other proper officer of each and every company and association required by this amendment for the first time to make report to the Department of Revenue to make such first report on or before the fifteenth day of March one thousand nine hundred thirty-five showing the entire amount of premiums premium deposits contributions or assessments received by such company or association during the year ending with the thirty-first day of December one thousand nine hundred and thirty-four whether the said premiums premium deposits contributions or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere

On the question,

Will the House agree to the section?

Mr. HOMER S. BROWN. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendment were read by the Clerk as follows:

Amend section 2, page 4, line 29 by striking out the boldface brackets before and after the word "March".

Amend section 2, page 4, line 29 by striking out after the word "[March]" and before the word "one" the word "[May]"

Amend section 2, page 4, line 29 by striking out after the word "hundred" and before the word "showing" the word "[thirty-five]"

and inserting in lieu thereof the word "thirty-six"

Amend section 2, page 5, line 4 by striking out after the word "and" and before the word "whether" the word "[thirty-four]"

and inserting in lieu thereof the word "thirty-five"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third and fourth sections and title were separately read and agreed to as follows:

Section 3 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 4 This act shall become effective immediately upon its final enactment

An Act to further amend section seven hundred and thirteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, and imposing penalties; effecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess,

or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring certain domestic insurance companies and associations to make certain reports in writing to the Department of Revenue on the fifteenth day of March, one thousand nine hundred and thirty-five, and every year thereafter.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 857 as follows:

An Act to amend section thirteen hundred and five of the act aproved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after ten years and repealing certain acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of .ees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 1305 Reports by Banks Fiduciaries Prothonotaries Et Cetera in the month of January of each year reports heretofore made to the Auditor General shall hereafter be made to the Department of Revenue as follows

(a) Every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation doing business in this Commonwealth [except] including savings funds savings institutions and savings banks [subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] which receives or has received deposits of moneys shall make a report of such deposits of money which shall not have been increased or decreased or if not increased or decreased on which interest is not known to have been credited on the pass-book or certificate of deposit of the depositor at his request within [fourteen] ten or more consecutive years next preceding the first day of said month The said period of [fourteen] ten years shall be computed from the date when the deposit was first made or was increased or decreased or interest was entered in the pass-book or on the certificate of deposit of the depositor whether the deposit was at such date in the possession of the depositor holding the same at the expiration of said period of [fourteen] ten years or was in the possession at said date of any other depository the deposits of which were afterwards taken over by a depository holding such deposit at the expiration of said period of [fourteen] ten years

(b) Every trustee guardian committee executor administrator assignee receiver or other person or corporation acting in any fiduciary capacity whatever shall make a report of all moneys or other estate held by him or it under a dry trust or under or by reason of an active trust which has terminated the beneficial owner or owners of which moneys or estate shall have been unknown or the whereabouts whereof shall have been unknown for a period of seven years next preceding the first day of said month

(c) Every prothonotary of a court of common pleas and every clerk of an orphans' court shall make a report of any estate or effects which shall have been paid into and deposited in the court of which he is an officer or shall be in the custody of any depository receiver or other officer of said court the rightful owner or owners of which estate or effects shall have been unknown or the whereabouts of such owner or owners shall have been unknown for the period of seven or more successive years next preceding the first day of said month

(d) Every person partnership limited partnership partnership association bank bank and trust company national bank trust company safe-deposit company or other corporation or association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping which has received and holds in any manner not elsewhere in this act mentioned any money belonging to another person or which has received and holds any other property or state of another person for storage or safe-keeping or otherwise in any manner whatsoever shall make a report of all such money or property so far as known the amount of which money has not been claimed or access to which property has not been had by the person for whom the same is held within seven or more successive year next preceding the first day of said month

(e) Every bank national bank bank and trust company trust company or other corporation association partnership limited partnership and partnership association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping in this Commonwealth except building and loan association shall

make a report of all dividends or profits declared by it to any stockholder or member and not paid for three or more successive years next preceding the first day of said month and all debts and interest on debts due by it to any creditor and not paid for three or more successive years next preceding the first day of said month and of all property held by it for the benefit of another person which property shall have been demandable by such other person for seven or more successive years next preceding the first day of said month and shall not have been received by such other person

Every report required by this section shall show the names and addresses of the depositors of such money or the owners of such property received for storage or safekeeping of the said stockholders members or creditors and of the persons entitled to demand the property held for the benefit of another in the cases respectively and the nature and amount of such deposits of money property dividends profits debts and interest on debts and property held for the benefit of another so far as known and if any such particulars be not known it shall be so stated and such particulars as are known shall be stated and such reports shall be in the form prescribed by the Department of Revenue and shall be verified by affidavit of the persons making the same and in the case of a corporation or other person not a natural person shall be made and verified by affidavit of the treasurer thereof or chief financial officer if there be no treasurer said affidavit to declare that the report is true and contains all the facts required by law to be reported

Every person liable to make such report shall permit the Department of Revenue acting through any deputy clerk accountant or attorney designated by it for that purpose to inspect the records books and papers of such person relating to the subject matter of such report and when required by the Department of Revenue by subpoena signed by the Secretary of Revenue designating a certain time and place any person whether liable to make such report or not shall attend as a witness before any deputy clerk accountant or attorney designated by it for that purpose with such records books and papers as the Department may require and shall answer fully such questions as may then be put to him concerning the subject matter of this section and permit full inspection of such records books and papers

No person shall be excused from answering or from attending and testifying or from producing books papers and records in any proceeding under the provisions of this section or in any proceeding criminal or otherwise relating to the subject matter thereof for the reason that the answer or testimony or evidence documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may answer or testify or produce evidence documentary or otherwise in any such proceedings Provided That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying

If any person or corporation shall fail to comply with any summons of the Department of Revenue for the attendance of persons or for the production of books accounts documents or papers or shall refuse to be sworn as a witness or refuse to testify fully as such or if any person or corporation shall refuse to permit any person designated by the Department of Revenue to inspect books accounts documents or papers as required by this section the Attorney General acting for the Department of Revenue may apply by petition in the name of the Commonwealth to the court of common pleas having jurisdiction and the court shall make such order on reasonable notice to such person or corporation as shall compel compliance with the law and the violation of such order shall be a contempt of such court and punishable as such The remedies herein provided shall be in addition to other remedies and penalties provided by law

No fee or reward shall be paid to any person for information which shall result in the escheat of any property which is reported or required to be reported under the provisions of this section but this section shall not apply to corporations which are not engaged in receiving deposits of money securities or other property for safekeeping

Section 2 Sections one two and three of the act approved the seventeenth day of April one thousand eight hundred and seventy-two (Pamphlet Laws sixty-two) entitled "An act relating to unclaimed deposits in savings banks and transfers of stock" and all acts amendatory and supplementary thereto are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 858 as follows:

An Act to further amend section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy eight), entitled "An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accured or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall escheat after ten years

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy-eight) entitled "An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" as last amended by the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred twenty-three) is hereby further amended to read as follows

Section 7 After any particular deposit of money made [otherwise than in a saving-fund savings institution or savings bank subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two) ] with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall not have been increased or decreased or if not increased or decreased shall not be known to have been credited with

interest on the pass book or certificate of deposit of the depositor at his request for the period of [fourteen] ten successive years the same shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest thereon actually accrued to the date of the decree for the escheat of the same whether such deposit was at the expiration of said period in the possession of the depositary with which it was originally deposited or in the possession of another depositary which took over mediately or immediately in any manner whether before or after the expiration of said period of [fourteen] ten years the deposits of the depositary with which the deposit was originally made

After the owner beneficial owner or person entitled to any of the following named moneys or property shall be and remain unknown or the whereabouts thereof shall have been unknown for the period of seven successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheatable in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same namely

(a) Moneys or other estate of any kind whatsoever held by any person bank national bank trust company or other association or corporation as guardian committee executor administrator assignee or receiver or as trustee under or by reason of any other trust the active duties of which have terminated except the delivery or payment to the beneficiaries thereunder of the subject of the trust and any increments accrued thereon

(b) Any moneys estate or effects paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of any such court

After any moneys or property held by any person bank national bank trust company or other corporation or by any association limited partnership or copartnership belonging to any other person the escheat of which is not otherwise provided for in this section has been and remained unclaimed by the person for whom the same is held for the period of seven or more successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

After any dividend or dividends profit or profits declared by any bank national bank trust company or other corporation or association or by any partnership and after any debt or interest on any debt or debts owed by any such bank national bank trust company or corporation association or copartnership shall have been and remained due and unpaid for three successive years such dividends or profits debt or interest on debt shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

Such escheat shall at the suggestion of the Auditor General be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the depositary fiduciary or debtor and all of his or its depositors beneficiaries or creditors for whom he or it holds unclaimed moneys escheatable under the provisions of this act in the appropriate court for the county where the debtor if an individual resides or if a corporation where it maintains its principal office Such action shall be brought in the court of common pleas except (a) Where it is sought to escheat unclaimed trust funds in which case the same shall be brought in the court having jurisdiction of such funds and except (b) where it is sought to escheat moneys paid into or deposited in a court or in the custody of any officer thereof in which case such action shall be brought in the court into which the money was paid or in which it was deposited or in the custody of an officer of which court the said moneys are

When the moneys have been paid into and are in the custody of any court the escheat of the same shall be determined and enforced at the suggestion of the Auditor General by a petition filed by the Attorney General in said court upon which proceedings shall be had as in other cases of escheat provided for by this section Proceedings for the escheat of moneys in the possession or custody of any officer of any court shall be by a bill as provided for by this section in other cases in which bill such officer and the persons entitled to such moneys shall be made codefendants

Any such escheat proceedings may be prosecuted whether the deposits dividends moneys funds or other property or estate sought to be escheated shall have been reported to the Auditor General in conformity with the provisions of this act or have not been so reported Any number of items may be joined in one action against one debtor though owed to different creditors

If service of the bill cannot be had on the creditors defendant within the State service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which the debtor is resident or has its principal office and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the debtor the creditor had his residence Publication may be made in such form as the court shall direct and need not contain any order or other paper in full

If such creditors or their legal representatives shall appear in the cause within the time limited by the court and establish their right to recover said sums from the debtor but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said sums to them after paying their proportionate part of the costs of the cause and of said advertising Provided That such persons on demand may have any issue of fact determined by a jury and if they shall not so appear and establish such right a decree shall be made that said sums have escheated and shall be paid by the debtor to the State Treasury for the use of the Commonwealth and the amount of such decree shall bear interest at the rate of twelve per centum per year from sixty days after the same is made and such decree shall be effectual to bar the creditors from claiming the said sums from the debtor An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein

An action may be begun in the nature of a bill for discovery merely with respect to the subject matter of this act whether in this or other sections hereof against the debtor without the necessity of specifying the items which should escheat with the right to compel an answer under oath to subpoena all persons as witnesses and to compel the production of all books papers and records and from time to time the bill may be amended to pray for the escheat of specific items under this section seven and to make parties to the bill the creditors as ascertained

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 923 as follows:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax imposed by this act on the shares of stock of banks and savings institutions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifteenth day of July one thousand eight hun-

dred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth shall on or before the fifteenth day of March in each and every year make to the Department of Revenue a report in writing verified as required by law setting forth the full number of shares of the capital stock subscribed for or issued as of the preceding thirty-first day of December by such bank or savings institution and the actual value thereof as of the preceding thirty-first day of December which actual value shall be ascertained as hereinafter provided It shall be the duty of the Department of Revenue to assess such shares for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of the State that is to say at the rate of [four] six mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares It shall be the duty of every bank or savings institution within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That in case any bank or savings institution having capital stock incorporated under the law of this State or of the United States shall collect annually from the shareholders thereof said box of [four] six mills on the dollar upon the actual value of all the shares of stock of said bank or savings institution according to the provisions of this act that have been subscribed for or issued and pay the same into the State Treasury through the Department of Revenue the shares and so much of the capital and profits of such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth and such bank or savings institution shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon The procedure in case the Department of Revenue be not satisfied with the report made by any bank or savings institution and the penalties for failing to make such report and pay the tax shall be provided by law

Section 2 This ace shall become effective on the first day of January one thousand nine hundred thirty-six

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 924, as follows:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred and seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations", approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by further modifying the procedure for the settlement collection and payment of the State tax on the stock of title insurance and trust companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of June one thousand nine hundred and seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entited 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" at last amended by the fact approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty-two) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplements or any other act of Assembly hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or a trust company under any act of Assembly hereafter approved shall on or before the fifteenth day of March in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the actual value thereof as of December thirty-first preceding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue to assess such shares for taxation at the

rate of six mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together [so much of] the amount of capital stock paid in the surplus and undivided profits [As is not invested in shares of stock of corporations liable to pay to the Commonwealth a tax on shares or

As is not invested in such portion of the capital stock of corporations liable to pay to the Commonwealth a capital stock tax as the capital stock of such corporation employed within this Commonwealth and liable to a capital stock tax bears to the total capital stock of such corporation or

As is not invested in such portion of the capital stock of corporations specifically relieved under the laws of this Commonwealth from the payment of a capital stock tax as the capital stock of such corporation employed within this Commonwealth and relieved from the payment of a capital stock tax bears to the total capital stock of such corporation -]

[And] and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue the shares and so much of the capital stock surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 948, as follows:

An Act imposing a State excise tax on electric power and current generated manufactured and sold within this Commonwealth providing for the collection of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties on certain persons associations partnerships corporations and State departments and imposing penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Electric Power Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Imposition of Tax Exemptions (a) Every person engaged in the business of manufacturing or generating hydroelectric power and current in this Commonwealth shall be subject to the payment of a State excise tax of one-half (½) mill upon each kilowatt hour of hydroelectric power and current so manufactured or generated

(b) Every person engaged in the business of manufacturing or generating electric power and current by the use of steam power in this Commonwealth shall be subject to the payment of a State excise tax of one-half (½) mill upon each kilowatt hour of electric power and current so manufactured or generated

(c) Every person engaged in the business of selling electric power and current within this Commonwealth shall be subject to the payment of a State excise tax of one-half (½) mill upon each kilowatt hour of electric power and current sold in this Commonwealth Provided That if such seller procures electric power or current which has been subject to the payment of the excise tax hereinbefore provided a credit on said tax to the amount of the excise tax already required to be paid by the person manufacturing or generating the same within this Commonwealth shall be allowed Provided further That the provisions of this act shall not apply to the electric power or current manufactured or generated in another state and brought into this Commonwealth until such power or current has lost its interstate character and immunities

(d) The excise taxes imposed by this section shall not be payable upon electric power and current manufactured generated or sold by the Commonwealth or any political subdivision thereof

(e) The excise taxes imposed by this section shall be in addition to all other taxes which now are or may hereafter be imposed by law

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every person liable to pay tax under this act on or before the fifteenth day of each month to transmit to the department upon a form prescribed and furnished by the department a report under oath or affirmation of electric power and current manufactured generated or sold in this Commonwealth during the preceding month upon which electric power and current tax is imposed by this act Such report shall show the number of kilowatt hours of such electric power and current manufactured generated or sold in the Commonwealth during the period for which it is made and such further information as the department shall prescribe

Every person liable for tax under this act at the time of making every report required by this section shall compute and pay to the department the tax due to the Commonwealth on electric power and current manufactured generated or sold by him during the preceding month The amount of all taxes imposed under the provisions of this act for each month shall be due and payable on the fifteenth day of the next succeeding month and shall bear interest at the rate of one per centum per month or fractional part of a month from the date they are due and payable until paid

If any person liable to pay tax under this act shall neglect or refuse to make any report or payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided

Section 5 Determination and Redetermination of Tax Penalties and Interest Due (a) If the department is not satisfied with the report and payment of tax made by any person under the provisions of this act it is hereby authorized and empowered to make a determination of the tax due by such person based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such person Within thirty (30) days after the date of any such determination such person may file with the department a petition for redetermination of such tax Every petition for redetermination shall state specifically

the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the department within ninety (90) days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the person against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the court of common pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any person liable to pay under this act shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such person and determine the amount due by him for taxes penalties and interest thereon as prescribed herein from which determination there shall be no right of review or appeal

Section 6 Requirements as to Meters Every person engaged in the business of manufacturing generating or selling electric power and current in this Commonwealth shall provide himself with and maintain the necessary meters or other instruments to show the amount of electric power and current manufactured generated or sold expressed in kilowatt hours and shall keep permanent legible records showing the number of kilowatt hours of electric power and current so manufactured generated or sold in each day

Section 7 Examination of Records and Equipment The department or any agent appointed in writing by it is hereby authorized to enter upon the premises and to examine the books papers records meters instruments and any other equipment and to investigate the character of the business of any person liable to pay tax under this act pertaining to the manufacture generation or sale of electric power and current taxable under this act to verify the accuracy of any report or payment made under the provisions of this act or to ascertain whether or not the tax imposed by this act has been paid but any information gained by the department as the result of the reports investigations or verifications herein required to be made shall be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment of not more than one (1) year or both

Every person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations

Section 8 Retention of Records Penalty Each person liable to pay tax under this act shall maintain and keep for a period of two years such record or records of electric power and current manufactured generated or sold in this Commonwealth by him together with such other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than one (1) year or both in the discretion of the court

Section 9 Collection of Unpaid Taxes Whenever the taxes penalties or interest imposed by this act are not paid within thirty (30) days after the date of their determination if no petition for redetermination has been filed or from the date of redetermination if no petition for review has been filed or within ninety (90) days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the board's time for acting upon such petition if no appeal has been made and in all cases of judicial sales assignments or bankruptcies the department shall call upon the Department of Justice to collect the same

On all claims for taxes penalties and interest hereunder which are collected after the institution of suit by the Department of Justice or any attorney employed by it there shall be paid by and recovered from the taxpayer for the use of the Commonwealth an Attorney General's commission of five (5) per centum upon the amount of recovery not exceeding ten thousand dollars ($10,000.00) and three (3) per centum upon the amount of the recovery in excess of ten thousand dollars ($10,000.00) and the payment of the Attorney General's commission shall not affect liability for any penalty or interest payable under this act The Attorney General's commission shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 10 Enforcement Rules and Regulations The department shall be charged with the enforcement of the provisions of this act and it is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act Such rules and regulations shall have the same force and effect as law and violations thereof shall be punishable as hereinafter provided

Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 11 Disposition of Fees Fines and Forfeitures Except as otherwise in this act provided and except as otherwise provided by the Constitution fees fines penalties and bail forfeited that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and credited to the General Fund

Section 12 Violations (a) Any person who shall fail neglect or refuse to make the report and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records papers meters instruments or other equipment pertaining to the manufacture generation and sale of electric power and current in this Commonwealth or who shall make any incomplete false or fraudulent report or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount of electric power and current manufactured generated or sold or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars

($1,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Any person who shall violate any rule or regulation of the department prescribed adopted or promulgated relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) and costs of prosecution or imprisonment for not more than six (6) months or both.

Section 13 Constitutionality If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 14 Effective Date This act shall become effective the first day of March one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1192 as follows:

An Act To provide revenue for State purposes by imposing an excise tax on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments and providing penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions title insurance companies and trust companies

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to the Federal Government subject however to any corrections thereof for fraud evasion or error as ascertained by the department together with all interest and dividends received by or accruing to such corporation excluding only dividends received from corporations the net incomes of which are subject to tax under this act and interest received upon bonds notes certificates and evidences of indebtedness of the United States of America and this Commonwealth Provided That no deductions shall be allowed from net income on account of any taxes paid to the Government of the United States

2 In case the entire business of any corporation is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's tangible property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditure of the corporation for wages salaries commissions and other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be appointed in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined by the department to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subjection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or mem-

bers thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth a State excise tax at the rate of six per centum per annum upon each dollar of net income of such corporation Such tax shall first be levied collected and paid upon all net income received by and accruing to such corporation on and after the first day of January one thousand nine hundred and thirty-five

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred and thirty-six and on or before the fifteenth day of April of each year thereafter to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of this return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation at the time of making the report required herein shall pay to the department the tax due to the Commonwealth by it for the preceding year The amount of all taxes imposed under the provisions of this act shall be due and payable at the time the report is required to be filed with the department under the provisions of this act and shall bear interest at the rate of twelve per centum per annum from the date they are due and payable until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation shall certify to the department that its fiscal year does not close upon the thirty-first day of December but upon some other date and that it reports to the Federal Government as of such other date or that it would so report were it to make a return to the Federal Government then such corporation may in the discretion of the department be permitted to make the report herein required within thirty (30) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The department may upon application made to it in such form as it shall prescribe permit or in its discretion require any corporation owning or controlling directly or indirectly substantially all of the capital stock of another corporation or of other corporations to make a consolidated report showing the combined net income

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed without penalty

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is changed or corrected by the Commissioner of Internal Revenue or by any other official of the United States such corporation within thirty (30) days after the receipt of such change or correction shall make report under oath or affirmation to the department of such changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such change or correction there should be any deduction made from the amount of the net income of any corporation upon which tax is imposed by this act the Board of Finance and Revenue shall have the power and its duty shall be to hear and determine any petition for the refund of taxes alleged to have been overpaid and upon the allowance of such petition to refund such taxes out of any appropriation made for the purpose or to credit the account of the corporation entitled to such refund All such petitions must be filed with the board within two (2) years of the date of such change or correction The action of the board on all such petitions shall be final

Section 8 Determination and Redetermination of Tax Penalties and Interest Due (a) If the department is not satisfied with the report and payment of tax made by any corporation under the provisions of this act or if at any time the net income as returned by any corporation to the Federal Government is changed or corrected by the Commissioner of Internal Revenue or by any other official of the United States with the result that tax in addition to the amount paid is due under this act it is hereby authorized and empowered to make a determination of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such corporation Within thirty (30) days after the date of any such determination such corporation may file with the department a petition for redeterimnation of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The department shall within ninety (90) days after the date of any determination dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the corporation against which such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety days (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue

may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioners

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and determine the amount due by it for taxes penalties and interest thereon as prescribed herein from which determination there shall be no right of review or appeal

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of his act and the collecion of taxes penalties and interest imposed by this act Such rules and regulations shall have the same force and effect as law and violations thereof shall be punishable in the same fashion as violations of provisions of this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and assess the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of two (2) years such record or records of its business within this Commonwealth and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully and corruptly make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report and to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act or who shall violate any rule or regulation prescribed adopted and promulgated by the department under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the direction of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 13 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

## RECONSIDERATION OF VOTE

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which House Bill No. 836, Printer's No. 175, on page 9, of today's calendar, was ordered to be transcribed for third reading, be reconsidered.

The motion was agreed to.

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which the House agreed to this bill on second reading be reconsidered.

The motion was agreed to.

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which the House agreed to the title be reconsidered.

The motion was agreed to.

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which the House agreed to sections four, three, two and one be reconsidered.

The motion was agreed to.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand two hundred one and one thousand two hundred four of the Act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or

reports under the law imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" be and the same are hereby amended to read as follows

Section 1201 Procedure Relating to Collection of Tax on Transfers of Property of Resident Decedents The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General in connection with the collection by the registers of wills of the several counties of transfer inheritance and estate taxes

The Department of Revenue shall have the power and its duty shall be

(a) To supervise the making of appraisements in estates of resident decedents and for this purpose to adopt and enforce rules and regulations for the just administration of the laws imposing transfer inheritance taxes

(b) To appoint or approve or disapprove the appointment fix the compensation and approve or disapprove all expense accounts of such appraisers [appointed by registers of wills to appraise decedents' estates] expert appraisers investigators clerks and other employes as may be necessary to enable the registers of wills of the several counties to collect transfer inheritance and estate taxes

(c) To supervise and direct the work of investigators appraisers expert appraisers permanent appraisers and other employes appointed [by the Auditor General] to assist registers of wills in enforcing the transfer inheritance tax laws

(d) To receive from the several registers of wills and enter in a book to be kept for the purpose the monthly statements of all returns made by appraisers during the preceding month upon which the taxes have been paid or remain unpaid

(e) To exercise all of the powers vested in the register of wills if the register of wills in any case fails within the time provided by law to take the proceedings necessary to secure the filing of the inventory or schedule of the property of a resident decedent or to collect the tax due and for this purpose to institute such proceedings as may be necessary charging to the register of wills and deducting from any commissions or fees otherwise due him all costs expenses and attorney's fees incurred by the department in connection with such proceedings

(f) In settling the accounts of registers or of any county treasurer who has acted prior to the qualification of the register of wills of his county to credit the accounting officer and deduct from the settlement all commissions due such officer for collecting transfer inheritance taxes the compensation and expense paid [with the approval of the Auditor General] to investigators appraisers and expert appraisers the costs of advertising and all other reasonable fees and expenses incurred in the collection of the tax and

(g) To receive from registers of wills all duplicate receipts for taxes paid to them by executors and administrators to charge the registers receiving the money with the amounts receipted for to seal with its official seal and countersign the original receipt and transmit it to the executor or administrator whereupon it shall be a proper voucher in the settlement of the estate In no event shall the executor or administrator be entitled to a credit in his account by the register unless the receipt is so sealed and countersigned by the Department of Revenue

Section 1204 Procedure Relating to Collection of Mercantile License Taxes and Fees Assessable by the Mercantile Appraisers The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General or by the Auditor General and city treasurers in cities of the first class in connection with the collection of mercantile license taxes auctioneers' brokers' agents' and factors' license taxes and all other license taxes and fees which it is the duty of mercantile appraisers to assess

The Department of Revenue shall have the power and its duty shall be

(a) To prepare cause to be printed and furnish blanks to be distributed by the mercantile appraisers of the several counties to vendors of and dealers in goods wares and merchandies auctioneers brokers agents and factors keepers for profit or shooting-galleries shuffleboard rooms billiard or pool rooms bowling alleys nine or ten pin alleys or any other alleys or places in which similar games are played owners or lessees of places of amusement buildings tents or enclosures who or which are now required by law to make returns to or file applications with the mercantile appraisers

All such blanks shall be in the form prescribed by the Department of Revenue shall request such information as may be necessary to assess the license tax or fee for the period to be covered by the return or application and shall contain an affidavit as to the correctness of the facts stated

(b) To prepare and furnish to the mercantile appraisers forms of notice to be left by them with vendors of or dealers in goods wares and merchandise brokers agents or factors and other persons assessable for license tax purposes specifying their respective classifications and the amount of license money due the Commonwealth

(c) To publish the mercantile appraisers' list of names and classification of each person subject to license in each county having a population of less than one million in not less than two or more than three newspapers of general circulation in such counties and in conjunction with the city treasurer to direct that such list and classification shall be published in four newspapers in cities of the first class The respective county treasurers shall pay for all advertising authorized hereunder at the rates and subject to the limitations now provided by law and subject to the approval of the bills therefor by the Department of Revenue

(d) To exonerate any county treasurer from the collection of any amount shown upon the list certified to the department as due the Commonwealth if it be shown to the satisfaction of the department that the party listed as owing such amount is not subject to the payment thereof according to the true intent and meaning of the act imposing the tax or license fee or that it is impracticable to collect and recover such amount [and]

(e) To investigate and ascertain the character and amount or volume of business transacted by any dealer vendor auctioneer broker agent factor or other person association or corporation required to make a return to or file an application with the mercantile appraiser of any county if through fraud accident or mistake such dealer vendor broker agent factor or other person shall fail to make a full complete and accurate return or the mercantile appraiser shall have failed to make a full complete and accurate report with respect thereto For the purpose of conducting such investigation the department shall have all the powers conferred upon it for the collection of State taxes in other cases and all taxes based upon such valuation shall be collectible at any time either before or after the expiration of the year for which the tax is to be paid and

(f) To appoint mercantile appraisers in the various counties and in cities of the first class and to appoint or approve the appointment of such clerks or assistants as may be necessary to enable the mercantile appraisers to perform the duties imposed upon them by law and to approve or disapprove all expense accounts of mercantile appraisers clerks and assistants appointed to assist them and to fix the compensation of such clerks or assistants

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 7, line 6 by inserting after the word "million" and before the word "in" the following: "five hundred thousand"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The second, third and fourth sections and title were separately read and agreed to as follows:

Section 2 At the end of Article II of the said Act the following sections are hereby added

Section 214 Appointment of Inheritance Tax Appraisers Investigators and Clerks The Department of Revenue shall have the power and its duty shall be to appoint or approve or disapprove the appointment and fix the compensation and approve or disapprove the expense accounts of such appraisers expert appraisers permanent appraisers investigators clerks and other employes as may be necessary to enable the registers of wills of the several counties to collect the transfer inheritance and estate taxes

Section 215 Appointment of Mercantile Tax Appraisers and Clerks The Department of Revenue shall have the power and its duty shall be to appoint or approve the appointment of mercantile appraisers in the varieus counties and in cities of the first class and such clerks or assistants as may be necessary to enable the mercantile appraisers to perform the duties imposed upon them by law and to approve or disapprove all expense accounts of mercantile appraisers or clerks or assistants appointed to assist them and to fix the compensation of such clerks or assistants

Section 3 Section four hundred six and four hundred seven of the said Act are hereby repealed All other acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 The amendment to Section one thousand two hundred one of The Fiscal Code contained in Section one of this act Section two hundred fourteen added to The Fiscal Code by Section two of this act and the repeal of Section four hundred seven of The Fiscal Code contained in Section three of this act shall become effective the first day of June one thousand nine hundred thirty-five

The amendment to Section one thousand two hundred four of The Fiscal Code contained in Section one of this act Section two hundred fifteen added to The Fiscal Code by Section two of this act and the repeal of Section four hundred six of The Fiscal Code contained in Section three of this act shall become effective the first day of January one thousand nine hundred thirty-six

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Law, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by adding new sections and repealing certain sections; changing the method of appointing certain agents and employes of the Commonwealth engaged in the appraisement and collection of inheritance and estate taxes and mercantile taxes and license fees; and further defining the powers and duties of the Department of Revenue in the collection of such taxes and license fees.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 306 as follows:

An Act providing for the registration of milk bottles and containers forbidding refilling using selling purchasing giving taking retaining destroying disposing or trafficking in same without the written consent of owners imposing penalties fines and imprisonment providing for issuing process in the nature of a search warrant providing what shall constitute prima facie proof forbidding defacement covering up removing or concealing name mark or device defining procedure providing disposition of fines providing that appeal will not invalidate conviction for second offence but that sentence shall await decisions of appeal providing that the requiring taking or accepting a deposit shall not be deemed a sale providing that registration prior to this act entitles registrants to benefits of act and providing for the transfer of certificates of registration

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person copartnership association or corporation engaged in bottling selling or delivering milk or cream with his her their or its name or names or other mark or marks or device or devices branded stamped engraved blown impressed or otherwise produced on the bottles or containers in which said milk or cream is bottled sold or delivered may file in the office of the Secretary of the Commonwealth a description of the name or names marks or devices so used by him her them or it respectively and cause such description to be printed once a week for two weeks successively in a newspaper published in the county in which the principal office or place of business of the owner shall be located and upon legal proof being furnished the Secretary of the Commonwealth a certificate shall be issued by the Secretary of the Commonwealth upon payment of the sum of one dollar which certificate shall be competent evidence in any court of law of the Commonwealth of Pennsylvania of the right of such person or persons or such corporation or corporations to absolute use of such bottles or containers with such devices marked thereon and of the publication and registration of the same

Section 2 It is hereby declared unlawful for any person corporation partnership or association other than the owner thereof to refill such bottle or bottles or other containers marked in the manner described in section one with milk or cream or to use said bottles or containers for any purpose whatsoever or to deface cover up or otherwise remove or conceal such name mark or device thereon or to sell buy give take retain or destroy or otherwise dispose of or traffic in the same without the written consent of the owner or owners thereof being first obtained

Section 3 If any person shall make oath before any magistrate or justice of the peace of any city borough or township of this Commonwealth that he has reason to believe and does believe that any of the bottles or other containers the property of any person firm or corporation who have complied with the provisions of the first section of this act are being unlawfully used filled or trafficked in retained or destroyed or possessed by any person firm or corporation or that any junk-dealer in secondhand articles or any other person firm or corporation has any such bottles or other containers in his her their or its possession or secreted in any place such magistrate or justice of the peace shall issue a search warrant which may be served at any time during the day or night to discover and obtain the same and to bring before such magistrate or justice of the peace the bottles or other containers so found

Section 4 The use possession control in any manner whatsoever of five or more bottles by any person copartnership association or corporation whose device name or mark shall be or shall have been upon any such marked or distinguished bottle or who shall have the legal right to use and control such bottle or other containers after a description of such name mark or device shall have been filed and published in the manner provided for in the first section of this act and a certificate issued therefor without the written consent as aforesaid or the buying selling disposing of destroying or trafficking in any such bottles or other containers by any person other than the owner or owners thereof without such written consent or having in his her their or its possession by any junk-dealer or other dealers in second-hand articles of any such bottles or other containers a description of the marks names or devices thereon shall have been so filed and published as aforesaid without such written consent is declared to be prima facie evidence of the unlawful use retention purchase of or traffic in such bottles or other containers

Section 5 Any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association or any individual violating any of the provisions of the second section of this act shall for the first offence be subject to a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) together with the costs or prosecution upon summary conviction before any magistrate alderman or justice of the peace or in case of nonpayment of such fine and costs of prosecution to undergo an imprisonment in the county jail for a period not exceeding twenty (20) days

Section 6 Any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association or individual violating any of the provisions of the second section of this act shall if charged before a magistrate alderman or justice of the peace in a summary proceeding with a second or any subsequent violation of the provisions of the second section of this act and upon conviction of the offence so charged be sentenced by such magistrate alderman or justice of the peace to pay a fine of not less than fifty dollars nor more than two hundred and fifty dollars or to undergo an imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months or both and to pay the costs of prosecution Proof of a former conviction under this act may be by testimony of any person or persons who were present at the time of the first conviction of plea of guilty and heard the ruling and sentence of the presiding magistrate alderman or justice of the peace

Section 7 A pending appeal from a summary conviction under this act will not invalidate a prosecution and conviction for a subsequent offence In such case the magistrate alderman or justice of the peace before whom such second or subsequent conviction shall be had shall postpone sentence until the appellate court or courts finally reverse or affirm the prior conviction In the event that the prior conviction is reversed and there is no other prior conviction upon which to base a second offence charge the magistrate shall impose the sentence provided by section five of this act In the event the prior conviction is affirmed by the appellate court the magistrate or justice of the peace shall impose the sentence provided by section six of this act Pending a final decision by the appellate court the defendant shall be admitted to reasonable bail

Section 8 Any person convicted and sentenced under the provisions of the fifth sixth or seventh sections of this act shall have the right of appeal with express leave of court upon petition as in other cases of summary conviction

Section 9 Upon the conviction of any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association of violating any of the provisions of this act any bottles or containers marked in accordance with the provisions of section one of this act found in the possession of the corporation partnership or association employing said general manager or superintendent or other person in charge of the work shall be returned to the registered owner of said bottles or other containers and upon the conviction of any other individual in like manner shall the bottles and containers found in his or her possession be returned to the registered owner

Section 10 All fines collected under the provisions of this act shall be paid to the county where said conviction was had

Section 11 The requiring taking or accepting of any deposit upon the delivery of any bottle or other container the name mark or device upon which has been filed and published as provided for in the first section of this act shall not be deemed to constitute a sale thereof either optional or otherwise

Section 12 Any person copartnership association or corporation having heretofore filed in any of the offices mentioned in the first section of this act a description of the name or names marks or devices under his her their or its property herein mentioned and having also caused the same to be published according to the law existing at the time of such filing and publication shall not be required to again file and publish such description in order to be entitled to the benefits of this act Provided however That if such person copartnership association or corporation shall have obtained a certificate from the Secretary of the Commonwealth and thereafter retire from business such person copartnership association or corporation shall have the right to legally transfer such certificate to such person or persons corporation or corporations who shall succeed such persons in the business aforesaid

Section 13 In the event that any one or more of the provisions of this act should be decided to be unconstitutional the court's decision holding the same unconstitutional shall not affect the validity of the remaining provisions of this act it being the intention of the Legislature that the provisions of this act are severable

Section 14 All laws or parts of laws inconsistent herewith be and the same are hereby repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—130

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Longaker, | Schrope, |
| Alexander, | Downey, J. J., | Lovett, | Schwab, |
| Allen, | Duffort, | Lynch, | Schwartz, |
| Altenburg, | Eberharter, | Male, | Shepard, |
| Arnold, | Eroe, | McCreary, | Shortz, |
| Atkins, | Falkenstein, | McDermott, | Shreiner, |
| Aukerman, | Finnerty, | McDevitt, | Shugarts, |
| Baker, J J., | Fitch, | McElroy, | Simpson, |
| Baldi, | Flanagan, | McKinney, | Smith, J. A., |
| Barber, | Flinchbaugh, | Melchiorre, | Smith, W. G., |
| Bernhard, | Furman, | Mentzer, | Snyder, F. E., |
| Bradley, | Gates, | Moomaw, | Sowers, |
| Brancato, | Green, | Mooney, | Stank, |
| Brennan, | Habbyshaw, | Moran, | Stevens, |
| Brown, H. S., | Hagerty, | Moul, | Stockham, |
| Brown, J. E., | Hamilton, F. P., | Muir, | Sumney, |
| Brownfield, | Harkins, | Murrin, | Surface, |
| Brumbaugh, | Hart, | Nagel, | Tronzo, |
| Burke, | Hartman, | Nothnagle, | Tumelty, |
| Cannon, | Hermansen, | O'Keefe, | Van Allsburg, |
| Caputo, | Hetrick, | Ominsky, | Van Sickle, |
| Carr, | Hindman, | Panton, | Walker, |
| Carson, | Hirsch, | Parks, | Weidemann, |
| Castor, | Holstrom, | Patterson, J. W., | Weiss, |
| Chervenak, | Hoopes, | Pearson, | Welsh, |
| Coakley, | Horst, | Peters, | Westrick, |
| Cochran, | Jackson, | Pfaff, | Wickersham, |
| Cohen, | Kilroy, | Piole, | Wood, |
| Coleman, | Kinney, | Powers, | Woodside, |
| Coolahan, | Klingler, | Rhys, | Yourishin, |
| Decker, | Kobelak, | Roan, | Zappala, |
| Dent, | LaRue, | Ruffennach, | Zimmerman, |
| Diehl, | Long, | Scanlon, | Sarig, |
| Dilley, | | | |

NAYS—7

| | | | |
|---|---|---|---|
| Andrews, | Baker, F. T., | Schrock, | Weidemann, |
| Baine, | Haluska, | Turner, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 720, as follows:

An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended sections six hundred and fifty-four six hundred and fifty-five and six hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties to acquire lands for recreational purposes parkways bridle paths and foot paths

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections six hundred and fifty and six hundred and fifty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" are hereby amended to read as follows

Section 650 Power to Acquire Land and Buildings The county commissioners of any county may designate and set apart for use as parks parkways bridle paths foot paths playgrounds playfields gymnasiums public baths swimming pools or indoor recreation centers any lands or buildings owned by such county and not dedicated or devoted to other public use The county commissioners may also acquire lands or buildings for such purposes by gift or purchase or may lease lands or buildings in such county for temporary use for such purposes

Section 651 Equipment and Maintenance The authority to supervise build and maintain parks parkways bridle paths foot paths playgrounds playfields gymnasiums public baths swimming pools or indoor recreation centers may be vested in any existing body or board or in a park board or recreation board as the county commissioners may determine The county commissioners of the county may equip operate and maintain the parks parkways bridle paths foot paths playgrounds playfields gymnasiums swimming pools public baths or indoor recreation centers as authorized by this act and may for the purpose of carrying out the provisions of this act employ play leaders recreation directors supervisors superintendents or any other officers or employes as they deem proper

Section 2 Section six hundred and fifty-two of said act as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 652 Park and Recreation Boards If the county commissioners shall determine that the power to supervise parks parkways bridle paths foot paths playgrounds playfields gymnasiums public baths swimming pools or recreation centers shall be exercised by a park board or recreation board they may establish in said county such park board or recreation board which shall possess all the powers and be subject to all the responsibilities of the respective county commissioners Either such boards when established shall consist of not less than five persons The members of such boards shall be appointed by the commissioners of such county and shall serve for terms of five years or until their successors are appointed except that the members of such board first appointed shall be appointed for such terms that the terms of all the members shall not expire in the same year Members of such board shall serve without pay Women shall be eligible for appointment Vacancies in such board occurring otherwise than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments

Section 3 Sections six hundred and fifty-four six hundred and fifty-five and six hundred and fifty-six of said act are hereby amended to read as follows

Section 654 Joint Action Any county may jointly with any other county or any city borough township or school district acquire property for and operate and maintain any parks parkways bridle paths foot paths playgrounds playfields gymnasiums public baths swimming pools or indoor recreation centers

Section 655 Indebtedness The county commissioners may issue bonds for the purpose of acquiring lands or buildings for parks parkways bridle paths foot paths playgrounds playfields gymnasiums swimming pools public baths or indoor recreation centers and for the equipment thereof

Section 656 Payment of Expenses Taxation All expenses incurred in the operation of such parks parkways bridle paths foot paths playgrounds playfields gymnasiums swimming pools public baths and indoor recreation centers established as herein provided shall be payable from the treasury of such county The county commissioners may annually appropriate and cause to be raised by taxation such tax not to exceed two mills on the dollar of the assessed valuation of taxable property in such county for the purpose of maintaining and operating parks parkways bridle paths foot paths playgrounds playfields gymnasiums public baths swimming pools and recreation centers

Section 4 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. WESTRICK. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Weidemann.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. WEIDEMANN. I will, Mr. Speaker.

Mr. WESTRICK. Mr. Speaker, will the gentleman kindly inform the House just what is the purpose of this bill, whether it pertains to some specific case or whether it is intended to be a general proposition.

Mr. WEIDEMANN. Mr. Speaker, it is intended to cover a specific case, but it covers all counties. You will notice that the bill has now been amended—I believe to remove the objection to the bill. You will also notice that the right of eminent domain has been taken from the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—105

| | | | |
|---|---|---|---|
| Andrews, | Diehl, | Klingler, | Shepard, |
| Atkins, | Dilley, | LaRue, | Simpson, |
| Baine, | Downey, G. E., | Longaker, | Sloan, |
| Baker, F. T., | Duffort, | Lovett, | Sowers, |
| Barber, | Falkenstein, | Male, | Stevens, |
| Bernhard, | Finnerty, | Mallen, | Stewart, |
| Boose, | Furman, | McDermott, | Stockham, |
| Bradley, | Green, | McDevitt, | Surface, |
| Brancato, | Habbyshaw, | McKinney, | Tumelty, |
| Brennan, | Haberlen, | Mentzer, | Turner, |
| Brown, H. S., | Hagerty, | Moomaw, | Van Allsburg, |
| Brown, J. E., | Haluska, | Moul, | Van Sickle, |
| Brownfield, | Harkins, | Muir, | Wall, |
| Brumbaugh, | Hart, | O'Keefe, | Weidemann, |
| Cannon, | Hartman, | Ominsky, | Weiss, |
| Caputo, | Hermansen, | O'Neill, | Welsh, |
| Castor, | Hetrick, | Panton, | Westrick, |
| Chervenak, | Hindman, | Peters, | White, |
| Coakley, | Hirsch, | Piole, | Wickersham, |
| Cochran, | Holland, | Powers, | Wood, |
| Cohen, | Holstrom, | Reynolds, | Woodside, |
| Coleman, | Hoopes, | Robinson, | Yeakel, |
| Coolahan, | Horst, | Ruffennach, | Yourishin, |
| Cordier, | Jackson, | Sarraf, | Zappala, |

| | | | |
|---|---|---|---|
| Davies, | Kelso, | Schrope, | Zimmerman, |
| Decker, | Kilroy, | Schwartz, | Sarig, |
| Dent, | Kinney, | Shaw, | |

NAYS—28

| | | | |
|---|---|---|---|
| Achterman, | Fitch, | McCreary, | Robinson, |
| Alexander, | Flanagan, | McElroy, | Scanlon, |
| Allen, | Flinchbaugh, | Mooney, | Schwab, |
| Baker, J. J., | Hamilton, F. P., | Moran, | Shugarts, |
| Boose, | Kobelak, | Murrin, | Smith, J. A., |
| Burke, | Long, | Nagel, | Smith, W. G., |
| Downey, J. J., | Lynch, | Patterson, J. W., | Sumney, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## HOUSE BILLS NOS. 836, 837, 838, 840, 841 AND 842 MADE SPECIAL ORDER

Mr. FURMAN. Mr. Speaker, I move that House Bill No. 836, Printer's No. 175, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securties belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by adding new sections and repealing certain sections; changing the method of appointing certain agents and employes of the Commonwealth engaged in the appraisement and collection of inheritance and estate taxes and mercantile taxes and license fees; and further defining the powers and duties of the Department of Revenue in the collection of such taxes and license fees.

House Bill No. 837, Printer's No. 375, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies heretofore exempt, and increasing the rate of tax on the capital stock of fire and marine insurance companies.

House Bill No. 838, Printer's No. 374, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax upon the capital stock of certain corporations joint-stock associations limited partnerships and companies heretofore exempt and increasing the rate of tax on the capital stock of fire and marine insurance companies

House Bill No. 840, Printer's No. 369, entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by imposing upon certain domestic insurance companies and associations a gross premiums tax on business for the year ending one thousand nine hundred and thirty-four and every year thereafter and requiring such companies and associations to make reports in writing to the Department of Revenue

House Bill No. 841, Printer's No. 370, entitled:

An Act to further amend section twenty-three of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred and twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies, and water companies and steam heating companies, and to gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax.

And House Bill No. 842, Printer's No. 372, entitled:

An Act To further amend section seven hundred and thirteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring certain domestic insurance companies and associations to make certain reports in writing to the Department of Revenue on the fifteenth day of March one thousand nine hundred and thirty-five and every year thereafter

be made a special order of business on third reading and final passage on Monday evening, March 25, 1935, beginning at 9:30 o'clock.

The motion was agreed to.

## HOUSE BILLS NOS. 857, 858, 923, 924, 948 AND 1192 MADE SPECIAL ORDER

Mr. FURMAN. Mr. Speaker, I move that House Bill No. 857, Printer's No. 179, entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred and forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth, by requiring every person, copartnership, bank, national bank, bond and trust company, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and saving bank to report unclaimed deposits after ten years; repealing certain acts.

House Bill No. 858, Printer's No. 180, entitled:

An Act to further amend section seven of the act approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy eight), entitled "An act providing for the escheat of deposits of money or property of another received for storage or safekeeping; the dividends, profits, debts, and interest on debts of corporations, companies, banks, trust companies, insurance companies, limited partnerships, and partnership associations, organized under the laws of this Commonwealth, except mutual saving-fund society not having a capital stock represented by shares, and except also building and loan associations, and property held for the benefit of another by the same, and the profits, accretions, and interest on such property, as well as interest thereon accrued, or which should have accrued, between the fixing of the amount of such property by the award of any court and the actual distribution thereof," by requiring that unclaimed deposits with every person, copartnership, bank, national bank, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank, shall escheat after ten years.

House Bill No. 923, Printer's No. 373, entitled:

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax imposed by this act on the shares of stock of banks and savings institutions.

House Bill No. 924, Printer's No. 371, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection, and payment of the State tax on the stock of title insurance and trust companies.

House Bill No. 948, Printer's No. 368, entitled:

An Act imposing a State excise tax on electric power and current generated, manufactured and sold within this Commonwealth; providing for the collection of the tax and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties on certain persons, associations, partnerships, corporations, and State departments; and imposing penalties.

And House Bill No. 1192, Printer's No. 267, entitled:

An Act to provide revenue for State purposes by imposing an excise tax on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax; conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; and providing penalties.

be made a special order on third reading and final passage on Tuesday morning, March 26, 1935, beginning at 11:30 o'clock.

The motion was agreed to.

## RECONSIDERATION OF VOTE

Mr. SOWERS. Mr. Speaker, I move that the vote by which House Bill No .306, Printer's No. 379, entitled:

An Act providing for the registration of milk bottles and containers, forbidding refilling, using, selling, purchasing, giving, taking, retaining, destroying, disposing or trafficking in same without the written consent of owners, imposing penalties, fines and imprisonment, providing for issuing process in nature of a search warrant; providing what shall constitute prima facie proof, forbidding defacement, covering up, removing or concealing name, mark or device; defining procedure; providing disposition of fines; providing that appeal will not invalidate conviction for second offence, but that sentence shall await decisions of appeal, providing that the requiring, taking or accepting a deposit shall not be deemed a sale; providing that registration prior to this act entitles registrants to benefits of act, and providing for the transfer of certificates of registration.

on page 15 of today's calendar, passed finally be reconsidered.

Mr. HOOPES. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Sowers, vote on the final passage of the bill.

Mr. SOWERS. Mr. Speaker, I voted in the affirmative.

The SPEAKER. How did the gentleman from Berks, Mr. Hoopes, vote on the final passage of the bill.

Mr. HOOPES. Mr. Speaker, I voted in the affirmative.

On the question,

Will the House agree to the motion?

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Sowers.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SOWERS. I will, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, will the gentleman from Philadelphia kindly inform me as to reason for his motion?

Mr. SOWERS. Mr. Speaker, in answer to the gentleman from Allegheny, the bill really escaped my attention when it was acted upon, and I wanted to oppose the bill for the reason that it contains these words, that anybody can ask for a search warrant if they swear to this fact, and they then can search your house at midnight or any hour whatever, "that he has reason to believe and does believe that any of the bottles or other containers, the property of any person, firm or corporation, who have complied with the provisions of the "act has bottles secreted in any place that a warrant may be served at any time during the day or night to discover and obtain the same." I thought we had enough experience during prohibition with the issuance of search warrants day or night, searching peoples' homes for liquor, and I can't understand why we should search a man's home at night merely for a milk bottle.

Mr. HOOPES. Mr. Speaker and members of the House, I would like also to call attention to the fact that under this bill a magistrate or justice of the peace can sentence a person to imprisonment for not less than thirty days nor more than six months to the county prison.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

## BILL POSTPONED

Mr. HINDMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1299 (Senate Bill No. 148), entitled:

An Act authorizing counties cities boroughs townships poor districts school districts or other municipalities or incorporated districts to rent lease and hire suitable office and warehousing space and provide suitable accommodations therein within said districts or municipalities for distributing funds and merchandise or both by emergency relief boards

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—136

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Longaker, | Schrope, |
| Alexander, | Eberharter, | Lovett, | Schwab, |
| Allen, | Eroe, | Lynch, | Schwartz, |
| Altenburg, | Falkenstein, | Male, | Shaw, |
| Arnold, | Finnerty, | McCreary, | Shepard, |
| Atkins, | Fitch, | McDermott, | Shortz, |
| Aukerman, | Flanagan, | McDevitt, | Shreiner, |
| Baine, | Furman, | McElroy, | Shugarts, |
| Baker, F. T., | Gates, | McKinney, | Siegel, |
| Baker, J J., | Gerard, | Melchiorre, | Simpson, |
| Barber, | Gillette, | Mentzer, | Smith, J. A., |
| Bernhard, | Green, | Moomaw, | Smith, W. G., |
| Boyd, R., | Habbyshaw, | Mooney, | Snyder, F. E., |
| Bradley, | Hagerty, | Moran, | Sowers, |
| Brancato, | Haluska, | Moul, | Stockham, |
| Brennan, | Hamilton, F. P., | Muir, | Sumney, |
| Brown, H. S., | Harkins, | Munley, | Surface, |
| Brown, J. E., | Harmuth, | Murrin, | Tronzo, |
| Brownfield, | Hart, | Nagel, | Tumelty, |
| Brumbaugh, | Hartman, | Nothnagle, | Van Allsburg, |
| Burke, | Hermansen, | O'Keefe, | Van Sickle, |
| Cannon, | Hetrick, | Ominsky, | Walker, |
| Caputo, | Hindman, | O'Neill, | Weidemann, |
| Carson, | Hirsch, | Panton, | Weiss, |
| Castor, | Holland, | Parks, | Welsh, |
| Chervenak, | Holstrom, | Patterson, J. W., | Westrick, |
| Coakley, | Hoopes, | Pearson, | White, |
| Cochran, | Horst, | Peters, | Wickersham, |
| Cohen, | Jackson, | Pfaff, | Wood, |
| Coleman, | Jones, | Piole, | Woodside, |
| Coolahan, | Kilroy, | Powers, | Yeakel, |
| Decker, | Kinney, | Reynolds, | Yourishin, |
| Diehl, | Klingler, | Rhys, | Zappala, |
| Dilley, | Kobelak, | Roan, | Zimmerman, |
| Downey, G. E., | LaRue, | Ruffennach, | Sarig, |
| Downey, J. J., | Long, | Scanlon, | |

NAYS—3

| | | |
|---|---|---|
| Dent, | Haberlen, | Stevens, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1160 (Senate Bill No. 89), entitled:

An Act to validate acts done and contracts, conveyances, transfers, and mortgages of property made, to or by any corporations of the first class, created or intended to be created by decree of the courts of common pleas, granting a charter, where the applicants for incorporation had failed to register its proposed name as required by law; and to validate charters of corporations of the first class, granted since the sixteenth day of May, one thousand nine hundred and twenty-three, where there was a failure to register the name of title of the proposed corporation at the time of filing its application for a charter as required by law; providing for the subsequent filing of such registration; and providing for the amendment of names or titles of such corporations in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—141

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | LaRue, | Schrope, |
| Alexander, | Duffort, | Long, | Schwab, |
| Allen, | Eberharter, | Longaker, | Schwartz, |
| Altenburg, | Eroe, | Lovett, | Shaw, |
| Andrews, | Falkenstein, | Lynch, | Shepard, |
| Arnold, | Finnerty, | Male, | Shortz, |
| Atkins, | Fitch, | McCreary, | Shreiner, |
| Aukerman, | Flanagan, | McDermott, | Shugarts, |
| Baine, | Flinchbaugh | McDevitt, | Siegel, |
| Baker, F. T., | Furman, | McElroy, | Simpson, |
| Baker, J J., | Gates, | McKinney, | Smith, J. A., |
| Baldi, | Gerard, | Melchiorre, | Smith, W. G., |

| | | | |
|---|---|---|---|
| Barber, | Gillette, | Mentzer, | Snyder, F. E., |
| Bernhard, | Green, | Moomaw, | Sowers, |
| Boyd, R., | Habbyshaw, | Mooney, | Stank, |
| Bradley, | Haberlen, | Moran, | Stevens, |
| Brancato, | Hagerty, | Moul, | Stockham, |
| Brennan, | Haluska, | Muir, | Sumney, |
| Brown, H. S., | Hamilton, F. P., | Munley, | Surface, |
| Brown, J. E., | Harkins, | Murrin, | Tronzo, |
| Brownfield, | Harmuth, | Nagel, | Tumelty, |
| Brumbaugh, | Hart, | Nothnagle, | Van Allsburg, |
| Burke, | Hartman, | O'Keefe, | Van Sickle, |
| Cannon, | Hefferon, | Ominsky, | Walker, |
| Caputo, | Hermansen, | O'Neill, | Weidemann, |
| Carson, | Hetrick, | Panton, | Weiss, |
| Castor, | Hindman, | Parks, | Welsh, |
| Chervenak, | Hirsch, | Patterson, J. W., | Westrick, |
| Coakley, | Holland, | Pearson, | White, |
| Cochran, | Holstrom, | Peters, | Wickersham, |
| Cohen, | Hoopes, | Pfaff, | Wood, |
| Coleman, | Horst, | Piole, | Woodside, |
| Coolahan, | Jackson, | Powers, | Yeakel, |
| Decker, | Jones, | Reynolds, | Yourishin, |
| Dent, | Kilroy, | Rhys, | Zappala, |
| Diehl, | Kinney, | Roan, | Zimmerman |
| Dilley, | Klingler, | Ruffennach, | Sarig, |
| Downey, G. E., | Kobelak, | Scanlon, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1485 (Senate Bill No. 152), entitled:

An Act authorizing the exoneration of taxes assessed or levied against any property, purchased for hospital uses, upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes.

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 628, entitled:

An Act to further amend section seventeen of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing lesser fees for parts of a year.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—141

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Long, | Schrope, |
| Alexander, | Eberharter, | Longaker, | Schwab, |
| Allen, | Eroe, | Lovett, | Schwartz, |
| Altenburg, | Falkenstein, | Lynch, | Shaw, |
| Arnold, | Finnerty, | Male, | Shepard, |
| Atkins, | Fitch, | McCreary, | Shortz, |
| Aukerman, | Flanagan, | McDermott, | Shreiner, |
| Baine, | Flinchbaugh, | McDevitt, | Shugarts, |
| Baker, F. T., | Furman, | McElroy, | Siegel, |
| Baker, J J., | Gates, | McKinney, | Simpson, |
| Barber, | Gillette, | Melchiorre, | Smith, J. A., |
| Bernhard, | Green, | Mentzer, | Smith, W. G., |
| Boyd, R., | Habbyshaw, | Moomaw, | Snyder, F. E., |
| Bradley, | Haberlen, | Mooney, | Sowers, |
| Brancato, | Hagerty, | Moran, | Stank, |
| Brennan, | Haluska, | Moul, | Stevens, |
| Brown, H. S., | Hamilton, F. P., | Muir, | Stockham, |
| Brown, J. E., | Harkins, | Munley, | Sumney, |
| Brownfield, | Harmuth, | Murrin, | Surface, |
| Brumbaugh, | Hart, | Nagel, | Tronzo, |
| Burke, | Hartman, | Nothnagle, | Tumelty, |
| Cannon, | Hefferon, | O'Keefe, | Van Allsburg, |
| Caputo, | Hermansen, | Ominsky, | Van Sickle, |
| Carson, | Hetrick, | O'Neill, | Walker, |
| Castor, | Hindman, | Panton, | Weidemann, |
| Chervenak, | Hirsch, | Parks, | Weiss, |
| Coakley, | Holland, | Patterson, J. W., | Welsh, |
| Cochran, | Holstrom, | Pearson, | Westrick, |
| Cohen, | Hoopes, | Peters, | White, |
| Coleman, | Horst, | Pfaff, | Wickersham, |
| Coolahan, | Jackson, | Piole, | Wood, |
| Decker, | Jones, | Powers, | Woodside, |
| Dent, | Kilroy, | Reynolds, | Yeakel, |
| Diehl, | Kinney, | Rhys, | Yourishin, |
| Dilley, | Klingler, | Roan, | Zappala, |
| Downey, G. E., | Kobelak, | Ruffennach, | Zimmerman, |
| Downey, J. J., | LaRue, | Scanlon, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 563, as follows:

An Act to amend paragraph (b) of section six of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" by providing for the requirements of this paragraph to apply also to candidates for ward borough township school district or party offices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (b) of section six of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers

including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by the act approved the eighteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred forty-four) be and the same is hereby amended to read as follows

Section 6 (b) Each candidate for any State county [or] city ward borough township school district or party office shall file with his nomination petition his affidavit stating his residence with street and number if any and his postoffice address his election district the name of the office for which he consents to be a candidate that he is eligible for such office and that he will not knowingly violate any election law or any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith Provided That in no event shall any person's name be printed upon the official ballot of any party as a delegate State committeeman National committeeman or party officer unless he is a qualified elector of said party

In the case of a candidate for nomination as President of the United States it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates but the postoffice address of such candidate shall be stated in such nomination petition

Section 2 This act shall be effective immediately upon its passage and approval by the Governor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—143

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | LaRue, | Schrope, |
| Alexander, | Duffort, | Long, | Schwab, |
| Allen, | Eberharter, | Longaker, | Schwartz, |
| Altenburg, | Eroe, | Lovett, | Shaw, |
| Andrews, | Falkenstein, | Lynch, | Shepard, |
| Arnold, | Finnerty, | Male, | Shortz, |
| Atkins, | Fitch, | McCreary, | Shreiner, |
| Aukerman, | Flanagan, | McDermott, | Shugarts, |
| Baine, | Flinchbaugh, | McDevitt, | Siegel, |
| Baker, F. T., | Furman, | McElroy, | Simpson, |
| Baker, J J., | Gates, | McKinney, | Smith, J. A., |
| Baldi, | Gerard, | Melchiorre, | Smith, W. G., |
| Barber, | Gillette, | Mentzer, | Snyder, F. E., |
| Bernhard, | Green, | Moomaw, | Sowers, |
| Boyd, R., | Habbyshaw, | Mooney, | Stank, |
| Bradley, | Haberlen, | Moran, | Stevens, |
| Brancato, | Hagerty, | Moul, | Stockham, |
| Brennan, | Haluska, | Muir, | Sumney, |
| Brown, H. S., | Hamilton, F. P., | Munley, | Surface, |
| Brown, J. E., | Harkins, | Murrin, | Tronzo, |
| Brownfield, | Harmuth, | Nagel, | Tumelty, |
| Brumbaugh, | Hart, | Nothnagle, | Van Allsburg, |
| Burke, | Hartman, | O'Keefe, | Van Sickle, |
| Cannon, | Hefferon, | Ominsky, | Walker, |
| Caputo, | Hermansen, | O'Neill, | Weidemann, |
| Carson, | Hetrick, | Panton, | Weiss, |
| Castor, | Hindman, | Parks, | Welsh, |
| Chervenak, | Hirsch, | Patterson, J. W., | Westrick, |
| Coakley, | Holland, | Pearson, | White, |
| Cochran, | Holstrom, | Peters, | Wickersham, |
| Cohen, | Hoopes, | Pfaff, | Wood, |
| Coleman, | Horst, | Piole, | Woodside, |
| Coolahan, | Jackson, | Powers, | Yeakel, |
| Decker, | Jones, | Reynolds, | Yourishin, |
| Dent, | Kilroy, | Rhys, | Zappala, |
| Diehl, | Kinney, | Roan, | Zimmerman, |
| Dilley, | Klingler, | Ruffennach, | Sarig, |
| Downey, G. E., | Kobelak, | Scanlon, | |

NAYS—1

Schrock,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## TIME EXTENDED ON BILL

Mr. McDEVITT. Mr. Speaker, I move that the time on House Bill No. 631, Printer's No. 303, entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

on page 20 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

## RESOLUTION

### REMOVING PETITION IN HALL OF HOUSE

Mr. ARNOLD offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 21, 1935.

Resolved, That the Chief Clerk of this House be directed to have removed from the rear of the Hall of the House of Representatives, the present partition as early as possible, and that the Chief Sergeant-at-Arms be directed to keep clear, during sessions of the House, the space between the railing in the rear of the Hall of the House and the rear wall of the House, which space shall be reserved exclusively for consultations between Members of the House during sessions.

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker and members of the House, I have no objection to the immediate consideration of this resolution, except that I wonder whether the men that sit in the back of the House and who are most affected have had an opportunity to consider this resolution at all. There are a number of seats vacant back there and it seems to me that it would be unfair to pass a resolution of this kind which does not affect a lot of us who sit down here.

Mr. SPEAKER. The Chair will state for the information of the gentleman from Delaware that this is a matter which has been more or less agitated since the beginning of the session. The Chair had given orders to take down the partition and then upon the objection of one or two members in the rear of the hall, after the carpenter had removed part of the partition it was allowed to remain. It is, therefore, up to the members of the House themselves

whether they want this partition to remain as it is or whether they want to have it taken down.

Mr. EBERHARTER. Mr. Speaker and members of the House, I did not know that this resolution was going to be presented this morning, so I am not very well prepared to discuss the matter at length. However, I can say for the information of the members in the front seats that the members in the rear row are very much bothered by the noise right in back of us. It is very, very difficult to hear many of the members when the are discussing bills or interrogating other members of the House.

I am especially in favor of that part of the resolution which will have the effect of keeping this space clear in the back. It seems that the Sergeants-at-Arms have not been able to keep order back there, and there have been many times when I have asked the Assistant Sergeant at Arms to try and get a little more order. We members in the rear row like to hear everything that is going on, but under present conditions we have been unable to do so and unable to give the proper attention to the business of the House. Therefore, speaking for myself, I am very much in favor of the resolution. I think we should try it for a while and see whether or not it will work out better than with the conditions as they are at present.

Mr. REYNOLDS. Mr. Speaker and members of the House, I would not want to oppose this resolution in its entirety, but I would like to see the partition stay. Two or three of the members have complained that there is always a draft here, and if we are going to have a consulting room or space for the members here, we will still be annoyed with the noise. I see no harm in allowing the partition to stay as it is and still keeping the space as a consulting room for the members. If the resolution were worded in that form, I would be for it because several members here think it would be a protection for them.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, a great number of the members in the rear seats are new members and are unacquainted with the condition that existed before the partition was erected. I am sure at this point that the condition is almost intolerable at times. It seems to me as though this arrangement turns all this noise in at this doorway, very similar to a megaphone, and whether or not it would be a good plan to tear down this partition is a matter that I think should be largely left up to the older members who knew the conditions before it was erected. Certainly we ought to have some protection from the annoyances of these noises in the rear of the hall.

Mr. McKINNEY. Mr. Speaker and members of the House, I sat in the rear row during the last session of the General Assembly and I just want to add this word of testimony that in my opinion the conditions after the partition was erected were worse than before the partition was put up. It certainly does not add to the attraction of the House.

Mr. LOVETT. Mr. Speaker and members of the House, I sat in the back of the House during the last session, and I want to confirm the remarks that have been offered here by several gentlemen. I believe the condition was worse after the partition was put up. They get the idea that they are in a separate room and that they can go ahead and talk. So, therefore, I think it ought to be taken down.

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I sat in the rear of the House for several weeks before the partition was erected. I found that there was more noise after the partition was erected for the reason that the gentleman from Westmoreland, Mr. Lovett, has stated: the people in the rear of the seats seemed to think they were in a separate room and that it was not necessary to be quiet. There was also a draft back there. I have talked the matter over with ventilating engineers and they claim that if that partition was taken down the ventilation would be alright. I see no advantages in it whatever. I would like to hear from Mr. Hoopes who has been sitting back there for several years.

Mr. WESTRICK. Mr. Speaker and members of the House, having sat in the second last row during the regular session of 1933 and our special session, I want to concur in what has been expressed by the two members who have just spoken. It seemed to me that as soon as that wall—that is what I call it—was erected people got the idea they could talk out loud, that it didn't make any difference, that it didn't affect the membership at all, and matters were really worse afterwards than they were before. As a lover of beauty I think it mars the beauty of this room, and, therefore, I am heartily in favor of the wall being taken down.

Mrs. WILSON. Mr. Speaker and members of the House, I have been sitting here both before and after the erection of the wall under discussion. I have no particular objection to having the wall removed, but I am afraid that we will have some of the difficulty that we have at the present time. The Chief Clerk has said that the visitors would be removed after the partition is taken down and that the space behind here would be left open for purposes of consultation by the members. I am afraid that if the members are not careful that we would have just as much difficulty in hearing as we have had from the outsiders. If the members who consult in the back do so quietly, it will not annoy us, but one group can make just as much noise as the other group. So if the space is kept clear, as the Chief Clerk indicates, I don't believe it will annoy us in the back seats when the wall is taken down.

The SPEAKER. The Chair would like to say that he has received complaints ever since the beginning of the session about the noise from the back part of the House. The Chair has begged and pleaded and done almost everything else possible to try and preserve order, but there are a certain number of visitors who persist in simply thumbing their noises at the Chair and think they ought to play. They come in here every Monday night, some of them apparently under the influence of liquor, and they go in back of the rail and they carry on as though they were on the street or somewhere else.

The Chair wishes to state that if this resolution is passed, the Chair will keep the space back of the rail clear and the members may use it as a conference room. The Chair directed in the early part of the session that the members, for consultation, should use the conference room in the back part of the House, but the members themselves have not carried out the orders of the Chair. It is up to the members to decide whether they want order or not. The Chair is not going to throw away his voice altogether in trying to maintain order. If you want order, vote to clear the space and behave yourselves accordingly while in your seats. If you don't want order, the Chair isn't going to keep on begging and pleading and pleading and begging and begging and pleading the way the Chair has been for weeks and weeks. It is up to the members of

the House to say whether they want order or whether they want pandemonium.

Mr. GATES. Mr. Speaker and members of the House, this is the first time I have been a member of this House. I am not acquainted with the conditions existing before and I do not want to oppose this resolution if the House will reconsider the proposition after the partition has been taken down and we find the conditions more intolerable; if upon the petion of those sitting in the rear of the House, the House will reconsider its action and restore the partition, we will be satisfied.

The SPEAKER. The Chair wishes to inform the gentleman that the partition will be kept intact and will be put in storage, and if at any time the members decide to put it back, naturally it will be put back,—put back over night. The members of the House have the right and the power to decide all things by a majority vote, and if the majority of the House decides one way or the other it is their privilege, and at any time it can be taken out of storage and restored over night.

Mr. MOOMAW. Mr. Speaker and members of the House, I believe if each member of the House would, as far as it is humanly possibly refrain from helping outsiders to get through the door, it would help out materially in the plans of the Speaker in attempting to break up the noise in the rear of the House. I have seen members—I might say that I have been guilty of it myself—assist persons through the door and pass them by the Sergeant-at-Arms, when in reality we had no particular business with that particular outsider other than doing the favor of bringing them on the floor of the House. I think if we do that we will bring about the results desired by the members in the rear of the House as well as by the Speaker himself.

Mr. MUIR. Mr. Speaker and members of the House, I would like to add that since the Chair this week made the order about the people in back of the hall it has been a great deal better to hear in the rear seats than it was before. I don't believe it is necessary to take the partition down. I believe it is a sort of protection from the draft that comes through those doors. I want to commend the Chair for the order that was given this week to clear the space in back of the partition which made it easier to hear and understand what was going on.

Mr. REYNOLDS. Mr. Speaker and members of the House, I would like to ask the Speaker if we would not get the same result by allowing the partition to stay there and enforcing the order of the Chair to keep the people out of the rear. My fellow member, Mr. Jackson, has been suffering with a cold during the whole week, and he thinks that it is on account of the draft. Now, if you take the partition down, you will certainly be subjected to people passing at all times and also to the draft. I think you will get the same result if you will only enforce that order. Of course, we all feel that you have done a magnificent thing in enforcing the order so far.

Mr. KANE. Mr. Speaker and members of the House, I wish to state that I was one of the members who went to the Speaker and requested him to do something about the very bad conditions in this corner of the room. It has been a source of daily embarrassment to the members of the House. People in the rear rows have had to stand up repeatedly and ask to have their vote recorded, because they couldn't hear the Speaker and the Speaker couldn't hear them.

I want to call the attention of the members to the fact that this is a two way proposition. While it is difficult for us to hear speakers in the House, it is nearly impossible for the Speaker of the House to hear us because of the noise that comes over that partition and goes up to the Speaker's chair, so that he can hear somebody conversing back there more easily than persons who are speaking from the floor in this part of the House.

The Speaker has considered this matter for a long time, I know, because I talked to him about it a week or more ago, and he had at that time considered this whole proposition and started to take the partition down on one occasion.

I ask the members of the House to abide by the good judgment of the Speaker, who knows his business, and let us take this partition down. If we do not like it when it is down, I am certain that the Speaker will reconsider the action taken and do everything possible to make conditions more satisfactory.

I would like to see this resolution carried unanimously.

Mr. STEWART. Mr. Speaker and members of the House, our Speaker has been a school teacher and he doesn't want this obstruction, because he wants to see what is going on. So I think we ought to take it down and abide by what he requests.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

## REPORTS FROM COMMITTEES

Mr. VanSICKLE, from the Committee on Cities reported as amended, House Bill No. 811, entitled:

An Act to amend section one thousand two hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," prohibiting mayors from holding other public offices.

Mr. VanSICKLE, from the Committee on Cities reported as amended, House Bill No. 932, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government, providing the procedure for the adoption or discontinuance thereof, making suitable provisions for the conduct of city government thereunder, and in connection therewith imposing certain duties on mayors, city councils, county commissioners and election officers.

Mr. STEVENS, from the Committee on Education reported as committed, House Bill No. 802 (Senate Bill No. 56), entitled:

An Act to amend clause (d) of section ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled, "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," as amended, by defining the powers of the courts on appeals from the Department of Public Instruction.

## BILLS INTRODUCED AND REFERRED

By Mr. SCHROPE. HOUSE BILL No. 1717.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Northumberland.

Referred to the Committee on Highways.

By Mr. McDERMOTT. HOUSE BILL No. 1718.

An Act making an appropriation to the Sacred Heart Hospital, Fourth and Chew Streets, Allentown, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. DAVIES. HOUSE BILL No. 1719.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lackawanna.

Referred to the Committee on Highways.

By Messrs. MOOMAW, JOHN A. SMITH and MORAN. HOUSE BILL No. 1720.

An Act relating to local taxation; establishing a semi-centralized system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of all county, borough, town, township and certain school and poor taxes through the county treasurer as county tax collector, and through local delinquent tax collectors; defining the powers and duties of the county treasurer and delinquent tax collectors and of counties, boroughs, towns, townships and school and poor districts regulating date of certification of tax levies; and imposing penalties;

Referred to the Committee on Counties.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. CANNON (Concurrent). RESOLUTION No. 102.

March 21, 1935.

Whereas, Utility Companies demanded public hearings lately staging demonstrations opposing legislation referring to their interest regarding taxation, and

Whereas, The public who use the product of the Utility Companies have sought fair rates and fair play for years, and

Whereas, The Public Service Commission hold the key to the situation, and

Whereas, The Philadelphia Electric Company in the City of Brotherly Love have hundreds of thousands of consumers for the electric they produce, and

Whereas, Thousands of these consumers are charged with obtaining electric current fraudlently, and

Whereas, The Philadelphia Electric Company of the said City of Philadelphia allow this to continue seeking evidence of fraud, therefore be it

Resolved, The Public Service Commission of this Commonwealth request the Public Utility Companies furnishing electric current present a record of these charges to the Public Utility Committee at the Public hearing on Wednesday, March 27, 1935, be it further

Resolved, A copy of this resolution be forwarded to the Public Service Commission and The Philadelphia Electric Company of Philadelphia by the Chief Clerk of the House.

Referred to the Committee on Public Utilities.

## ADJOURNMENT

Mr. PFAFF. Mr. Speaker, I move that this House do now adjourn until Monday evening, March 25, 1935, at 9:00 o'clock.

The motion was agreed to, and (at 11:59 o'clock A. M.) the House adjourned until Monday, March 25, 1935, at 9:00 o'clock P. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, MARCH 25, 1935 No. 34

## SENATE

MONDAY, March 25, 1935.

The Senate met at 9 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Oh, Thou God of nations, look down in compassion upon the world. It is Thy world for Thou didst make it and dost preserve it. It is today a perplexed and confused world.

The lust of greed and the desire for power burn in many hearts—thus is Thy law often disregarded and Thy standards of righteousness are set at naught.

We pray that the clouds of war which are gathering on the other side of the ocean may be dispelled by Thy breath, so that the sunshine of peace may again make happy millions of human hearts.

In our own land give wisdom to the leaders of thought and to those in high official positions, so that our national problems may be speedily solved and prosperity may bless our people.

In our Commonwealth grant wisdom to our Governor, his counsellors and the legislators who frame our laws, so that the serious questions confronting them may be met heroically and to the honor of Thy great name.

Abundantly endow this Senate with Thy grace. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BUCKMAN, the further reading was dispensed with, and the Journal approved.

### SPECIAL ELECTION FOR SENATOR IN THE TWELFTH SENATORIAL DISTRICT

The PRESIDENT. By virtue of the authority vested in me by the Constitution and the laws of the Commonwealth, I have issued a writ for a special election, to be held on Tuesday, April 9th, in the Twelfth Senatorial District, composed of the County of Montgomery, to fill the vacancy caused by the death of the Honorable James S. Boyd. This writ has been served on the Sheriff of the County of Montgomery and will be entered in the Legislative Journal.

Commonwealth of Pennsylvania ss:

To the Sheriff of the County of Montgomery:

Greetings: Where a vacancy exists in the office of Senator of the State of Pennsylvania, for the Twelfth Senatorial District, composed of the County of Montgomery, by reason of the death on March thirteenth, one thousand nine hundred and thirty-five, of Honorable James S. Boyd, Senator from said Senatorial District.

Now, therefore, I, Thomas Kennedy, President of the Senate, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania, and by the Act of Assembly, in such case made and provided, do hereby command you: That you cause an election to be held in the said Twelfth Senatorial District of the State of Pennsylvania, on Tuesday, ninth day of April, A. D. One thousand nine hundred and thirty-five, to choose a person to represent said Twelfth Senatorial District in the Senate of Pennsylvania, for the remainder of the term expiring November thirtieth, One thousand nine hundred and thirty-eight, and that you give due and public notice of said election throughout said Twelfth Senatorial District in form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this twentieth day of March, One thousand nine hundred and thirty-five.

SEAL

THOMAS KENNEDY,
President of the Senate.

State of Pennsylvania }
County of Montgomery } ss

THOMAS H. DANN, being duly sworn according to law, says that he resides at Yeadon, Delaware County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on the Honorable Haseltine S. Lever, High Sheriff of the County of Montgomery on Thursday, March 21, One thousand nine hundred and thirty-five, at 10:40 o'clock A. M., at the office of said Sheriff in the Borough of Norristown, Pennsylvania, a special writ of election for the Twelfth Senatorial District, composed of the County of Montgomery, a copy of which is hereto affixed, by command of the Honorable Thomas Kennedy, Lieutenant-Governor of the Commonwealth and President of the Senate.

THOMAS H. DANN,
Sergeant-at-Arms.

Sworn and subscribed to this 21st day of March, 1935, A. D.

(Signed)

ABRAM D. HALLMAN,
Justice of the Peace,
Second Ward, Norristown, Pa.

My Commission Expires First Monday in January, 1940.

### LEAVES OF ABSENCE

Mr. BUCKMAN asked and obtained leave of absence for the Senator from Luzerne, Mr. Sordoni on account of illness.

Mr. BUCKMAN asked and obtained leave of absence for the Senator from Luzerne, Mr. Harvey on account of illness.

Mr. BAUMER asked and obtained leave of absence for the Senator from Lycoming, Mr. Sones on account of illness.

## PETITIONS

### FAVORING SENATE BILLS NOS. 218 AND 219.

The Chair cleared his table and laid before the Senate petitions signed by numerous residents of Lycoming and Luzerne Counties favoring enactment of Senate Bills Nos. 218 and 219.

Which were referred to the Committee on Judiciary Special.

### FAVORING REVISION OF THE CONSTITUTION

The Chair also laid before the Senate petition from the Northwest Business Men's Association, Philadelphia, favoring revision of the Constitution.

Which was referred to the Committee on Constitutional Changes.

### FAVORING AMENDMENT TO THE SUNDAY LAWS

The Chair also laid before the Senate petitions from the 25th Ward United Democratic Club, Philadelphia, favoring amendment to the Sunday Laws.

Which was referred to the Committee on Law and Order.

### PROTESTING AGAINST FURTHER AMENDING THE SUNDAY LAWS

The Chair also laid before the Senate petitions from The Board of Administration, United Presbyterian Church, Pittsburgh, The Presbyterian Ministerial Association, Pittsburgh, numerous residents of Robinson Township, and numerous citizens of Woodcock protesting against further amending the Sunday Laws.

Which was referred to the Committee on Law and Order.

### FAVORING AN INCREASE IN THE GASOLINE TAX

The Chair also laid before the Senate petition from C. B. Johns, Ebensburg, favoring an increase in the tax on gasoline.

Which was referred to the Committee on Finance.

### PROTESTING AGAINST REVISION OF WORKMEN'S COMPENSATION ACT

The Chair also laid before the Senate petition from the First Catholic Slovak Union, Chicago, Ill., protesting against amending the Workmen's Compensation Act.

Which was referred to the Committee on Labor and Industry.

### FAVORING HOUSE BILL NO. 494

The Chair also laid before the Senate petition from Dennis Dugan, Mauch Chunk, favoring enactment of House Bill No. 494.

Which was referred to the Committee on Education.

### OPPOSING THE VARIOUS TAX BILLS NOW BEFORE THE SENATE AND HOUSE

The Chair also laid before the Senate petition from the Sunbury Unemployment Council, Sunbury, opposing the various tax bills now before the House and Senate.

Which was referred to the Committee on Finance.

### FAVORING REDUCTION OF TAXES ON REAL ESTATE

The Chair also laid before the Senate petitions from the Real Estate Owners Association of Indiana and Allegheny Counties favoring reduction of taxes on real estate.

Which was referred to the Committee on Finance.

### PROTESTING AGAINST THE CHAIN STORE TAX

Mr. COYNE presented petition from Mr. M. Pollacheck, Pittsburgh, protesting against the proposed chain store tax.

Which was referred to the Committee on Finance.

### PROTESTING AGAINST FURTHER INCREASING THE GASOLINE TAX

Mr. REED (Washington) presented petitions from Pawnee Grange, North Bethlehem Township, and from the members of Gretna Grange protesting against further increasing the tax on gasoline.

Which was referred to the Committee on Finance.

### FAVORING CERTIFICATES OF COMPETENCY FOR ALL MINERS

He also presented petition from Local Union No. 6275 U. M. W. of A. favoring certificates of competency for all miners.

Which was referred to the Committee on Labor and Industry.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 62 (Senate Bill No. 667), entitled:

An Act to amend article three, section one, clause (c) of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "Public Service Company Law" by abolishing deposits to secure future payments and penalties for delayed payments of rates and requiring the crediting of minimum charges toward the payment for service.

Which was committed to the Committee on Public Utilities.

House Bill No. 88 (Senate Bill No. 668), entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

Which was committed to the Committee on Appropriations.

House Bill No. 224 (Senate Bill No. 669), entitled:

An act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

Which was committed to the Committee on Municipal Government.

House Bill No. 563 (Senate Bill No. 670), entitled:

An Act to amend paragraph (b) of section six of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "Uniform Primary Election Law," by providing for the requirements of this paragraph to apply also to candidates for ward, borough, township, school district or party offices.

Which was committed to the Committee on Elections.

House Bill No. 580 (Senate Bill No. 671), entitled:

An Act authorizing and empowering county commissioners of this Commonwealth of the counties of the second class within this Commonwealth to destroy certain public records.

Which was committed to the Committee on County Government.

House Bill No. 628 (Senate Bill No. 672), entitled:

An Act to further amend section seventeen of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three, (P. L. 710), entitled "Boxing and Wrestling Law," by providing lesser fees for parts of a year.

Which was committed to the Committee on Military Affairs.

House Bill No. 711 (Senate Bill No. 673), entitled:

An Act to abolish the Journal of the House of Representatives and to adopt the Legislative Journal as the official Journal of the House of Representatives.

Which was committed to the Committee on Judiciary General.

House Bill No. 720 (Senate Bill No. 674), entitled:

An Act to amend sections six hundred and fifty, six hundred and fifty-one section six hundred and fifty-two as amended, sections six hundred and fifty-four, six hundred an fifty-five and six hundred and fifty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," empowering counties to acquire lands for recreational services, parkways, bridle paths and foot paths by eminent domain.

Which was committed to the Committee on County Government.

House Bill No. 826 (Senate Bill No. 675), entitled:

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred and thirty-three (P. L. 804), entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard," making such continuity of service effective for qualification for service medals.

Which was committed to the Committee on Military Affairs.

House Bill No. 86[illegible] (Senate Bill No. 676), entitled:

An Act requiring cities of the first class to allow members of the fire departments twenty-four consecutive hours of rest in each week and fourteen days vacation each year except in emergency cases.

Which was committed to the Committee on Municipal Government.

House Bill No. 918 (Senate Bill No. 677), entitled:

An Act to prohibit deductions from wages of employes for the payment of store bills for goods, wares and merchandise; declaring certain contracts, agreements and understandings against public policy and void; and providing penalties.

Which was committed to the Committee on Judiciary Special.

House Bill No. 925 (Senate Bill No. 678), entitled:

An Act to provide revenue for State and county purposes, and, in cities coextensive with counties, for State and city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation.

Which was committed to the Committee on Finance.

House Bill No. 955 (Senate Bill No. 679), entitled:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes, and to the payment of such funds to school districts for general school purposes.

Which was committed to the Committee on Education.

House Bill No. 1227 (Senate Bill No. 680), entitled:

An Act authorizing the courts of quarter sessions to stay sales of goods and chattels distrained upon by sureties of defaulting tax collectors; and providing a procedure to exonerate the sureties where delinquent taxpayers are unable to pay taxes, and to direct satisfaction of the taxes charged in duplicates where it appears such taxes have been paid.

Which was committed to the Committee on Judiciary General.

House Bill No. 1240 (Senate Bill No. 681), entitled:

An Act relating to the purchase and sale of old gold; and prescribing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 1242 (Senate Bill No. 682), entitled:

An Act relating to the maintenance of insane, feebleminded, and other persons confined in various institutions by counties of the second class; fixing liability for their support; providing for the collection of the monies due the counties of the second class therefor, and for proceedings relating thereto.

Which was committed to the Committee on County Government.

House Bill No. 1245 (Senate Bill No. 683), entitled:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" eliminating compensation to owners whose property is destroyed to abate nuisances.

Which was committed to the Committee on Municipal Government.

House Bill No. 1246 (Senate Bill No. 684), entitled:

An Act to amend section two hundred and four of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" as amended further regulating the establishment and maintenance of certain branch offices or agencies.

Which was committed to the Committee on Banking.

House Bill No. 1247 (Senate Bill No. 685), entitled:

An Act to amend section eighteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," changing the method of service of writs on persons who are without the Commonwealth, and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located.

Which was committed to the Committee on Judiciary General.

House Bill No. 1248 (Senate Bill No. 686), entitled:

An Act to amend section five of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "Municipal Claim and Tax Lien Law," as amended by providing that all property owned by any county, city, or other municipality or municipal division, and actual places of religious worship, places of burial not held or used for private or corporate profit, and institutions of purely public charity, shall be subject to roadway paving claims.

Which was committed to the Committee on Municipal Government.

House Bill No. 1266 (Senate Bill No. 687), entitled:

An Act to repeal the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 992) entitled "An act prohibiting cities, boroughs, towns and townships to increase or diminish the salary, compensation or emoluments of elected officers after their election," heretofore repealed as to cities of the second class, cities of the third class, townships of the first class and townships of the second class, as far as the same relates to boroughs.

Which was committed to the Committee on Municipal Government.

House Bill No. 1269 (Senate Bill No. 688), entitled:

An Act to amend section eight hundred and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 688), entitled "Insurance Company Law of 1921," by requiring policies of mutual insurance companies, other than mutual life companies, to show that the insured may become subject to assessment.

Which was committed to the Committee on Insurance.

House Bill No. 1287 (Senate Bill No. 689), entitled:

An Act providing when, how, and under what circumstances and conditions a claimant, being a county, municipality, township or school district may at a judicial sale on a tax or municipal claim bid in the real estate for record costs or postpone the sale; for the procedure, in such cases, by petition, rule, notice, hearing and decree of Court to sell said real estate freed and cleared of all taxes, municipal claims, liens, mortgages, ground rents, charges and estates and to prorate the proceeds of said sale if insufficient to pay all tax and municipal claims in full; for the stay of proceedings; for redemption and priority thereof and of the status of liens during said period; and for the right of a tax or municipal claimant to purchase the real estate at the sale pursuant to said petition.

Which was committed to the Committee on Municipal Government.

House Bill No. 1479 (Senate Bill No. 690), entitled:

An Act to amend the title and section three of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg, Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

Which was committed to the Committee on State Government.

House Bill No. 1480 (Senate Bill No. 691), entitled:

An Act to amend the title and section one as amended, and section three, of the act approved the tenth day of April, one thousand nine hundred and thirty-one (P. L. 23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Pennsylvania Historical Commission; providing for cooperation by the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by transferring the control and supervision of said park to the Department of Forests and Waters.

Which was committed to the Committee on State Government.

House Bill No. 112 (Senate Bill No. 692), entitled:

An Act to amend section two hundred sixty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," making Sunday fishing with rods and lines lawful.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 132 (Senate Bill No. 693), entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certified after examination by a miners examining board, providing for the appointment of such boards, and defining their powers and duties; and providing penalties.

Which was committed to the Committee on Judiciary Special.

House Bill No. 501 (Senate Bill No. 694), entitled:

An Act authorizing the Department of Highways to build, construct and maintain sidewalks along State Highways in townships of the second class, for the protection of public school pupils; requiring townships of the second class to contribute to the cost of such building and construction; and appropriating from the Motor License Fund.

Which was committed to the Committee on Highways.

House Bill No. 609 (Senate Bill No. 695), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes' Retirement Law," permitting the assignment of rights by members in certain cases.

Which was committed to the Committee on State Government.

House Bill No. 1061 (Senate Bill No. 696), entitled:

An Act requiring banks, trust companies bank and trust companies, private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances.

Which was committed to the Committee on Banking.

House Bill No. 1206 (Senate Bill No. 697), entitled:

An Act to fix the status of officers and employes of the Commonwealth while in training with the armed forces of the United States.

Which was committed to the Committee on Military Affairs.

House Bill No. 1267 (Senate Bill No. 698), entitled:

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws six hundred sixty-five) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof"

Which was committed to the Committee on Municipal Government.

House Bill No. 1268 (Senate Bill No. 699), entitled:

An Act to repeal the act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 250), entitled "An act authorizing boroughs to redeem outstanding bonds, and for that purpose issue and sell new interest-bearing bonds, and to provide a fund for the redemption thereof."

Which was committed to the Committee on Municipal Government.

House Bill No. 1270 (Senate Bill No. 700), entitled:

An Act to amend section five hundred and thirty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "Insurance Company Law of 1921," by giving to certain former policyholders of mutual fire insurance companies the same rights as persons holding policies at the time of such mutual company becoming a stock company.

Which was committed to the Committee on Insurance.

House Bill No. 1354 (Senate Bill No. 701), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

Which was committed to the Committee on Banking.

## HOUSE CONCURS IN SENATE BILL NO. 89

He also returned to the Senate, Senate Bill No. 89, entitled:

An Act to validate acts done and contracts, conveyances, transfers, and mortgages of property made, to or by any corporation of the first class, created or intended to be created by decree of the courts of common pleas, granting a charter, where the applicants for incorporation had failed to register its proposed name as required by law; and to validate charters of corporations of the first class, granted since the sixteenth day of May one thousand nine hundred and twenty-three, where there was a failure to register the name of the proposed corporation at the time of filing its application for a charter as required by law; providing for the subsequent filing of such registration; and providing for the amendment of names or titles of such corporations in certain cases.

with the information that the House has passed the same without amendment.

## HOUSE CONCURS IN SENATE BILL NO. 148

He also returned to the Senate, Senate Bill No. 148, entitled:

An Act authorizing counties, cities, boroughs, townships, poor districts, school districts or other municipalities or incorporated districts to rent, lease and hire suitable office and warehousing space, and provide suitable accommodations therein, within said districts or municipalities, for distributing funds and merchandise, or both, by emergency relief boards.

wtih the information that the House has passed the same without amendment.

## HOUSE CONCURS IN SENATE BILL NO. 153

He also returned to the Senate, Senate Bill No. 153, entitled:

An Act to further amend section five hundred and thirty-one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising, and consoldiating the law providing for the incorporation of insurance companies, and the regulation, of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by classifying foreign mutual fire, mutual marine, or mutual fire and marine companies for the purpose of licensing and relicensing and providing the requirements for licensing and relicensing.

with the information that the House has passed the same without amendment.

## BILLS SIGNED

The PRESIDENT Lieutenant-Governor Thomas Kennedy announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 89, entitled:

An Act to validate acts done and contracts, conveyances, transfers, and mortgages of property made, to or by any corporations of the first class, created or intended to be created by decree of the courts of common pleas, granting a charter, where the applicants for incorporation had failed to register its proposed name as required by law; and to validate charters of corporations of the first class, granted since the sixteenth day of May, one thousand nine hundred and twenty-three, where there was a failure to register the name of title of the proposed corporation at the time of filing its application for a charter as required by law; providing for the subsequent filing of such registration; and providing for the amendment of names or titles of such corporations in certain cases.

Senate Bill No. 148, entitled:

An Act authorizing counties, cities, boroughs, townships, poor districts, school districts or other municipalities or incorporated districts to rent, lease and hire suitable office and warehousing space, and provide suitable accommodations therein, within said districts or municipalities, for distributing funds and merchandise, or both, by emergency relief boards.

Senate Bill No. 153, entitled:

An Act to further amend section five hundred and thirty-one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by classifying foreign mutual fire mutual marine, or mutual fire and marine companies for the purpose of licensing and relicensing and providing for requirements for licensing and relicensing.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## QUESTION OF PERSONAL PRIVILEGE

Mr. ROBERTS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Northampton, Mr. Roberts, will state his question of personal privilege.

Mr. ROBERTS. Mr. President, in a telephone conversation with Governor Earle, who was in conference today with Relief Administrator Harry L. Hopkins at Washington, I am privileged to say that he was definitely informed that payment of Federal relief funds to Pennsylvania after April 15th will be contingent on Pennsylvania's contributing to the relief fund. Mr. Hopkins also told the Governor that he felt that Pennsylvania should contribute at least $5,000,000. per month.

The discussion further revealed that since January 15th the Federal Emergency Relief Administration has advanced Pennsylvania $48,000,000., while the State has contributed no funds, and that the F. E. R. A., cannot continue holding the bag for Pennsylvania; and in consequence April 15th was set by the Federal Relief Administrator as the dead line.

The continued extension of Federal Relief until April 15th was granted upon the Governor's assertion that his proposed tax program contemplates funds sufficient to meet the demand of the Federal Government and his belief that the Legislature will agree to meet the same.

The seriousness of the situation impels me to make this public statement to the Senate of Pennsylvania.

## QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Warren, Mr. Chapman, will state his question of personal privilege.

Mr. CHAPMAN. Mr. President, I wish to read into the record the following editorial:

"SMASH THIS TAX PROGRAM

"Most of Governor Earle's 22-point tax program has passed the House and is now in the Senate. Also in the Senate is the Earle bill calling for a convention to scrap our old Constitution and provide us with one that would let down the bars to all kinds of borrowing. The Senate should take the bull by the horns and wreck the Earle program on both counts.

"The new governor submits a list of bills providing for an increase of $203,000,000 over the amount raised by taxes during the last biennium. This is outrageous. And to raise this additional revenue the House of Representatives, under the Earle administration's lash, has passed most of the bills making this possible.

"It has passed the bill increasing the state tax on gasoline from three cents to five. This would make the gasoline tax higher than it would be in any of the boundary states. More than half of Pennsylvania's population lives in counties bordering on other states. In these counties there are 750,000 operating automobiles.

"Here we have a potential diversion of half the gasoline business in this state to adjoining states to save the tax. Here we have a possibility of wrecking the oil industry in this state, including the producer, refiner and marketer. Yet this destructive measure passed the house with practically every Democratic member voting for it and every Republican member voting against it.

"Comparable to this piece of legislative iniquity is the tobacco tax. Governor Earle proposes an additional tax of two cents on every package of cigarettes sold in the state. There is already a federal tax of six cents on every package. Should this increase become law everybody who smokes a package of cigarettes a day will be paying $29.20 every year in taxes.

"Equally as pernicious is the amusement tax which adds 10 per cent to the cost of every ticket.

"Characteristically the governor proposes to wipe out the paramount advantage Pennsylvania industry enjoys over many other states. For generations the industry of this state has been immune from a manufacturers' tax. Governor Earle proposes to tax manufacturers, too. For the first time also in the history of Pennsylvania we are really threatened with an income tax. At the instigation of Governor Earle such a tax bill has been introduced.

"Why all these new and strange taxes? The only answer is unemployment relief. We doubt if any other state in the Union has contributed as much to relief as Pennsylvania during the past two years.

"She has done this while she has been contributing upward of 10 per cent of the federal government's internal revenue. She has seen her tax funds handed out to states in the south and west which did not themselves raise one penny for relief. Little wonder that our neighboring state of Ohio is staging a revolt against a system which threatens her with bankruptcy.

"Also reposing in our state senate is the Earle bill to revise the constitution. The present instrument forbids the state to borrow money in excess of one million dollars. It forbids any township, borough, city or county to borrow in excess of 7 per cent of its assessed valuation, and it prohibits any of these municipal divisions from borrowing more than 2 per cent without a vote of the people.

"The principal urge behind the proposal to destroy our present constitution is to throw down the bars to borrowing. The Roosevelt administration is throwing the nation into debt on a terrifying scale. The Earle administration wants Pennsylvania to do it on the same scale.

"For the first time in the history of this country we have raised a crop of politicians who do not hesitate to prostitute the electorate and perpetuate their power to tax with profligate expenditure of public funds.

"The state senate has a duty to discharge to the taxpayers of Pennsylvania. This duty is to reject without the slightest hesitancy the entire Earle taxation program. Up to date Pennsylvania has done very well on a pay-as-you-go basis. She has as fine schools, roads, health and other public establishments as any state in the land. She has been quite as progressive along social lines.

"Relief can be taken care of if the system be debunked. Two years ago Venango County was astonished when she

was told that $40,000 a month was available for relief. She had to scurry to spend that much. Now the relief disbursement in this small county totals $150,000 a month. And we doubt if we are taking care of any more people now than we did then.

"Cut the excesses from relief. Cut down the excessive cost of relief administration. Cut out the relief frills. Cut out the horde of professional welfare workers. Get this thing of relief down to honest and decent proportions and effect honest and decent economies in other branches of the state service, and we need no increased taxes or a new constitution that would permit us to borrow until the cows come home.

"The Earle tax program should be scrapped. The Republican members of the senate can wreck it if they stand together. What they should prepare is a reply to Governor Earle that they refuse to permit this state to be plunged into the same welter of debt and taxes in which the federal government now wallows.

"In this respect it is time this state along with others was arising to assert its sovereignty. The power to tax is the power to destroy."

The PRESIDENT. Will the Senator from Warren, Mr. Chapman, identify the paper from which he has read, for the benefit of the Senators?

Mr. CHAPMAN. Mr. President, it is the Oil City Derrick.

Mr. OWLETT. Will the Senator from Northampton, Mr. Roberts, permit himself to be interrogated?

Mr. ROBERTS. Mr. President, I will.

Mr. OWLETT. Mr. President, can the Senator from Northampton, Mr. Roberts, advise the Senate when and if Governor Earle told Mr. Hopkins how much he had provided in his budget for relief purposes in Pennsylvania.

Mr. ROBERTS. Mr. President, I cannot definitely make that statement. I gave you practically the conversation that I had with the Governor.

Mr. OWLETT. Mr. President, can the Senator from Northampton, Mr. Roberts, advise us how long Mr. Hopkins said this relief was to continue during the next biennium?

Mr. ROBERTS. Mr. President, I cannot answer that question.

Mr. OWLETT. Mr. President, can the Senator from Northampton, Mr. Roberts, advise us when it is expected to start the Public Works Program in Pennsylvania which is supposed to employ all the unemployed employable?

Mr. ROBERTS. Mr. President, I did not discuss that public works question with the Governor.

Mr. OWLETT. Mr. President, can the Senator from Northampton, Mr. Roberts, advise us whether that was discussed with Mr. Hopkins by the Governor?

Mr. ROBERTS. Mr. President I cannot.

Mr. OWLETT, Mr. President, is it not a fact that President Roosevelt, in his message to Congress, stated that the $4,800,000,000 Work Relief Bill would provide employment in this country for all the unemployed who are in the employable class?

Mr. ROBERTS. Mr. President, I have not heard that statement just in that form.

Mr. OWLETT. Mr. President, has the Senator from Northampton, Mr. Roberts, been advised as to whether it was discussed between the Governor and Mr. Hopkins as to the Works Relief projects in Pennsylvania which have been approved and are ready to go forward?

Mr. ROBERTS. Mr. President, I think I answered that question previously by saying I did not discuss with the Governor the Work Relief Project.

Mr. OWLETT. Mr. President, I understand, then, that the only message we have from the Governor and Mr. Hopkins is that we must raise $5,000,000.00 a month after April 15th, for an indefinite period, in spite of the works Relief Program. Is that right?

Mr. ROBERTS. Mr. President, Yes—Modifying the last part of the statement by the Senator from Tioga, Mr. Owlett, to wit, "In spite of the Works Relief Program." That was not embodied in my conversation with the Governor.

Mr. OWLETT. Well, Mr. President, that bill has passed, we all understand.

Mr. PRESIDENT. It seems to me it is time for the members of this Senate, and the public men in Pennsylvania, to face this relief problem as it is. We have had submitted to us a budget calling for $120,000,000.00 for Work Relief or for Unemployment Relief, as Pennsylvania terms it. Every one knows that Pennsylvania has contributed, up to the first of the year, more than any other State in the United States toward its Unemployment Relief burden. We have been told—as I have been told by Democratic members of this Senate—that there are projects approved, in Pennsylvania, ready to go forward, which will take care of all the employables among our unemployed. It seems to me that this Senate is entitled to enlightenment as to when we may expect a termination, under that program, of our present Unemployment Relief, which has taken $20,000,000.00 a month, which has increased twice in some eight months—at a time when we find, in many sections of our State, actual shortage of work, when we hear of chiseling on all sides by those who are receiving relief, who are not entitled to it.

Mr. PRESIDENT and Members of this Senate. It seems to me that it is time for us to go into this problem, to face it as public men should face it. If we do not, the whole house is going to fall over upon our heads, and we will not have any State left if we continue to spend $20,000,000.00 a month for relief; and if there is not a time fixed for the termination of this, we are going to have, just as we had in the past, real Work Relief, we are going to have to continue right along with this Work Relief Program; and it seems to me that instead of the Governor's sending to this Senate notice that unless we pass his tax bills, which this Senate is against, and about which we have heard on all sides the uprising of the people against this tax discrimination against certain of our industries in the State, instead of spreading the burden over the whole State,—instead of sending such a message to this legislative body, which has before it these tax bills, we should be enlightened as to the plans for the future with reference to this Work Relief; we should be told what plan he offers to tak off such of those on the relief rolls as are represented by these "chiselers" that we hear of on all sides.

I heard the other day, in Butler, Pennsylvania, of a foreigner in the alms house who was receiving relief checks at three or four different addresses. I met a gentleman the other day who had talked with sixteen persons in one county, persons that were on relief; and fourteen of them were buying cars with their relief checks.

Now, it is a scandal and a disgrace to this State of Pennsylvania, and instead of getting this kind of a message, I think, Mr. President and members of the Senate, that it is time for us to go into this question of relief, it is time for this Governor and this Administration to tell us what they plan to do to cut down these relief rolls, and take care only of those entitled to be taken care of. No one in

this body, or in this State, I take it, but is ready to do his part to see that the unemployed are taken care of; but we must stop this increase in the relief rolls.

In my opinion, you are never going to stop it as long as you have those highly paid relief distributors all over this State, being paid something like a million dollars a month, at the present time, to distribute this relief. These very people who are distributing it have got to build up this system in order to keep their own jobs. We have had laid down before us bills calling for $200,000,000.00 increase in taxes, with no explanation as to why it is needed, or why we have had a doubling of the relief rolls in eight months; and then we get this kind of a message,—and it is only fair to say that we all knew this message was going to come, they publicized it, it was in the newspapers that they were going down to Washington to get word from Mr. Hopkins; and there was no one but knew what that message would be when it came back to us,—we have to contribute this money or they will cut off relief. And this notwithstanding the fact that Pennsylvania has contributed more than any other State in the Union—there is no other State except, perhaps, New York, that has contributed as much. And it is time, I say, Mr. President, for us to go into this question; it is time that we should know how long it is going to last, and what benefit to Pennsylvania is going to come from this four billion dollar Work Relief Program which has gone through the Senate, and not to be secured by this kind of setup.

Mr. THOMPSON (Centre). Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very happy to be interrogated.

Mr. THOMPSON (Centre). Mr. President, is my understanding of the address by the Senator from Tioga, Mr. Owlett, correct, that he is in favor of the abolition of direct relief at this time?

Mr. OWLETT. Mr. President, I am in favor of the creation of local boards that do know who are entitled to receive relief, and I am in favor of wiping out these highly paid so-called social workers who are distributing this relief at the present time, because that is what has built up this vicious system on all sides; it is a system which is indefensible.

Mr. THOMPSON (Centre). Mr. President, then, the Senator from Tioga, Mr. Owlett, does not for a minute pretend that we should fail to make some provision in this Senate for some relief purposes?

Mr. OWLETT. Mr. President, I made it clear that we have to take care of the relief of those who need to be fed and clothed. Of course, I am for it; I am for such relief as is necessary.

Mr. THOMPSON. Mr. President, the Senator from Tioga, Mr. Owlett, is, then, in favor of providing relief in at least some amount?

Mr. OWLETT. Mr. President, we always have, in Pennsylvania, provided for relief since this thing has started; in fact, we have done more than our share.

Mr. THOMPSON (Centre). Mr. President, I think, perhaps, the remarks of the Senator from Tioga, Mr. Owlett, are apt to be confusing on this question of relief administration; and I say frankly to the members of this body that I am no more sympathetic with this relief system that Gifford Pinchot built up in this State than, I am sure, the Senator from Tioga County is, and I think I voice the sentiment of the Administration when I say that this organization which has been gnawing at the vitals of this Commonwealth for the past two years has, somehow or other, got to be changed. But, be that as it may, whichever way this relief situation may go, from the standpoint of administration, or mechanics, nevertheless we as a Senate have got to pass some bills appropriating money—as the Senator from Tioga, Mr. Owlett, says, to take care of those who are needy, those who must be fed and those who must be clothed.

I think, perhaps, the Senator from Tioga County has not been inclined to inquire deeply enough into the present projected program with relation to the problems which confront us in this respect. I think, perhaps, if he had followed the newspaper reports more closely he would have found that the President's Public Works Program contemplates, if it is at all possible, by the first of next January to have the people of the country off the direct relief rolls and into some kind of employment in worth while construction, in public works, with other forms of public works which may be provided,—and to do away, if possible, with the system or direct relief.

We all know what a difficult task that is going to be; and I say, with the Senator from Tioga County, we have got to face this thing squarely, we have got to admit that no matter what program may be projected there will be a certain proportion of the people who, on account of age, physical disability or some other incapacity of one sort or another, have got to be taken care of by relief; and until this program of Public Works is under way and satisfactorily going, the other members of our Commonwealth have, likewise, got to be taken care of by direct relief—by some sort of improved mechanical system in the relief administration. And I say it does not behoove this Senate arbitrarily to reject the Governor's program or any other program with respect to taxation; it ought to get down, in a business like manner, and try to work out some method to raise these funds.

And I protest against some of the inferences that have been left, in the preceding talks, that that class of persons in the State of Pennsylvania who heretofore have been immune from taxation should continue to be immune from taxation. I believe that every person, association or corporation in this State should step right up in the line and contribute its fair share of the taxes, and that we should not submit to continued immunity just because it has existed perennially.

Mr. ROBERTS. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

Mr. OWLETT. Mr. President, I will gladly.

Mr. ROBERTS. Mr. President, if I remember correctly, in the remarks of the Senator from Tioga, Mr. Owlett, he said he was familiar with, or knew of, fourteen persons receiving relief today who purchased automobiles. Am I correct in my recollection?

Mr. OWLETT. Mr. President, I said that I was told by a man who interrogated sixteen persons in one community, who were on relief, and he found that fourteen of them were buying automobiles with relief checks.

Mr. ROBERTS. Mr. President, may I ask the Senator from Tioga, Mr. Owlett, whether he reported such a condition to the Relief Administration of Pennsylvania?

Mr. OWLETT. Mr. President, I just learned of it; and I am going to report it.

Mr. ROBERTS. Mr. President, I think it would be wise if the Senator from Tioga, Mr. Owlett, would so report it.

Mr. RUPP. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. RUPP. Mr. President, the Senator from Tioga, Mr. Owlett, has spoken of the so-called "chiselers"—probably in his own district. I should like to know whether he would like to see the State of Pennsylvania placed in the same class with the so-called "chiseling" States like Louisiana, Alabama and Mississippi, States which have contributed nothing to the Federal Relief Administration but have been perfectly willing to accept all the benefits of that Relief Program. Would the Senator from Tioga, Mr. Owlett, like to see Pennsylvania placed in that class?

Mr. OWLETT. Mr. President, I made it clear that I thought Pennsylvania should do its share. It always has done its share—more than its share. We have contributed, as I understand, ten per cent. of all the funds that have been raised, that have been distributed for the benefit of some of the Southern States while we put our State in debt and built up a deficit to pay our share. That is what I say, and I reiterate it.

Mr. RUPP. I would like to know why the Senator from Tioga brought up this question of relief administration. First of all, probably I should ask the pardon of the Senate for taking up their time, being the youngest Senator here, and being in the company of many wise old legislators, but I feel that I have been connected with the relief administration in Lehigh County, being solicitor for the Poor Directors. I think that the Senator from Tioga has properly analyzed the situation when he says that there are a great many "chiselers" on relief. I have had in my office delegations from the unemployed leagues, and from various people in the county who are interested in the county, and who are interested in the relief administration, in which they have all been complaining of their neighbors who are not entitled to relief and are still accepting relief, but they are unwilling to assume the responsibility of reporting the so-called "chiselers" to the proper authorities, and the result is that the cost of relief is growing by leaps and bounds.

We have heard tonight the necessity of having to raise $203,000,000.00 to balance our budget, and for the next budget we shall be obliged to raise $300,000,000.00 for the next two years. I think that the answer to this program of relief is to place the burden of maintaining this relief administration on the shoulders of every man, woman and child in the State of Pennsylvania. Now, the only way we can accomplish that is by making every person in this Commonwealth tax conscious. I am against any legislation of placing the burden of taxation on one class of consumers. I declared last week in the newspapers in my community that I was opposed to the gasoline tax, and I say this now, that I am opposed to any taxes that burden the one class of consumers; that we should place the burden on every man, woman and child in the Commonwealth, and it will be the duty then of every man, woman and child to see that this relief is properly administered. If my next door neighbor is "chiseling," and is not entitled to relief, and I know that I am directly paying the bill, and I am certainly going to be the first person to report that individual to the proper authorities.

I am in favor of the Sales tax. I don't agree with the system adopted in the matter of collecting it. I am in favor of paying a direct sales tax probably along the lines in the system in vogue in the State of Ohio, where they have revenue stamps, and where each article that is purchased is covered by a stamp. Every citizen, every consumer in the State of Ohio, is tax conscious. Every citizen knows he is supporting the relief program, and if his brother, or if his neighbor, is "chiseling," I will guarantee you that he will be the first one to report that very fact. I think that it is time that we spread this burden throughout the whole State. Make everybody responsible for the apportionment of this relief program, and then soon we will have a more efficient administration of relief in the Commonwealth of Pennsylvania.

Mr. BATCHELOR. Mr. President, I am certainly glad to hear the Senator from Lehigh, Mr. Rupp, voice opposition to the Governor's program. I hold in my hand a copy of The Ambridge News-Herald, of the issue of Thursday, March 21st. The caption of the editorial in this paper, which correctly says it is "The Only Democratic Newspaper in Beaver County," reads: "YES, WE SAID RACKETS." And the editorial is as follows:

"Many newspapers are now repeating what the News-Herald asserted already two years ago and at various times since regarding the racketeering element in welfare activities. Soon following the identification of the writer with the Re-employment Board in Beaver county this trend was brought to notice.

"Again when the CWA work was started here in Ambridge, when abortive practice of the most vicious type were manifest in the hiring of relief workers, when greed reared its head in a disgusting manner by persons disqualified by common decency were given preference to those really in distress and hordes flocked here from adjoining districts and from distant states to crowd the suffering back, this paper again protested the inhumane conduct of those in authority, and their satellites.

"But avarice had full sway. Like buzzards around a carcass neither protest nor reason could prevail. Government funds were being doled out lavishly and the first at the feed trough were persons who by reason of the purpose of the relief were least entitled. The whole gamut of greed and disgrace was played to the limit. The funds were squandered with shameless profligacy.

"No one could be found to raise a staying hand and the racketeering grew and has continued, reaching a stage of brazen effrontery defying public opinion and every conscientious scruple that honor dictates. Unless heroic action is taken by those in supreme authority no one can foretell to culmination to which we are heading.

"The set-up here in Ambridge, if it were not so tragic it might be regarded as a huge joke. When Ambridge dispensed the welfare funds locally only two persons were under salary and relief went to where it was most needed. The local police were the investigators. They knew the conditions and requirements of every family in the borough. Deception and false claimants never got to first base.

"How is it now? We are informed we now have thirteen handling the local relief office and the funds are being spent like the proverbial drunken sailor. The operation is something like a pink tea. First, they have a manager, then a couple desk girls, a whole bevy of what is designated as "visitors," but in reality what is commonly known as investigators, and last but not least a door maid in charge of the reception parlor or salon.

"And how do they investigate? Here's how. On making inquiry recently as to the increase in population in Ambridge since the last decennial census the information was given that there was no apparent increase until the last few months since when persons have been gathering in from other counties and states to get on the welfare.

Learning that the picking is easy and lavish here and they migrate to Ambridge and nestle with some relative to get into the dole line.

"Properly administered the cost of welfare could be cut sixty per cent or more and no one would go hungry, unclothed or cold. The deception practised is so flagrant as to be nauseating and repellant. Applicants clothe themselves in tattered garments to present a picture of abject poverty; others drive in autos to a near point on a back street, then perambulate to headquarters to get their handout.

"Instances have been brought to our notice where members of some families are steadily employed while others gather relief. Many have developed improvident habits and are not endeavoring to help themselves. It is problematic if they would even spade up a garden, of which there are innumerable plots here that could be cultivated, were they given opportunity."

Mr. BUCKMAN. Mr. President, I am not sure but that I shall object to the reading of any further editorials from newspapers at this session of the Senate.

Mr. PRESIDENT, I desire to interrogate the young Senator from Lehigh, Mr. Rupp.

The PRESIDENT. Will the Senator from Lehigh, Mr. Rupp, permit himself to be interrogated?

Mr. RUPP. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Lehigh, Mr. Rupp, whether or not he feels that the Legislature of Pennsylvania should decide what tax should be imposed, or whether we should do what we are told by the Chief Executive, and be told that we should not do otherwise.

Mr. RUPP. Mr. President, in answer to the Senator fro mBucks, Mr. Buckman, I believe that we all financed our campaigns. I know that I received no assistance from any outside source; I had to stand on my own feet while I was campaigning before my constituents. They elected me to represent them. I feel that I can still stand on those same two feet and exercise my judgment as a member of the Senate, and I hope to do so in the future.

Mr. BUCKMAN. Mr. President, I thank the Senator from Lehigh, Mr. Rupp; I am glad to hear that.

Mr. SHAPIRO. Mr. President, I should like further to interrogate the Senator from whichever county he comes from Mr. Roberts.

The PRESIDENT. Will Senator Roberts permit himself to be interrogated?

Mr. ROBERTS. Mr. President, I will; and I will tell the Senator from Philadelphia, Mr. Shapiro, that I come from the County of Northampton. I am very proud of it.

Mr. SHAPIRO. Mr. President, will the Senator from Northampton, Mr. Roberts, be good enough to tell us what was the purpose of reading the message he received from Governor Earle?

Mr. ROBERTS. Mr. President, I think the last statement I made, and which I will read, so that it cannot be misinterpreted, covers that: "The seriousness of the situation impels me to make this statement to the Senate of Pennsylvania."

Mr. SHAPIRO. Mr. President, does the Senator from Northampton, Mr. Roberts, believe that because the situation is so serious we should create a further serious situation by passing laws imposing wholesale taxes with which we may not agree and which we think are not proper?

Mr. ROBERTS. Mr. President, I believe that this Legislature should take appropriate action to meet the seriousness of this situation.

Mr. SHAPIRO. Mr. President, all right. Now, does the Senator from Northampton, Mr. Roberts, know that there is available for the next two years a fund known as the Motor Fund, which has and will receive for purposes of road construction $133,000,000.00, and that only $61,000,000.00 is required for maintenance?

Mr. ROBERTS. Mr. President, I do not know the exact figures.

Mr. SHAPIRO. Mr. President, I would say to the Senator from Northampton, Mr. Roberts, that if he reads the budget of His Excellency, the Governor, he will find that there is $133,000,000.00 contemplated as receipts from the Motor Fund for the next two years; that $20,000,000.00 will be necessary for the purpose of expenses and funded indebtedness, and that $113,000,000.00 is proposed to be spent for maintenance of roads and new road construction. He will find that on page 47 of the Governor's budget.

Mr. ROBERTS. Mr. President, I will reply by asking the Senator from Philadelphia, Mr. Shapiro, whether those funds are earmarked for a specific purpose, and whether he is in favor of deviating therefrom, to use those funds for other purposes.

Mr. SHAPIRO. Mr. President, that is the next question I intended asking the Senator from Northampton, Mr. Roberts,—is he in favor of it?

The PRESIDENT. The Chair would like to know who is being interrogated.

Mr. SHAPIRO. Mr. President, I am insisting on my right to interrogate, and not to be interrogated by the Senator from Northampton, Mr. Roberts, until he answers my question.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will proceed.

Mr. SHAPIRO. Mr. President, my next question to the Senator from Northampton, Mr. Roberts, is whether he is opposed, in the emergency of which he speaks, and which I take at its face value, coming to him as a message from the Governor of this Commonwealth, whether he is opposed to temporarily suspending new road construction and using the $42,000,000.00 as State funds for relief. In the meantime, let us get a sensible, sane and safe program of taxation, if such a thing is possible.

Mr. ROBERTS. Mr. President, I do not know what the Senator from Philaodelphia, Mr. Shapiro, considers a sensible and sane program, but if there is such a thing possible—and I presume he has one in mind—I would be glad to see it properly introduced.

Mr. SHAPIRO. Then, Mr. President, I suggest that it would be proper to give a reply to the Governor, to assure him of our interest and our intent to try to solve this problem as safely and as sanely as possible, to discuss and consider every tax proposal which he has submitted here; but, that pending that discussion, whether the Fund be sacred or not, we use the $42,000,000.00, which is available by a suspension of new road construction, for the purpose of granting relief until the Government of the United States and the Government of Pennsylvania can come to some agreement.

## POINT OF ORDER

Mr. HARRIS. Mr. President, I know it is the custom of the presiding officer to permit wide latitude on questions of personal privilege; but I desire to call to the attention of the Chair that this whole discussion is entirely out of order, and I suggest that the Senate do now proceed to the business of this session.

Mr. LAW. Mr. President, I would like to interrogate the

Senator from Philadelphia, Mr. Shapiro, in regard to a statement he made.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I shall be glad to.

Mr. LAW. Mr. President, will the Senator from Philadelphia, Mr. Shapiro, tell us why he feels that the money of the Highway Department, which is used to furnish work, should be diverted, thus throwing more men out of work at a time like this?

Mr. SHAPIRO. Mr. President, because I feel that $61,000,000.00 of expenditure for maintenance of roads is quite equivalent to $60,000,000.00 for maintenance and construction work spent in '29 and '31; and because I feel that with a program involving $4,800,000,000.00 contemplated by the Federal Government, this Administration, with its influence, can arrange to provide further road construction work that is necessary, and thus employ the few who may be thrown out by the suspension of the State's work on new roads; and further, because in the whole $42,000,000.00 the labor involved does not exceed $11,000,000.00, the remainder being for materials.

## POINT OF ORDER

Mr. HARRIS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his point of order.

Mr. HARRIS. Mr. President, I still insist that all this discussion is out of order, and that we should proceed to the business of the session.

The PRESIDENT. The Chair is of the opinion that the point of order of the Senator from Allegheny, Mr. Harris, is well taken.

## REPORTS FROM COMMITTEES

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 327, entitled:

An Act making an appropriation to the Northeastern Hospital of Philadelphia, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 580, entitled:

An Act making an appropriation to the Simon H. Barnes Memorial Hospital, of Susquehanna, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, or as amended, Senate Bill No. 598, entitled:

An Act making an appropriation to the Home for Friendless Children, in the City of Reading, Pennsylvania.

Also from the Committee on Appropriations reported as committed, or as amended, Senate Bill No. 599, entitled:

An Act making an appropriation to the Beaver Valley General Hospital, at New Brighton, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 600, entitled:

An Act making an appropriation to the Rochester General Hospital, of Rochester, Beaver County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 601, entitled:

An Act making an appropriation to the Ellwood City Hospital, Ellwood City, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 602, entitled:

An Act making an appropriation to the Dobler Tuberculosis Hospital, Girard Township, Erie County.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 615, entitled:

An Act making an appropriation to the Children's Aid Society of Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 618, entitled:

An Act making an appropriation to the Columbia Hospital, at Columbia, Lancaster County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 633, entitled:

An Act making an appropriation to the Margaret Henry Children's Home, New Castle, Pennsylvania.

Aso from the Committee on Appropriations reported as committed, Senate Bill No. 634, entitled:

An Act making an appropriation to the Beaver County Children's Home, of New Brighton, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 635, entitled:

An Act making an appropriation to the Providence Hospital, Beaver Falls, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 636, entitled:

An Act making an appropriation to the Almira Home Association, New Castle, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 637, entitled:

An Act making an appropriation to the Jamison Memorial Hospital Association, New Castle, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 638, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission for the maintenance, upkeep, improvement and restoration of the Pennsbury Memorial in Falls Township, Bucks County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 654, entitled:

An Act making an appropriation to the Department of Forests and Waters for the maintenance and improvement of Fort Washington Park.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 579, entitled:

An act authorizing the transfer to and the acceptance by the Commonwealth of the Chester County Hospital for the Insane at Embreeville, including the grounds annexed thereto and the buildings thereon, providing for the development, improvement and enlargement thereof for use as a State mental hospital; permitting the Chester county and poor district authorities to continue to use said hospital or other buildings for certain purposes for a limited time, and making an appropriation.

## QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, for many weeks we have been receiving this evening the reports of our Standing Committees but among them we do not find any of the Committee on Constitutional Changes.

The History of Senate Bills shows that House Bill No. 147 was forwarded to this Senate by the House on the

29th day of January of this year and by this body referred to the Committee on Constitutional Changes.

Since that date the Committee has seen fit to resort to the practice of holding extended public hearings for the alleged purpose of sounding public opinion.

It is not without reluctance that members of this Senate advance to challenge the judgment of a Standing Committee in conducting public hearings for that purpose.

Indeed, this Senate might rightly regard it as degrading for any of its members to indulge in malign innuendo against a Committee, unless the circumstances surrounding the Committee's consideration of a Bill or Resolution reasonably manifest that the Committee has become subservient to influences unfaithful to the discharge of the Senate's constitutional duties.

In order to ascertain whether the Committee on Constitutional Changes is properly motivated in its consideration, let us go over the legislative course travelled by this House Bill No. 147.

On January 23rd of this year, this Bill was introduced to the House and referred by that body to its Committee on Constitutional Amendments.

This Committee reported the Bill favorably and after passage by the House it was communicated to this Senate for concurrence on January 29th.

On that date this Senate referred the Bill to its Committee on Constitutional Changes.

Up to this very moment, and perpetually hereafter for aught that we now know, the Bill is yet in the clutches of that Committee.

As heretofore indicated, Mr. President, that Committee voluntarily victimized itself with an epidemic of public hearings for the alleged purpose of sounding public opinion.

Let no member of this Senate assume it to be invective for me to aver that the Committee's confession of ignorance, relative to the present status of public opinion, might justly warrant the public in believing that those who control the activities of the Committee are either seeking subterfuge or else are under the spell of sinister influences.

Surely it is not news to the Chairman and many members of that Committee that, the platforms of both major parties in the last general election contained planks that promised the people of this Commonwealth a Constitutional Revision.

The orators, statesmen and candidates of both major parties travelled the length and breadth of the Commonwealth haranguing the voters with promises of immediate revision of the Constitution for straight party votes at the ballot box.

The Republican platform called for a revision when "feasible," while the Democratic platform promised an "immediate revision."

The leaders and candidates of the Republican Party, sensing that public opinion was in favor of "immediate revision," put on the Judas act by professing and proclaiming to the voters that the word "feasible" was intended by them to mean "immediate revision."

Surely the result of the election is history and should be known to the Chairman and members of the Committee.

The voters decided to take no chances with the ambiguous meaning of the word "feasible."

Shall the Committee be permitted to disregard the voters' mandate for an immediate revision, and substitute the mandate of the rejected Republican platform for a revision when "feasible?"

Did not the press of our Commonwealth devote column upon column of editorial opinions and news discussions upon this subject during the hectic days of the campaign?

Did not professional, industrial, civic and social organizations contribute to this most controversial question their discussions and opinions during the election?

Mr. President, let us set aright this ballyhoo.

Let us put an end to this Judas act.

Let us take patriotic fervor and candor sufficient to arouse our consciences to a mediocre sense of public duty.

Let us, like Peter, make a great confession.

Let us confess that it is vicious affrontery and insult to the intelligence and good sense of the people of this Commonwealth for any member or agency of this Senate, at this late day, to pretend ignorance as to the status of public opinion on the subject of Constitutional Revision.

Mr. President, most of those appearing before the Committee are protestants against an "immediate" revision of the Constitution.

They are representatives of organizations of the like of Chambers of Commerce, Public Utilities, Bar Associations and numerous other organizations whose past history shows them to be the adjuncts of the now decadent political philosophy of the Republican Party.

While the Bill was before the House Committee these individuals and organizations made no pretense to be heard.

They will not deny that they had opportunity to present to the House Committee what they are so studious to present to the Senate Committee.

Their failure to present their views to the House Committee is ample evidence of their mental attitude.

Their conduct warrants the assumption that they visualized better chances of defeating a Constitutional Revision at the hands of our Senate Committee composed of 82% Republican, and 18% Democratic Senators than that of the House consisting of 64% Democratic, 28% Republican and 8% Socialist representation.

Their attitudes and demeanors evince the opinions, idiosyncrasies and caprices of the obstinate Republican leadership.

They think, they act and they speak the very life of the Republican leadership and the state platform so emphatically repudiated by the voters of this Commonwealth in the last election.

Can it be successfully denied that the Republican leadership is inalterably opposed to an immediate Constitutional Revision?

Let us be frank.

Let us admit that the Republican leadership is resorting to vicious and demoralizing party spirit to impose upon the people of this Commonwealth that which the people have rejected.

Let us deal pleasantly with the Standing Committee on Constitutional Changes.

Let it not be the desire of anyone to put in question the integrity of every member of that Committee.

Let us cherish the notion that many of its members are confused and unaware that the holding of public hearings has furnished the subterfuge behind which the Republican leadership advances to crucify the public opinion expressed at the polls upon the vicious and demoralizing altar of obstinate party spirit.

Let us not attribute to any member of that Committee a desire for selfish or personal gain.

Parliamentary etiquette and a desire to give to all their just dues forbids it.

Candor and uprightness, however, impels us to set aside frivolous parliamentary attitudes and enunciate in the deliberations of this Senate those convictions which emanate only from a mind and heart conscious of the constitutional duties devolving upon us.

No member of this Senate can retain a tranquil mind and peaceful conscience and at the same time entertain the conviction that all the members of the Committee are not divorced from the caresses of party spirit in the consideration of this House Bill No. 147.

All men genuinely interested in the welfare, security and progress of the Commonwealth will readily admit that party spirit should not be allowed to trifle with the enactment of necessary and appropriate measures to relieve the burdensome taxation and heartrending insecurity that now rests so ominously over the homes, farms and lives of our constituents.

The destructive and demoralizing effects of party spirit are written in the doleful history of nations.

It is not the office of true patriots to remain silent when unscrupulous men unleash the vengeance, retaliation and envenomed passion of party spirit upon the agencies of fee government.

It is time propitious for patriotic men to raise their voices when the agencies of government are employed by unfaithful public servants to plunder and despoil the very people for whose benefit those agencies were ordained.

It is unfortunate that the baneful effects of party spirit are rarely visited upon those who are enslaved to it and who, for favor or venality, prostitute the agencies of government for the enhancement of party power or the pecuniary enrichment of self, friend or predatory interest.

The dutiful, industrious and patriotic citizen reaps the painful wages of party spirit in terms of high taxation, distress, misery, insecurity and stultified government and laws.

Let me speak to you of party spirit in the words of the Father of his Country, spoken on the occasion of his Farewell Address upon his retiring to private life:

"This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

"The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism.

"The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an indvidual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation, on the ruins of public liberty.

"Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

"It serves always to distract the public councils and enfeeble the public administration.

"It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foments, occasionally, riots and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another."

Mr. President, if the tentacles of this blightful scourge found root only in the petty bickerings so abundant in the party life of township, ward and borough, all might be hopefully remedial. But this scourge is like the mustard seed of biblical parable "which indeed appears the least of all seeds; but when it is grown, it is the greatest amng herbs, and becomes a tree, so that the birds of the air come and lodge in the branches thereof."

Party spirit motivates the presentation of Bills on the floor of this Senate.

It distorts the judicial mind to render iniquitous judgments.

It subordinates to party humor, servility and caprice, the execution of lawful judgments and decrees.

It demoralizes the efficacy of law enforcement and prostrates it at the feet of organized gangdom.

It forms the false screen behind which predatory interest and party chiefs advance to prostitute the agencies of government for corrupt and illegitimate gains.

It lurks ensconced within the committee rooms of this Senate.

It dictates the number of standing committees.

It names and numbers all members of standing committees.

Through it predatory interest and party chiefs say what Bills and Resolutions this Senate shall finally be permitted to act upon.

A fortnight ago, it stultified the rules of this Senate so as to make the votes of dead and absent Senators available for party spirit to consummate its selfish designs behind the doors of committee rooms with greater comfort and security.

It fosters and illicits from speakeasy, sweatshop and bawdy-house streams of slimy gold to be used for the debauchment of useful citizens.

Mr. President. A party spirit that has for its ultimate objective the advancement of the people and the progress of the Commonwealth is the thing that is devoutly to be wished.

Fortunate, indeed, is the nation whose political parties vie with one another to see which can render the nation the better service.

If the matters that come before this Senate are to be motivated solely by a desire to bring about a just solution of the financial, economical and practical problems that confront our government and the thousands of our people that are blind, aged, hungry, naked, shoeless, unemployed and burdened with discriminatory taxation, then let us set aside the vengeance, retaliation and envenomed passion that may be born of party spirit.

Let the motivating spirit of the substantial majority of this Senate be a patriotic and just one.

During the whole time this Senate has been in session, it has been party spirit that has resolved our functions

into one recess after another while grave, serious and important legislation remains buried and "pickled" in the clutches of party-picked "pickling Committees."

It is time, Mr. President, that this baneful, destructive and demoralizing spirit be ousted from our midst and this Senate be allowed to enter upon the discharge of its Constitutional duties to the people of this Commonwealth.

It is time, Mr. President, that House Bill No. 147, favorably communicated to this Senate for final consideration nearly two months ago and by this body referred to its Standing Committee on Constitutional Changes, be now returned to the Senate floor to abide the Constitutional consideration that pursuant to our Constitutional oaths we are duty bound to give to it.

On past occasions this Senate has consistently refused to discharge its Committees.

The arguments advanced in opposition to the discharge have been as follows:

1. A precedent might be established that would later disrupt the ordinary and regular machinery of the Senate.

2. It impugns the integrity of the Committee.

Let us examine the soundness of these arguments.

Surely no honest Senator would hesitate to depart from precedent in order to unmask an instrumentality of government that abides the call of party spirit to expose to predatory loot and gain the welfare of our people.

Surely no member of this Senate will conscientiously assume or argue that Committees of this Senate have never killed necessary social Bills and Resolutions.

Surely no Senator would restrain his voice if a Standing Committee of this Senate functioned with greater appeasement to party spirit than to the manifested will of the people.

Sadly, an examination of the Journals of recent sessions will disclose a brutal and unjustifiable killing of needful social legislation by Committees of this Senate for no other reason than to appease the party vengeance of one faction of the decadent Republican Party against another.

Do honest men find it difficult to understand and see that the arguments against the discharge of a Committee are intended to place the mask of false sanctity on the head of party spirit and then challenge virtue and reason to assail that sanctity with impunity?

How often in the past have evil and designing public servants accused virtue itself of crime so that they and their followers might, with impunity, claim the right to trample it under foot?

Honest men will not be reluctant or hesitant to face their final judgment with a requited conscience.

Can members of this Senate face that judgment with these arguments upon their lips?

Integrity and candor require that we admit that all arguments, heretofore advanced in opposition to the discharge of a Standing Committee, are chimerical, fallacious and unsound.

Mr. President, I feel neither disquietude of conscience nor uneasiness of mind as I am about to present a motion that will test the presence or absence of this baneful, destructive and demoralizing party spirit in the minds and hearts of the members of this Senate.

I offer no apology in the presentation of such a motion.

It shall test whether or not, the rapacious greed of predatory interest and party spirit, shall take precedent over the Constitutional duties we owe the people who elected us.

## MOTION TO DISCHARGE COMMITTEE

I, therefore, Mr. President, entertain neither reluctance nor mental reservation in moving that the Standing Committee on Constitutional Changes be now dismissed from further consideration of H. R. Bill No. 147, so that it might be returned to the floor of the Senate for immediate constitutional consideration.

Mr. RODGERS. Mr. President, as a member of the Committee on Constitutional Changes, I wish to take exception to a few of the statements of my colleague from Fayette County, Mr. Cavalcante. I believe that we have considered the matter of Constitutional changes in a serious light; it is a serious thing, and I feel that while the Committee has not acted as quickly as I would like to have seen it act, at the same time I wish to speak a word in their defense. This matter is being considered in the serious light in which it appears to most of the people of Pennsylvania. I would like to see this measure brought out just as quickly as anybody. I feel that the people of the State who want to know how the Senate feels towards a Constitutional change, and I would like to see this motion laid aside and brought up tomorrow at 4:30 as a special order of business.

## SPECIAL ORDER

Mr. President, I move to amend the motion of the Senator from Fayette, Mr. Cavalcante, that this matter be made a special order of business for tomorrow afternoon, at 4:30 o'clock.

Mr. RANKIN. Mr. President, I second the motion.

On the question

Will the Senate agree to the amendment?

Mr. COYNE. Mr. President, does the Senator from Allegheny, Mr. Rodgers, make that as an amendment to the motion? There is a motion before the Senate.

The PRESIDENT. A motion has been made to discharge the Committee, and an amendment has been offered to postpone action on the motion and make it a special order for 4:30 tomorrow afternoon. That does not destroy the intent of the motion.

Mr. CAVALCANTE. Mr. President, on what motion are we voting?

The PRESIDENT. The Chair informs the Senator from Fayette, Mr. Cavalcante, that the vote is being taken on the amendment of the Senator from Allegheny, Mr. Rodgers, to postpone action and make the motion a special order for 4:30 tomorrow afternoon.

Mr. CAVALCANTE. Mr. President, then a vote "no" is against Mr. Rodgers' motion to postpone, as I understand it?

The PRESIDENT. The Chair informs the Senator from Fayette, Mr. Cavalcante, that his understanding is correct.

And the question recurring

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. BUCKMAN and Mr. GELDER and were as follows, viz:

YEAS—23

| | | | |
|---|---|---|---|
| Baumer, | Mallery, | Reed, | Staudenmeier, |
| Ealy, | McCreesh, | (Washington) | Thompson, |
| Frey, | McGinnis, | Rice, | (Centre) |
| Huffman, | Miller, | Roberts, | Thompson, |
| Kahle, | Prince, | Rodgers, | (Westmoreland) |
| Lanius, | Pytko, | Rupp, | Ziesenheim, |
| Law, | Rankin, | | |

NAYS—23

| | | | |
|---|---|---|---|
| Aron, | Clark, | Howell, | Reed, |
| Batchelor, | Coyne, | Hunsicker, | (Dauphin) |
| Bennett, | Gelder, | McClure, | Salus, |
| Buckman, | Graff, | Norton, | Shapiro, |
| Cavalcante, | Harris, | Owlett, | Trainer, |
| Chapman, | Homsher, | Pierson, | Woodward, |

The PRESIDENT. The ayes are twenty-three and the nays are twenty-three. The presiding officer votes "aye," and the question is determined in the affirmative.

## BILLS INTRODUCED

Mr. NORTON read in his place and presented to the Chair, Senate Bill No. 702, entitled:

An Act making an appropriation to the Reading Hospital, of Reading, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. STAUDENMEIR read in his place and presented to the Chair, Senate Bill No. 703, entitled:

An Act to amend the title and section one of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," by extending the provisions thereof to license fees erroneously and inadvertently paid; and making such extension retroactive for a certain period.

Which was committed to the Committee on County Government.

## MOTION TO EXPUNGE

Mr. OWLETT. Mr. President, I move that the remarks of the Senator from Fayette, Mr. Cavalcante be expunged from the record as containing infammatory and derogatory statements.

Mr. BUCKMAN. Mr. President, I second the motion.

## POINT OF ORDER

Mr. LAW. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his point of order.

Mr. LAW. Mr. President, my point of order is that the motion is out of order.

The PRESIDENT. The Chair informs the Senator from Mercer, Mr. Law, that the motion has been properly made and it is the prerogative of any deliberative body to expunge, if they so desire. Unless some more substantial reason shall be advanced, the motion, in the judgment of the Chair is in order.

Mr. SALUS. Mr. President, while there may be some thought that the statements made are inflammatory, I am going to request the Senator from Tioga, Mr. Owlett, to withdraw his motion, because after all, this is a public body, and I think the Senator from Fayette may have been expressing that which he believes in his heart to be true, and I am going to ask the Senator from Tioga, Mr. Owlett, if he will not withdraw his motion.

Mr. OWLETT. Mr. President, I prefer to ask the Senator from Philadelphia, Mr. Salus, whether he heard the remarks of the Senator from Fayette, Mr. Cavalcante.

Mr. SALUS. Mr. President, I heard the remarks of the Senator from Fayette, Mr. Cavalcante, and I am still of the feeling that we all ought to work on the principle of peace and good will to all men.

Mr. OWLETT. Mr. President, in view of the request of my colleague from Philadelphia, Mr. Salus, I will withdraw the motion.

Mr. BUCKMAN. Mr. President, I will withdraw my second, for the present.

The PRESIDENT. The motion to expunge, with the consent of the seconder, is withdrawn.

## BILLS INTRODUCED

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 704, entitled:

An Act making an appropriation to the Louise Tuberculosis Home, Mill Creek Township, Erie County, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 705, entitled:

An Act making an appropriation to the Department of Public Instruction, to aid financially distressed school districts.

Which was committed to the Committee on Appropriations.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 706, entitled:

A Joint Resolution proposing an amendment to Article five of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty-eight, providing for one general court of common pleas.

Which was committed to the Committee on Constitutional Changes.

Mr. HARRIS read in his place and presented to the Chair Senate Bill No. 707, entitled:

An Act to provide for and regulate the annual licensing of persons copartnerships, associations and corporations engaged in the business of outdoor advertising by means of billboards, signs or structures and the issuing of permits for the erection, use and maintenance thereof, levying an excise tax for the use of the Commonwealth, prescribing the location in which said billboards, signs and structures may be located, providing for a zoning board and providing penalties.

Which was committed to the Committee on Judiciary Special.

Also read in his place and presented to the Chair Senate Bill No. 708, entitled:

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State Supervisor and assistants, and fixing the salaries of such State Supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of this act to appropriate certain moneys; and providing penalties," as amended.

Which was committed to the Committee on Appropriations.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 709, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the establishment of courses of college studies in school districts of the first and second class.

Which was committed to the Committee on Education.

Mr. RICE read in his place and presented to the Chair, Senate Bill No. 710, entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. RODGERS read in his place and presented to the Chair, Senate Bill No. 711, entitled:

An Act to prohibit the sale, offer for sale, exposing for sale or having in possession for sale, use or discharge, of fireworks as herein defined unless a permit therefor has first been obtained from local authorities; and providing penalties.

Which was committed to the Committee on Judiciary General

Mr. McGINNIS read in his place and presented to the Chair, Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to corporations not previously licensed.

Which was committed to the Committee on Public Health.

Mr. RUPP read in his place and presented to the Chair, Senate Bill No. 713, entitled:

An Act granting a pension for military service to Robert R. Hoffman of the County of Lehigh, Pennsylvania.

Which was committed to the Committee on Pensions.

Also read in his place and presented to the Chair, Senate Bill No. 714, entitled:

An Act to amend section four hundred six of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934), entitled "An act to regulate and restrain the sale, importation and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State, except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," permitting certain licensees to furnish bond without surety.

Which was committed to the Committee on Judiciary General.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive nominations:

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

#### ALLEGHENY COUNTY

Miss Jessie E. Boor, Smithfield St., Pittsburgh.
A. F. Haberl, Jr., Werner Bldg., Pittsburgh.
Mrs. Esther Widom Horvitz, 2621 Murray Ave., Pittsburgh.
Francis F. Kernan, 1741 Chislett St., Pittsburgh.
Audrey C. Schroth, Gulf Bldg., Pittsburgh.
Leo C. Simmons, 21st and A. V. R. R., Pittsburgh.
J. G. Simpson, 66$1 Hamilton Ave., Pittsburgh.
G. C. Sterling, 3200 Glen Mawr Ave., Pittsburgh.
Wm. M. Wood, Law and Finance Bldg., Pittsburgh.

#### BEAVER COUNTY

Wallace W. Standley, Midland.

#### CLEARFIELD COUNTY

Miss M. Augusta Craft, Clearfield.

#### CRAWFORD COUNTY

F. L. Shaffer, Cambridge Springs.

#### DAUPHIN COUNTY

W. M. Groff, Williamstown.
Mrs. Ruth E. Kiehl, Harrisburg.

#### DELAWARE COUNTY

Matthew Margoline, Chester.

#### ELK COUNTY

John H. Cartwright Ridgway.

#### ERIE COUNTY

Leo J. Brugger, Erie.
W. E. Sweet, Erie.

FORREST COUNTY

Miss Margaret A. Clark, Tionesta.

FRANKLIN COUNTY

Miss L. Maude Beck, Chambersburg.

GREENE COUNTY

Mrs. Vaetta V. Blaker, Charmichaels.

LUZERNE COUNTY

Miss Nan L. Gallagher, Wilkes-Barre.

MERCER COUNTY

Miss Margaret E. McDonald, Farrell.

MIFFLIN COUNTY

Mrs. Eva M. Snook, Burnham.

MONROE COUNTY

Clarence S. Kitchen, Stroudsburg.

NORTHAMPTON COUNTY

Miss Marie T. McCarthy, Bethlehem.

NORTHUMBERLAND COUNTY

Joseph P. Bradley, Mt. Carmel.
Edw. Brennan, 3rd, Shamokin.
Miss Gertrude A. Cashman, Shamokin.
Frank S. Moser, Shamokin.

PHILADELPHIA COUNTY

Joseph M. Bellano, Jr., 6412 Vine St., Philadelphia.
Edmund W. Clarke, 1600 Arch St., Philadelphia.

SCHUYLKILL COUNTY

John Saloka, Saint Clair.

SOMERSET COUNTY

Mrs. Violet M. Adams, Windber.

WARREN COUNTY

Mrs. Helen E. Swanson, Warren.

WASHINGTON COUNTY

C. Glenn Wonsetler, Washington.

WESTMORELAND COUNTY

Miss Virginia P. Everly, Jeannette.
Mrs. Fannie Frankel, Latrobe.
Miss Sara K. Reynolds, Scottdale.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

BRADFORD COUNTY

P. H. Brown, Ulster, March 28, 1935.

DAUPHIN COUNTY

Mrs. Jennie B. Brugnoni, Harrisburg, March 30, 1935.
Miss Lottie H. Dockey, Pillow, March 30, 1935.

ALLEGHENY COUNTY

Miss Lillian D. Folger, Pittsburgh, March 31, 1935.
LeVan R. Geiger, Pittsburgh, April 1, 1935.
Edward F. Lehmann, Tarentum, April 1, 1935.
Edward D. Hogan, Pittsburgh, April 5, 1935.
Fred C. Grote, Pittsburgh, April 6, 1935.

PHILADELPHIA COUNTY

Thos. E. Brennan, Philadelphia, April 7, 1935.

WARREN COUNTY

Enoch J. Johnson, Sheffield, April 9, 1935.

ALLEGHENY COUNTY

A. E. Bradley, E. McKeesport, April 10, 1935.

SOMERSET COUNTY

Miss Margaret E. Zeigler, Somerset, April 12, 1935.

WASHINGTON COUNTY

Nicola Pizzica, Monongahela, April 13, 1935.

LAWRENCE COUNTY

M. E. Alexander, New Castle, April 15, 1935.

LYCOMING COUNTY

Kurt R. Cloud, Jersey Shore, April 20, 1935.

BUCKS COUNTY

Mrs. Mabel S. Mitchell, Langhorne, April 22, 1935.

PHILADELPHIA COUNTY

Ernest T. Wright, Philadelphia, April 23, 1935.

NORTHUMBERLAND COUNTY

Miss S. D. Young, Northumberland, April 29, 1935.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Clifford R. Smith, of West Hickory, Forest County, as Justice of the Peace in the Township of Harmony, Forest County, until the first Monday in January, 1936.

GEORGE H. EARLE.

MEMBERS OF THE BOARD OF GAME COMMISSIONERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Ross L. Leffler, of McKeesport, Allegheny County, as a member of the Board of Game Commissioners, vice Doctor Samuel H. Williams, resigned, for the term of six years.

A. W. Lee, Jr., of Clearfield, Clearfield County, as a member of the Board of Game Commissioners, vice Richard E. Reitz, removed from office, for the term of six years.

Robert Lamberton, of Franklin, Venango County, as a member of the Board of Game Commissioners, vice A. Hunter Willis, removed from office, for the term of six years.

GEORGE H. EARLE.

PROTHONOTARY OF BEAVER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following

appointment to compute from the date of confirmation:

Philip J. McNally, Station Street, Aliquippa, Beaver County, as Prothonotary of Beaver County, vice Daniel D. Boyde, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Mrs. Ida S. Crytzer, of Tarentum, Allegheny County, as Justice of the Peace in the Township of Fawn, Allegheny County, until the first Monday in January, 1936.

Richard Rinn, of Lakemont, Blair County, as Justice of the Peace in the Township of Logan, Blair County, until the first Monday in January, 1936.

ALDERMAN

John H. Collins, of Scranton, Lackawanna County, as Alderman of the 8th Ward of the City of Scranton, Lackawanna County, vice Thomas W. Davis, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

## JOINT LEGISLATIVE COMMISSION ON INTERSTATE COOPERATION

Mr. RUPP. Mr. President, I desire to introduce a resolution, which is the only tangible thing that my colleague from Philadelphia, Senator Woodward and I were able to bring back from the meeting of the Association of Legislators who held their convention in Washington, which I want to remind the Senators that we spent four thousand dollars to attend, although we paid our own expenses.

Mr. RUPP offered the following resolution, which was twice read, and referred to the Committee on State Government:

In the Senate of Pennsylvania, March 25, 1935.

Resolved (if the House of Representatives concur), That there is hereby established the Joint Legislative Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding, and cooperation between the State of Pennsylvania and the other states of the Union, both regionally and nationally;

The Commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. Its members shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this resolution. It may employ a secretary and such other assistants as are needed in the performance of its duties, or it may share the expense of such employment with similar commissions of other states. An item of appropriation shall be inserted in the general appropriation law to pay such expenses and secretarial and clerical assistance;

The said Commission shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate; ;

The five members of the Committee on Interstate Cooperation of the House of Representatives; and

Five officials of the State named by the Governor, one of whom shall be designated by him as the chairman of the Commission;

The Secretary of the Commonwealth shall forthwith communicate the text of this measure to the legislature of each of the other states of the Union, with the respectful request that each legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition and conflict.

## TIME OF NEXT MEETING

Mr. BATCHELOR offered the following resolution, which was twice read, considered and agreed to:

In the Senate, March 25, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 1st, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 1st, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## GRANTING USE OF THE SENATE CHAMBER TO THE COMMITTEE ON PENSIONS.

Mr. WOODWARD offered the following resolution, which was twice read, considered and agreed to:

In the Senate, March 25, 1935.

Resolved, That the use of the Senate Chamber be granted to the Committee on Pensions for the purpose of public hearing on Tuesday, March 26th, at two o'clock, P. M.

## REQUESTING TAX DATA FROM THE DEPARTMENT OF REVENUE

Mr. COYNE. Mr. President, I move that the Senate do now proceed to the consideration of a resolution reported from the Committee on Finance on March 19th, calling upon the Secretary of Revenue to furnish tax data to the Senate.

Mr. CLARK. Mr. President, I second the motion.

The resolution is read as follows:

FURNISHING TO SENATE TAX DATA PAID BY MANUFACTURING INDUSTRY FOR THE YEARS 1932 AND 1933

In the Senate, March 18, 1935.

Whereas, it is essential the General Assembly be in possession of available tax data so that its members may intelligently consider measures intended to produce additional revenue;

Therefore Be It Resolved by the Senate of Pennsylvania, That the Secretary of Revenue be requested to furnish to the Senate at the earliest possible moment the following information:

FIRST—The total amount of State and Local taxes paid by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933;

SECOND—The total amount of Federal taxes paid by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933 as shown by returns filed with the Secretary of Revenue;

THIRD—The total amount of rentals paid by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933;

FOURTH—The total net income or loss by the manufacturing industry in Pennsylvania for the year 1932 and for the year 1933;

FIFTH—The total value of the Capital Stock of the manufacturing industry in Pennsylvania, as appraised by the Department of Revenue, for the year 1932 and for the year 1933.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

## REPORTS FROM COMMITTEES

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 574 (House Bill No. 1006), entitled:

An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Federal Relations reported as committed, the following resolution:

### CONGRESS MEMORIALIZED TO PREVENT LYNCHING

In the House of Representatives, February 13, 1935.

Whereas, During each year many lynchings occur, statistics revealing that twenty-five happened during the last year and more than five thousand during the last fifty years; and

Whereas, State governments cannot put an end to this evil which reflects upon the good name of the states in which occurring and upon the United States; and

Whereas, A bill is pending in Congress known as the Costigan Wagner Bill to enable the Federal Government to control this evil; therefore be it

Resolved (if the Senate concur), That the General Assembly hereby memorializes the Congress of the United States to pass legislation consistent with the Constitution of the United States which will enable the Federal Government to assist in the prevention of this crime and punish offenders against the Federal law;

Resolved, That a copy of this resolution be transmitted to the Senate and House of Representatives of the United States by the Chief Clerk of this House.

Mr. WOODWARD. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions reported from Committee lie on the table one day be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. McGINNIS. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The resolution will lie on the table.

Mr. ROBERTS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS from the Committee on Finance reported as committed, Senate Bill No. 660 (House Bill No. 839), entitled:

An Act to amend sections four and ten of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law," by increasing said tax and providing for the distribution thereof.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 327, entitled:

An Act making an appropriation to the Northeastern Hospital of Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 574 (House Bill No. 1006), entitled:

An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 579, entitled:

An Act authorizing the transfer to and the acceptance by the Commonwealth of the Chester County Hospital for the Insane at Embreeville, including the grounds annexed thereto and the buildings thereon; providing for the development, improvement and enlargement thereof for use as a State mental hospital; permitting the Chester county and poor district authorities to continue to use said hospital or other buildings for certain purposes for a limited time, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 580, entitled:

An Act making an appropriation to the Simon H. Barnes Memorial Hospital, of Susquehanna, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 598, entitled:

An Act making an appropriation to the Home for Friendless Children, in the City of Reading, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 599, entitled:

An Act making an appropriation to the Beaver Valley General Hospital, at New Brighton, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 600, entitled:

An Act making an appropriation to the Rochester General Hospital, of Rochester, Beaver County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 601, entitled:

An Act making an appropriation to the Ellwood City Hospital, Ellwood City, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 602, entitled:

An Act making an appropriation to the Dobler Tuberculosis Hospital, Girard Township, Erie County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 615, entitled:

An Act making an appropriation to the Children's Aid Society of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 618, entitled:

An Act making an appropriation to the Columbia Hospital, at Columbia, Lancaster County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 633, entitled:

An Act making an appropriation to the Margaret Henry Children's Home, New Castle, Pennsylvania.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 634, entitled:

An Act making an appropriation to the Beaver County Children's Home, of New Brighton, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 635, entitled:

An Act making an appropriation to the Providence Hospital, Beaver Falls, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 636, entitled:

An Act making an appropriation to the Almira Home Association, New Castle, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 637, entitled:

An Act making an appropriation to the Jamison Memorial Hospital Association, New Castle, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 638, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission for the maintenance, upkeep, improvement and restoration of the Pennsbury Memorial in Falls Township, Bucks County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 654, entitled:

An Act making an appropriation to the Department of Forests and Waters for the maintenance and improvement of Fort Washington Park.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 660 (House Bill No. 839), entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), enitled "Liquid Fuels Tax Law," by increasing said tax and providing for the distribution thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. BUCKMAN. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. BAUMER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:49 P. M. until tomorrow morning, March 26, 1935, at 11 o'clock.

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# HOUSE OF REPRESENTATIVES

MONDAY, March 25, 1935

The House met at 9:00 o'clock P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend George A. Heiss, Pastor of St. Paul's United Brethren Church of Wormleysburg, offered the following prayer:

Almighty God Thou who art the essence of life, hope, peace and prosperity in Thy name we assemble.

Thou has bid us come to Thee, therefore we implore Thy Divine favour and blessing upon the Governor of our Commonwealth, upon each member of this Assembly.

Thou who art the Omnipotent, Omnipresent, Omniscient Johovah, we beseech Thee to direct and motivate the deeds and actions of each member of this August Assembly.

May each of us remember the scriptural injunction, "Thou shalt love the Lord thy God with all thy heart, mind, soul and strength. Thy neighbor as thy self."

May we build our laws and life upon the basic lay of Sinai.

When the conflicts of life are raging may we stabilize ourselves with the principle. The Lord thy God shalt thou adore, and Him only shalt thou serve.

This we pray in the name of our Father God. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, March 21, 1935.

The Clerk proceeded to read the Journal of Thursday, March 21, 1935, when, on motion of Mr. Stockham the further reading was dispensed with and the Journal approved.

## SERVICE OF WRIT OF ELECTION

The SPEAKER. The Chair lays before the House the following communication which the Clerk will read.

State of Pennsylvania }
County of Dauphin } ss:

F. D. Bowman, being duly sworn according to law, says that he resides at Norristown, Montgomery County, Pennsylvania, and that he is an Acting Sergeant-At-Arms of the House of Representatives of Pennsylvania. That he served on the Honorable Hazeltine S. Lever, High Sheriff of the County of Montgomery, on the 22nd day of March, 1935, at 10:30 o'clock at the offices of said sheriff in Norristown, Montgomery County, a special writ of election, by command of the Honorable Wilson G. Sarig, Speaker of the House of Representatives, of Pennsylvania.

(Signed) FRANK D. BOWMAN,
Acting Sergeant-At-Arms.

(SEAL)

Sworn and subscribed to this 23rd day of March A. D., 1935.

(Signed) CLAYTON J. DOUGHERTY,
Prothonotary Dauphin County, Pennsylvania.

The SPEAKER. The communication will be noted in the Journal and printed in the Legislative Journal.

## ELECTION RETURNS

The SPEAKER. The Chair lays before the House the returns of the special election to fill the vacancy in the membership of the House of Representatives for the County of Pike which will now be opened and read by the Clerk.

The returns were opened and read by the Clerk as follows:

1935 SPECIAL ELECTION
TO THE HOUSE OF REPRESENTATIVES OF PENNSYLVANIA

Commonwealth of Pennsylvania
County of Pike, ss:

I, Frank J. Price, Prothonotary of the Court of Common Pleas, in and for the said County of Pike, do hereby certify that it appears from the Returns of the Special Election held in the County of Pike on Tuesday, the nineteenth day of March, A. D. 1935, to fill the vacancy in the office of Representative in the General Assembly caused by the death of the Honorable Edward B. Labar, as computed in the presence of the Judge of the said Court by the proper officer and his sworn assistants, and duly certified and filed by said Judge in my office, that the following is the number of votes cast for the several candidates for the office of Representative in the General Assembly in the Representative District of the County of Pike.

REPUBLICAN

Ralph E. Kelder had two thousand thirty votes 2,030

DEMOCRATIC

Joseph H. Vogt had nineteen hundred ninety-one votes 1,991

N. P.

R. C. Smith had one vote 1

In testimony whereof, I have hereunto set my hand and caused the Seal of the said Court to be affixed this 21st day of March, A. D. 1935.

(SEAL)

FRANK J. PRICE, Prothonotary.
WARD H. MITCHELL, Deputy.

## OATH OF OFFICE ADMINISTERED TO MEMBER-ELECT

The SPEAKER. The Honorable Ralph E. Kelder will present himself at the bar of the House where the office of oath will be administered by the Honorable Frank B. Wickersham, a judge of the Court of Common Pleas of Dauphin County.

The Chair appoints Messrs. Woodside and Wickersham to escort the Honorable Frank B. Wickersham to the rostrum.

Whereupon the oath of office was administered to the Honorable Ralph E. Kelder.

## STATEMENT BY MR. BARNHARDT

Mr. BARNHARDT asked and obtained unanimous consent to make the following statement:

Mr. BARNHARDT. Mr. Speaker and members of the House, just a few short weeks ago it was my humble duty as a member of a committee representing this House, to pay our last respects to the memory of a former member, the Hon. Edward Labar, Pike County. Tonight we welcome to our midst his successor, the Hon. Ralph Kelder.

It is my great pleasure as a Republican and a Locomotive Engineer to welcome the new member, also a Republican and a railroad man, and in order that he may perform his new duties as befits his occupation as a switchman, I want to present to him the proper implement (a lantern) so necessary to his present duties.

## RESOLUTION

THANKING HONORABLE FRANK B. WICKERSHAM

Mr. WICKERSHAM offered the following resolution which was twice read and unanimously adopted:

In the House of Representatives, March 25, 1935.

Resolved, That the Members of the House of Representatives hereby extend their thanks to the Honorable Frank B. Wickersham, Judge of Dauphin County, for his service in administering the oath of office to the Honorable Ralph G. Kelder of Pike County.

THOMAS R. WICKERSHAM.

STATEMENT BY MR. RUTH

Mr. RUTH, asked and obtained unanimous consent to make the following statement.

Mr. SPEAKER. This afternoon the Governor of our Commonwealth, George H. Earle, was in conference with the Federal Emergency Relief Administrator, Harry L. Hopkins. The report of the United Press and the Associated Press is as follows:

Washington, March 25 UP-Relief Administrator Harry L. Hopkins and Governor George Earle agreed late today that Pennsylvania should raise $5,000,000 a month as its share of unemployment aid funds after April 15.

"I believe that is a reasonable figure," Hopkins told Earle, "and I must cut off Federal funds from Pennsylvania unless that amount is raised."

Earle replied that "I am perfectly certain the Legislature will provide those funds from the $203,000,000 two-year tax program I am advocating."

Hopkins pointed out that since January 15, FERA has advanced Pennsylvania $48,000,000, while the State has contributed no funds.

"It seems to me the FERA has been pretty reasonable, and there should be some action by the Legislature to provide Pennsylvania's fair share," Hopkins said.

"FERA cannot continue holding the bag for Pennsylvania, so I set the April 15 deadline."

Governor Earle went down to get $20,700,000. The administration at Washington gave him $10,000,000 to April 15 and not one cent after that date unless the Pennsylvania Legislature appropriates five million dollars a month.

I belive that the Legislature should take speedy action on the program so that our one million seven hundred fifty thousand people on relief will not be in want after April 15.

## LEAVES OF ABSENCE

Mr. Coakley asked and obtained leave of absence for Mr. SINWELL for the balance of the week on account of illness.

Mr. Eroe asked and obtained leave of absence for Mr. KELSO on account of illness.

Mr. Linderman asked and obtained leave of absence for Mr. BARNHARDT for the balance of the week on account of death in the family.

Mr. White asked and obtained leave of absence for Mr. STOTT.

Mr. Wood asked and obtained leave of absence for Mr. SPANGLER for the balance of the week on account of illness.

## SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The Hour of 9:30 having arrived the Chair lays before the House, the special order of business on third reading and final passage fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 836, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by adding new sections and repealing certain sections changing the method of appointing certain agents and employes of the Commonwealth engaged in the appraisement and collection of inheritance and estate taxes and mercantile taxes and license fees and further defining the powers and duties of the Department of Revenue in the collection of such taxes and license fees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand two hundred one and one thousand two hundred four of the Act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the law imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" be and the same are hereby amended to read as follows

Section 1201 Procedure Relating to Collection of Tax on Transfers of Property of Resident Decedents The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General in connection with the collection by the registers of wills of the several counties of transfer inheritance and estate taxes

The Department of Revenue shall have the power and its duty shall be

(a) To supervise the making of appraisements in estates of resident decedents and for this purpose to adopt and enforce rules and regulations for the just administration of the laws imposing transfer inheritance taxes

(b) To appoint or approve or disapprove the appointment fix the compensation and approve or disapprove all expense accounts of such appraisers [appointed by registers of wills to appraise decedents' estates] expert appraisers investigators clerks and other employes as may

be necessary to enable the registers of wills of the several counties to collect transfer inheritance and estate taxes

(c) To supervise and direct the work of investigators appraisers expert appraisers permanent appraisers and other employes appointed [by the Auditor General] to assist registers of wills in enforcing the transfer inheritance tax laws

(d) To receive from the several registers of wills and enter in a book to be kept for the purpose the monthly statements of all returns made by appraisers during the preceding month upon which the taxes have been paid or remain unpaid

(e) To exercise all of the powers vested in the register of wills if the register of wills in any case fails within the time provided by law to take the proceedings necessary to secure the filing of the inventory or schedule of the property of a resident decedent or to collect the tax due and for this purpose to institute such proceedings as may be necessary charging to the register of wills and deducting from any commissions or fees otherwise due him all costs expenses and attorney's fees incurred by the department in connection with such proceedings

(f) In settling the accounts of registers or of any county treasurer who has acted prior to the qualification of the register of wills of his county to credit the accounting officer and deduct from the settlement all commissions due such officer for collecting transfer inheritance taxes the compensation and expense paid [with the approval of the Auditor General] to investigators appraisers and expert appraisers the costs of advertising and all other reasonable fees and expenses incurred in the collection of the tax and

(g) To receive from registers of wills all duplicate receipts for taxes paid to them by executors and administrators to charge the registers receiving the money with the amounts receipted for to seal with its official seal and countersign the original receipt and transmit it to the executor or administrator whereupon it shall be a proper voucher in the settlement of the estate In no event shall the executor or administrator be entitled to a credit in his account by the register unless the receipt is so sealed and countersigned by the Department of Revenue

Section 1204 Procedure Relating to Collection of Mercantile License Taxes and Fees Assessable by the Mercantile Appraisers The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General or by the Auditor General and city treasurers in cities of the first class in connection with the collection of mercantile license taxes auctioneers' brokers' agents' and factors' license taxes and all other license taxes and fees which it is the duty of mercantile appraisers to assess

The Department of Revenue shall have the power and its duty shall be

(a) To prepare cause to be printed and furnish blanks to be distributed by the mercantile appraisers of the several counties to vendors of and dealers in goods wares and merchandise auctioneers brokers agents and factors keepers for profit or shooting-galleries shuffleboard rooms billiard or pool rooms bowling alleys nine or ten pin alleys or any other alleys or places in which similar games are played owners or lessees of places of amusement buildings tents or enclosures who or which are now required by law to make returns to or file applications with the mercantile appraisers

All such blanks shall be in the form prescribed by the Department of Revenue shall request such information as may be necessary to assess the license tax or fee for the period to be covered by the return or application and shall contain an affidavit as to the correctness of the facts stated

(b) To prepare and furnish to the mercantile appraisers forms of notice to be left by them with vendors of or dealers in goods wares and merchandise brokers agents or factors and other persons assessable for license tax purposes specifying their respective classifications and the amount of license money due the Commonwealth

(c) To publish the mercantile appraisers' list of names and classification of each person subject to license in each county having a population of less than one million five hundred thousand in not less than two or more than three newspapers of general circulation in such counties and in conjunction with the city treasurer to direct that such list and classification shall be published in four newspapers in cities of the first class The respective county treasurers shall pay for all advertising authorized hereunder at the rates and subject to the limitations now provided by law and subject to the approval of the bills therefor by the Department of Revenue

(d) To exonerate any county treasurer from the collection of any amount shown upon the list certified to the department as due the Commonwealth if it be shown to the satisfaction of the department that the party listed as owing such amount is not subject to the payment thereof according to the true intent and meaning of the act imposing the tax or license fee or that it is impracticable to collect and recover such amount [and]

(e) To investigate and ascertain the character and amount or volume of business transacted by any dealer vendor auctioneer broker agent factor or other person association or corporation required to make a return to or file an application with the mercantile appraiser of any county if through fraud accident or mistake such dealer vendor broker agent factor or other person shall fail to make a full complete and accurate return or the mercantile appraiser shall have failed to make a full complete and accurate report with respect thereto For the purpose of conducting such investigation the department shall have all the powers conferred upon it for the collection of State taxes in other cases and all taxes based upon such valuation shall be collectible at any time either before or after the expiration of the year for which the tax is to be paid and

(f) To appoint mercantile appraisers in the various counties and in cities of the first class and to appoint or approve the appointment of such clerks or assistants as may be necessary to enable the mercantile appraisers to perform the duties imposed upon them by law and to approve or disapprove all expense accounts of mercantile appraisers clerks and assistants appointed to assist them and to fix the compensation of such clerks or assistants

Section 2 At the end of Article II of the said Act the following sections are hereby added

Section 214 Appointment of Inheritance Tax Appraisers Investigators and Clerks The Department of Revenue shall have the power and its duty shall be to appoint or approve or disapprove the appointment and fix the compensation and approve or disapprove the expense accounts of such appraisers expert appraisers permanent appraisers investigators clerks and other employes as may be necessary to enable the registers of wills of the several counties to collect the transfer inheritance and estate taxes

Section 215 Appointment of Mercantile Tax Appraisers and Clerks The Department of Revenue shall have the power and its duty shall be to appoint or approve the appointment of mercantile appraisers in the various counties and in cities of the first class and such clerks or assistants as may be necessary to enable the mercantile appraisers to perform the duties imposed upon them by law and to approve or disapprove all expense accounts of mercantile appraisers or clerks or assistants appointed to assist them and to fix the compensation of such clerks or assistants

Section 3 Section four hundred six and four hundred seven of the said Act are hereby repealed All other acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 The amendment to Section one thousand two hundred one of The Fiscal Code contained in Section one of this act Section two hundred fourteen added to The Fiscal Code by Section two of this act and the repeal of Section four hundred seven of The Fiscal Code contained in Section three of this act shall become effective the first day of June one thousand nine hundred thirty-five

The amendment to Section one thousand two hundred four of The Fiscal Code contained in Section one of this act Section two hundred fifteen added to The Fiscal Code by Section two of this act and the repeal of Section four hundred six of The Fiscal Code contained in Section three of this act shall become effective the first day of January one thousand nine hundred thirty-six

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question

Shall the bill pass finally?

Mr MASON. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Monroe, Mr. Achterman permit himself to be interrogated?

Mr. ACHTERMAN. Mr. Speaker, I will.

Mr. MASON. Mr. Speaker, will the sponsor of the bill tell me how much revenue is estimated if the bill is passed?

Mr. ACHTERMAN. Approximately four million three hundred thousand dollars, Mr. Speaker.

Mr. MASON. Mr. Speaker, it is my interpretation that by the passage of this bill it transfers into the Department of Revenue the collection of the transfer and inheritance tax, the state taxes and mercantile taxes.

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. MASON. Mr. Speaker, can the gentleman from Monroe tell me how the four million and some odd thousands of dollars are divided in so far as the three various tax collections are concerned?

Mr. ACHTERMAN. Mr. Speaker, under the state inheritance tax the Department of Revenue anticipates an increased collection of two million five hundred fifty thousand dollars. In the collection of the mercantile tax on retail and wholesale business they anticipate an increased revenue of one million seven hundred thousand dollars. In the saving of salaries the sum of one hundred fifty thousand dollars and the possible savings of approximately fifty thousand dollars in various other expenses.

Mr. MASON. Mr. Speaker, may I ask the gentleman from Monroe to state how by the transfer of inheritance tax to the Department of Revenue an additional income will be produced in the amount of approximately two million five hundred thousand dollars?

Mr. ACHTERMAN. Mr. Speaker, it will be produced by the placing in office of competent men, capable and able to carry on the business, whereas in the past it has not been carried on in the most competent and efficient manner. It is estimated that the amount of revenue will increase ten per cent. They anticipate that by efficient and competent collection that the revenue will be increased ten per cent over the estimated revenue. The estimated revenues of the inheritance state taxes are twenty-five and a half million dollars and ten per cent will be two million five hundred and fifty thousand dollars.

Mr. MASON. Mr. Speaker, does the gentleman from Monroe say that the increased mercantile taxes arise through the same method?

Mr. ACHTERMAN. The same method, Mr. Speaker, except that the possible increase from figures and examination made by the Department of Internal Revenue it would indicate that the increase would be approximately thirty-three and one third per cent, that is increased over and above the estimate income of five million two hundred ten thousand dollars, or in round numbers the increase would be one million seven hundred thousand dollars.

Mr. MASON. Mr. Speaker, did the gentleman from Monroe say that there would be one hundred fifty thousand dollars approximate saving in salaries?

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. MASON. May I ask, Mr. Speaker, how many employes would be dismissed or reduced by the transfer of the mercantile tax to the Department of Revenue from the Department of Internal Affairs?

Mr. ACHTERMAN. Mr. Speaker, the figures I have involve the collection of both the mercantile taxes and the inheritance or state taxes and the number is estimated at thirty, with a saving of twenty-five hundred dollars per annum on each of those employes, or seventy-five thousand dollars per year which is one hundred fifty thousand dollars for the biennium.

Mr. MASON. Mr. Speaker, does the gentleman from Monroe know how many employes are permanently employed throughout the State exclusive of Philadelphia and Allegheny Counties?

Mr. ACHTERMAN. Mr. Speaker, I do not have those figures.

Mr. MASON. Mr. Speaker, does the gentleman know how many of those employes are temporarily employed in the sixty-five counties exclusive of Philadelphia and Allegheny Counties?

Mr. ACHTERMAN. Mr. Speaker, I do not have those figures.

Mr. MASON. Mr. Speaker, does the gentleman from Monroe have the figures of the number of employes in the collection of the transfer inheritance tax?

Mr. ACHTERMAN. No, I do not, Mr. Speaker. Of course the figures I have given involve the collection of all these three taxes.

Mr. MASON. Mr. Speaker and members of the House, why this bill is classed as a revenue raiser and a bill under the present administration tax program is beyond my comprehension, for there is no doubt that anyone who studies the bill itself knows the present system in the collection of these various taxes and realizes that by the transfer of these taxes from the Register of Wills or from the Auditor General and the Register of Wills and from the mercantile appraisers to the Department of Revenue they are merely transfering certain patronage,—political patronage if you will—from the Republican administration of the Auditor General to the Democratic administration of the Department of Revenue.

No one can gainsay the fact that there is a complete record of every estate filed in all the counties of the Commonwealth in the office of the Register of Wills; no matter under which office or under which system of collection the transfer inheritance tax is collected it will not change the number of estates which must be filed; that is entirely separate from this act.

There is no doubt that at the present time a minimum number of employes has been used throughout the State in the collection of the transfer and inheritance taxes. In the sixty-five counties of the state exclusive of Philadelphia and Allegheny counties there are one hundred thirty-six employes, and this covers appraisers, investigators, collectors and so forth. These figures are based upon the year 1934. In the county of Philadelphia there are more than that naturally,—there are seventy-four in the county of Philadelphia and fifty-seven in the county of Allegheny. There are sixty-seven Registers of Wills, one in each county in the State. To state that we can cut this number to any appreciable degree by transferring the collection of this tax to Department of Revenue is I believe entirely erroneous.

When you come to the mercantile appraisers, however, we find it entirely different, and certainly a very dubious question that there can be any reduction whatsoever. Let me call attention to the fact first of all that the mercantile appraisers for the sixty-five counties in the State of Pennsylvania are on a fee basis, they are paid a percentage on collections and not through any salaries. In Allegheny County and in Philadelphia County they allow a corps of five men who are paid by salaries or wages, I believe, and for the number of permanent employes throughout the sixty-five counties of the State by mercantile appraisers at the present time, we find that Dauphin Couny has one, Lackawanna County has three, Luzerne County has three, and the sum total is seven, that is all that are used throughout the State that are permanent employes.

Insofar as temporary employes are concerned we find that there are thirty-four throughout fifty-four counties and that forty-four of the counties do not employ any employes whatsoever except the mercantile appraiser to collect the tax. There can not be any saving that way. The only possible way there might be a saving under this act or an increase in revenue would have been by more diligent and efficient methods of collection, and I say to you that if the acts in the present form are not sufficient to bring forth adequate collections, there is only one thing to do and can do and that is to put a bit more teeth in the act itself to insure methods for the proper enforcement and collection of the tax.

In analyzing the two acts that now that the bill has been re-referred for second reading there has been an amendatory section in subsection (c) of section 1204, and I merely wish to call attention of the members to this fact, that by that amendment they changed it so that the advertising should be published in each county having a population of less than one million five hundred thousand.

I wonder which counties they are aiding by adding that extra five hundred thousand population in there? I wonder which newspapers are going to gain by page after page of names, list after list which must be advertised in that large county included under this new amendment to the act itself? It would be far better if in amending the act they had eliminated from section (c) of sub-section 1204 any provision in so far as advertising is concerned.

Frankly I do not believe it is a tax question; I do not believe it is a revenue raising measure whatsoever. I believe the sole purpose of the bill, disguisd as a tax measure is, as I said, in my first remarks, a transfer of patronage from the Department of Internal Affairs under the old administration to the Department of Revenue under the present administration, and I shall vote against the bill and urge the members of the House to do likewise.

Mr. ACHTERMAN. Mr. Speaker, rising in support of House Bill 836 I would call to the attention to the members of this House the pledge of the Democratic party during the last campaign for an efficient administration of government affairs. That party promised to administer this government both efficiently and at the least expense possible. The Governor, as every member of this House knows, has played his part in the elimination of many useless and worthless jobs that have been costing the government of this State many millions of dollars.

The Governor, however, can not alone bring about all of the savings that were promised by the Democratic party. Unfortunately it is necessary to pass needed and necessary legislation to carry into effect the promise of efficiency and the promise of to save to the people of this Commonwealth large sums of money, and House Bill No. 836 is introduced for that purpose in the main.

It is doing this, it is transferring to the Department of Internal Affairs the appointment of the appraisers for inheritance and state taxes, and it is also transferring to the same department the appointment of mercantile appraisers, and in so doing we propose to save to this Commonwealth either by efficient collection of taxes or by saving, the sum of four million three hundred thousand dollars in the biennium.

Now, let us see how that figure is arrived at. First of all let me say that it will result in the removal of a large number of unnecessary tax appraisers,—inheritance tax appraisers; that secondly the Department will go into the qualifications of these men whom they will appoint as inheritance appraisers. I believe every member of this House knows the fact that very many incompetent men are appointed. We have at the present time insurance agents, clerks, storekeepers and real estate brokers acting as appraisers for the inheritance taxes and unfortunately those men are incompetent in many instances to occupy that particular position. They lack the facilities to ascertain the values of the stocks and the bonds and the various properties they are expected to appraise. And then again they are personally affected because of their acquaintanceship with the heirs of the estate, and as a result large sums of money are lost to the Commonwealth because of inequitable and unfair appraisements. As a matter of fact the Department of Internal Affairs on its own initiative could quite reasonably carry on an investigation for the purpose of ascertaining how the appraisers were working, and they found approximately seven hundred thousand dollars in errors in appraisements. That was in only a limited investigation, if you please, and using that investigation as a basis they have come to the conclusion that at least an extra ten per cent in inheritance taxes can be raised and the estimated sum payable under inheritance taxes for the biennium, not considering the investigation, amounts to twenty-five and a half million dollars for the biennium, and if those figures are correct,—and the Department of Internal Affairs stands ready to back up that assertion,—they will collect the sum of two million five hundred fifty thousand dollars over and above the amount of the estimated income.

They likewise carried on in the same method in the mercantile field, and they found there even greater disparity in the figures of the returns and the sum that should have been returned. As a matter of fact they found that the increased amount would be one-third over and above the estimated returns, and the estimated returns, if you please, are five million two hundred ten thousand dollars, and using that as a basis they anticipate a saving of one million seven hundred thousand dollars,—and when I say saving I mean increased revenue.

In addition to that, many counties are being served by an appraiser when one appraiser could efficiently and effectively serve three or four and even more counties, and they estimate and feel that they can save the salary of thirty employes, a sum amounting to seventy-five thousand dollars per year or one hundred fifty thousand dollars for the biennium.

Likewise they feel that with the discharge of that num-

ber of employes that they will save approximately one-third of that salary in travel expense or an additional sum of fifty thousand dollars, and they point to the members of this House that in addition they will have effective and efficient service because these men will be serving directly under them.

At the present time, if you please, the men are appointed by the Auditor General's Office and then make their reports to the Department of Internal Affairs, but they are not responsible to the Department, for their appointment does not eminate from there, and after all to clarify the situation, in order to see to it that the employes are responsive to the individual who is employing them for the department that is employing them they should be put directly under the supervision and under the appointment of the department for whom they must work.

And now in conclusion, as to the statement of the gentleman relative to the amendment, might I state that that amendment has not changed the present law in the least. This law at the present time provides for advertisement in counties having a population of one million five hundred thousand or less, and in drafting the bill unfortunately we referred to an earlier act, and as a result we discovered our error and have corrected the error. This is not changing the law one iota.

No pressure was brought to make the amendment; it was made out of fairness, out of honesty and out of decency for the purpose of not changing the law as it stands at the present time, and I am saying to the Democratic members of this House, in voting for this bill you are voting for a part of that platform that you pledged yourselves to support, that part wherein you guaranteed to the people of this Commonwealth an efficient and effective form of government, saving every penny where it is possible to save, and I am asking yo uto vote for it.

Mr. TURNER. Mr. Speaker, May I interrogate the gentleman from Monroe, Mr. Achterman?

The SPEAKER. Will the gentleman from Monroe, Mr. Achterman, permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Monroe tell us how under the present law the mercantile appraisers are paid in each county?

Mr. ACHTERMAN. They are paid, Mr. Speaker, if I recall correctly, fifty cents for each appraisement. I may be in error as to the amount.

Mr. TURNER. Mr. Speaker, May I ask if they are paid any commission beyond that?

Mr. ACHTERMAN. No, Mr. Speaker.

Mr. TURNER. Mr. Speaker and members of the House, as was well stated by my colleague from Luzerne County, in the last analysis this measure means merely the transferring of patronage from the Auditor General's Department to the Governor. It is not a new measure to those of us who served under the last administration, because the last administration desiring likewise to have control of this patronage, sought to do the same thing.

I do not understand how the gentleman from Monroe can logically say to the members of this House that you are going to receive any money by reducing the number of mercantile appraisers if the appraiser receives only fifty cents for each appraisement that he makes; reducing the number certainly will not reduce the amount of money that he collects. If there are a million returns made by the mercantile appraisers then the cost would be five hundred thousand dollars, whether you had ten appraisers or fifty appraisers, because this bill makes no change in that.

In the second place I believe the gentleman from Monroe, if I understand him properly, said that there was favoritism by some men that were employed by the mercantile tax appraisers, because they knew the people, knew the family connected with the estate or knew the attorney or representative of the estate. I want to say that in so far as I am concerned as a practising attorney and in so far as my experience in my own county is concerned, you have a fight with the inheritance tax appraiser in every case; he makes you prove every item. And then in the last analysis that appraisement has to go to the Department of Revenue for approval, and if there are unfair appraisals because an inventory appraisal is filed in every estate, the items are all there, the inventory is appraised. That inventory must go eventually through the Orphans' Court, and if the items are all there they all go to the Department of Revenue, and if the appraisers have made mistakes of seven hundred thousand dollars in their appraisements, then certainly we do not want to turn this work over to the Departmment of Revenue. We had better send it on back where it was, in the Auditor General's Department and let them handle it and see whether they can prevent a mistake of seven hundred thousand dollars in the appraisements.

I think it is therefore neither intelligent,—it certainly does not mean that we have intelligence if you say that you can increase inheritance tax collections or the amount that the state should receive from the inheritance tax—and get ten per cent more, or two million five hundred thousand dollars. We might as well state any figure here, but if that amount can be saved then not only the appraisers themselves, but in the last analysis the department that has control over this matter is to blame.

Now, my friends, the gentleman from Monroe mentions savings that the Governor of the Commonwealth is endeavoring to make. I think those of you who know my history in the House know that if there is any one thing for which I have fought since I have been here it is to increase the efficiency and economy in state government and I would be the last one to make any disparaging remark as to any executive who tried to cut the cost of state government.

I do not believe it is particularly germane at the moment to this situation, but the gentleman from Monroe having raised it I would like to call your attention to the fact that in his budget message to this House the Governor of this Commonwealth said there were $16,310,470.76 savings by purging padded payrolls and strictest economies in all government functions. I believe that the Governor was sincere when he made that statement. He had just come into office; he had not had the experience that some of us here have had, and he undoubtedly took that which was handed to him and made that statmeent. But, my friends, there are some of us who have been here too long to take such statements without analysis. I recall as some of you do that in 1932 we tried to cut the cost of the government of the State of Pennsylvania by cutting the appropriation by twenty-two million dollars. We finally succeeded in cutting it by sixteen million dollars, but it was a tremendous effort and one that brought down upon our heads a great deal of condemna-

tion from many sources even though we were saving it for the Commonwealth.

I am not going to take your time to read the analysis, but I have here a complete analysis of the manner in which that $16,310,470.76 was saved. If you care to see it, I will be glad to show it to you but I want to say that there was not $16,310,470.76 saved by purging padded payrolls and strictest economies in all governmental functions, because the items in this so-called sixteen million dollar saving when broken down show that part of these savings are non-recurring items. I have one that just hits me in the eye, the Department of Military Affairs, quelling riots, replacing Federal property, and so forth one hundred thousand dollars. I have here a statement that in this is four million three hundred thousand dollars in support of public schools. That was not cutting down padded payrolls and strictest economies in government functions because that is taken out under the provisions of the Edmonds Act which compels us to pay a certain part of the teachers' salaries.

Then there is the aid to the financially handicapped school districts for which we have appropriated through two sessions five million dollars. That is taken out, and that becomes a part of this saving by taking from padded payrolls and practicing strictest economies.

I could go on throughout this entire list and show you item after item of appropriations that were made in the past that are not necessary now which were taken as part of this strict economy. I do not believe that is germane to the question for moment. I do not believe that the Department of Revenue can save us ten percent or can increase the amount of the inheritance tax to be collected by ten percent to save two million five hundred thousand dollars.

In the first place every Register of Wills receives a commission on the amount collected. He is most zealous in trying to collect all that he can so that he can increase his commissions.

I do not believe that you can save or increase the revenues by one million seven hundred thousand dollars by taking over the mercantile appraisers for the reason that I have shown you the amount so paid to the mercantile appraisers.

But I think there is a broader and a bigger question than that, and one that I think will interest the members of this House who have been here for sometime. We know that gradually in the State of Pennsylvania there has been handed into the hands of the Executive increased executive power. Those of us who were here in 1929 objected to the provisions of an administrative code that greatly increased the patronage that the Governor had at his disposal. We know that the Secretary of Internal Affairs, a constitutional officer, had up to 1927, control of his patronage, and at that time that was taken away from him and added to the Governor.

I have often said to the people of the State of Pennsylvania on the floor of this House that I do not believe that there is any potenate or any government in any country on the face of the globe with the possible exception of the President of the United States today who wields as great an amount of patronage as does the Executive of the State, and I want to say to you as a warning to you new members of this House who perhaps have not had this experience but perhaps have experienced some of it with these tax measures in the last couple of weeks, that the increase in the power of patronage that the Governor wields and that the Executive wields as a continuing menace to the independence of the Legislature, that it is a continuing menace to the economy in the State and in our government, and while we may have in one administration a Governor who may wield his axe for the sake of economy, there are too often men who are anxious for jobs, and the political pressure and the power that are put behind the demand upon the Executive are so great that there are many times when he is bound to override his own judgment and place patronage at the disposal of the politicians in his district.

Who can doubt that the men who will be appointed to the office of mercantile appraisers and tax appraisers will but be the men in the counties in which these appraisements will be made.

Every member of the Democratic party there will be undoubtedly seeking office for his own friends. There will be no change in that respect, but after all I think there is a broader and bigger question. Every Governor that we have had has been reaching out for more and more patronage. We try to extend the jobs under the Commonwealth, the jobs in the control of the Executive.

This is the time to fight for our independence. This is the time for the Legislature to be a real Legislature, and stand up and fight for the things that it believes to be right.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—116

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Long, | Ruffennach, |
| Alexander, | Downey, G. E., | Lovett, | Ruth, |
| Allen, | Downey, J. J., | Lynch, | Sarraf, |
| Andrews, | Eberharter, | Male, | Scanlon, |
| Arnold, | Eroe, | McDermott, | Schrope, |
| Aukerman, | Falkenstein, | McElroy, | Schwab, |
| Baine, | Finnerty, | McHenry, | Shaw, |
| Baker, J. J., | Fitch, | Melchiorre, | Shepard, |
| Barber, | Flanagan, | Mentzer, | Shugarts, |
| Bradley, | Flinchbaugh, | Moomaw, | Siegel, |
| Brancato, | Furman, | Mooney, | Simon, |
| Brown, H. S., | Gerard, | Moran, | Smith, J. A., |
| Brown, J. E., | Haberlen, | Moul, | Smith, W. G., |
| Brownfield, | Hagerty, | Munley, | Stank, |
| Brumbaugh, | Haluska, | Murrin, | Stevens, |
| Burke, | Hamilton, F. P., | Nagel, | Stone, |
| Cannon, | Harkins, | O'Keefe, | Sumney, |
| Caputo, | Harmuth, | Ominsky, | Tronzo, |
| Carr, | Hartman, | O'Neill, | Tumelty, |
| Carson, | Hetrick, | Panton, | Van Sickle, |
| Chervenak, | Hindman, | Patterson C., | Walker, |
| Coakley, | Hirsch, | Patterson, J. W., | Weiss, |
| Cochran, | Holstrom, | Pearson, | Welliver, |
| Cohen, | Hoopes, | Pfaff, | Welsh, |
| Coleman, | Kilroy, | Piole, | Westrick, |
| Coolahan, | Kinney, | Powers, | Wilson, |
| Decker, | Klingler, | Reising, | Yourishin, |
| Dent, | Kobelak, | Rinn, | Zappala, |
| Diehl, | LaRue, | Robinson, | Sarig, |

NAYS—82

| | | | |
|---|---|---|---|
| Altenburg, | Green, | Moore, | Sowers, |
| Atkins, | Greenstein, | Muir, | Sproul, |
| Baker, F. T., | Habbyshaw, | Nothnagle, | Stewart, |
| Baldi, | Hamilton, R. S., | Parks, | Stockham, |
| Bernhard, | Hart, | Perry, | Surface, |
| Blumberg, | Hefferon, | Peters, | Tahl, |
| Boose, | Hermansen, | Phillips, | Terry, |
| Boyd, R., | Hoffner, | Reynolds, | Trout, |
| Boyer, | Horst, | Rhys, | Turner, |
| Brennan, | Jackson, | Roan, | Van Allsburg, |
| Castor, | Jones, | Rooney, | Wall, |

| | | | |
|---|---|---|---|
| Condon, | Kane, | Root, | Wasserman, |
| Conner, | Kelder, | Schrock, | Weidemann, |
| Cordier, | Linderman, | Schwartz, | White, |
| Davies, | Longaker, | Shortz, | Wickersham, |
| Denning, | Mallen, | Shreiner, | Witkin, |
| Duffort, | Mason, | Simpson, | Wood, |
| Ferko, | McCreary, | Sloan, | Woodside, |
| Flynn, | McDevitt, | Snyder, F. E., | Yeakel, |
| Gates, | McKinney, | Snyder, J. L., | Zimmerman, |
| Gillette, | Merrell, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 837, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies heretofore exempt, and increasing the rate of tax on the capital stock of fire and marine insurance companies.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

## SPECIAL ORDER

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 838, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations; imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships and companies heretofore exempt; and increasing the rate of tax on the capital stock of fire and marine insurance companies.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HORST. Mr. Speaker, may I interrogate the gentleman from Center, Mr. Decker?

The SPEAKER. Will the gentleman from Center permit himself to be interrogated?

Mr. DECKER. Mr. Speaker, I will.

Mr. HORST. Will the sponsor of this bill, Mr. Speaker, kindly explain why on page 9, section 20, the act was so amended as to except distilleries which are now under the present act and bring in under the provisions of the act taxation on the capital stock of corporations, limited partnerships and so on? The question I am curious about is why this exception should be put into the act.

Mr. DECKER. Mr. Speaker, for the benefit of the gentleman from Lebanon, I am informed that there was a higher rate of millage tax levied than was set forth in this particular bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—116

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Long, | Ruffennach, |
| Alexander, | Downey, G. E., | Lovett, | Ruth, |
| Allen, | Downey, J. J., | Lynch, | Sarraf, |
| Arnold, | Eberharter, | Male, | Scanlon, |
| Aukerman, | Eroe, | McCreary, | Schrope, |
| Baine, | Falkenstein, | McDermott, | Schwab, |
| Baker, J. J., | Finnerty, | McElroy, | Shaw, |
| Barber, | Fitch, | McHenry, | Shepard, |
| Bradley, | Flanagan, | Melchiorre, | Shugarts, |
| Brancato, | Flinchbaugh, | Mentzer, | Siegel, |
| Brown, H. S., | Furman, | Mcomaw, | Simon, |
| Brown, J. E., | Gerard, | Mooney, | Smith, J. A., |
| Brownfield, | Haberlen, | Moran, | Smith, W. G., |
| Brumbaugh, | Hagerty, | Moul, | Stank, |
| Burke, | Haluska, | Munley, | Stevens, |
| Cannon, | Hamilton, F. P., | Murrin, | Stone, |
| Caputo, | Harkins, | Nagel, | Sumney, |
| Carr, | Harmuth, | O'Keefe, | Tronzo, |
| Carson, | Hartman, | Ominsky, | Tumelty, |
| Chervenak, | Hetrick, | O'Neill, | Van Sickle, |
| Coakley, | Hindman, | Panton, | Walker, |
| Cochran, | Hirsch, | Patterson, C., | Weiss, |
| Cohen, | Holstrom, | Patterson, J. W., | Welliver, |
| Coleman, | Hoopes, | Pearson, | Welsh, |
| Condon, | Kilroy, | Pfaff, | Westrick, |
| Coolahan, | Kinney, | Piole, | Wilson, |
| Decker, | Klingler, | Powers, | Yourishin, |
| Dent, | Kobelak, | Reising, | Zappala, |
| Diehl, | LaRue, | Robinson, | Sarig, |

NAYS—82

| | | | |
|---|---|---|---|
| Altenburg, | Gillette, | Moore, | Sowers, |
| Andrews, | Green, | Muir, | Sproul, |
| Atkins, | Greenstein, | Nothnagle, | Stewart, |
| Baker, F. T., | Habbyshaw, | Parks, | Stockham, |
| Baldi, | Hamilton, R. S., | Perry, | Surface, |
| Bernhard, | Hart, | Peters, | Tahl, |
| Blumberg, | Hefferon, | Phillips, | Terry, |
| Boose, | Hermansen, | Reynolds, | Trout, |
| Boyd, R., | Hoffner, | Rhys, | Turner, |
| Boyer, | Horst, | Roan, | Van Allsburg, |
| Brennan, | Jackson, | Rooney, | Wall, |
| Castor, | Jones, | Root, | Wasserman, |
| Conner, | Kane, | Schrock, | Weidemann, |
| Cordier, | Kelder, | Schwartz, | White, |
| Davies, | Linderman, | Shortz, | Wickersham, |
| Denning, | Longaker, | Shreiner, | Witkin, |
| Duffort, | Mallen, | Simpson, | Wood, |
| Ferko, | Mason, | Sloan, | Woodside, |
| Flynn, | McDevitt, | Snyder, F. E., | Yeakel, |
| Forrest, | McKinney, | Snyder, J. L., | Zimmerman, |
| Gates, | Merrell, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 840, as follows:

An Act to further amend section twenty four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand

eight hundred and seventy-nine" by imposing upon certain domestic insurance companies and associations a gross premiums tax on business for the year ending one thousand nine hundred and thirty-four and every year thereafter and requiring such companies and associations to make reports in writing to the Department of Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand and ninety-three) is hereby further amended to read as follows

Section 24 It shall be the duty of the president secretary or other proper officer of each and every insurance company association or exchange incorporated by or under any law of this Commonwealth [except] including life insurance companies and companies doing business upon the mutual plan without any capital stock and purely mutual beneficial asociations whose funds for the benefit of members and their families or heirs are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon to make report in writing to the Department of Revenue on or before the fifteenth day of March in each year setting forth the entire amount of premiums premium deposits contributions or assessments received by such company association or exchange during the year ending with the thirty-first day of December preceding whether the said premiums premium deposits contributions or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere and every such company association or exchange shall pay into the State Treasury through the Department of Revenue within the time prescribed by law for the payment of State taxes settled by the Department of Revenue in addition to any other taxes to which it may be liable under the first and twenty-first sections of this act a tax of eight mills on the dollar upon the gross amount of said premiums premium deposits contributions and assessments received from business transacted within this Commonwealth

Such company association or exchange in reporting for taxation may deduct from the gross premiums premium deposits contributions and assessments all amounts returned on policies cancelled or not taken and all premiums paid for reinsurance where such reinsurances are effected in companies associations and exchanges authorized to transact business in this Commonwealth by contracts or agreements entered into or executed by all parties thereto within this Commonwealth If such contract or agreement is not entered into or executed by all parties thereto within this Commonwealth such company association or exchange in reporting for taxation may not deduct such premiums so paid unless the tax thereon is paid when due by the company in which such reinsurance is effected and mutual companies associations exchanges and stock companies with participating features which may for any reason be required to report under this act in addition to the aforesaid deductions may deduct that portion of the advanced premiums premium deposits contributions or assessments returned in cash or credited to members or policyholders whether as dividends earnings savings or return deposits upon the expiration or termination of their contracts Provided That hereafter the annual tax upon premiums of insurance companies of other states or foreign governments shall be at the rate of two per centum upon the gross premiums of every character and description received from business done within this Commonwealth within the entire calendar year preceding The penalties for failure to make report and pay the tax as herein required shall be as provided by law

Section 2 It shall be the duty of all companies and associations required to pay the tax imposed by this amendment to pay such tax upon gross income of premiums premium deposits contributions and assessments received by such companies or associations from business transacted within this Commonwealth during the year ending the thirty-first day of December one thousand nine hundred thirty-five and every calendar year thereafter

Section 3 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 4 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. CLIFF PATTERSON. Mr. Speaker, on account of typographical error in this bill I desire to offer the following amendment to the bill. I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Title of Bill, Page 1, line 10, by striking out after the words "hundred and" the words "thirty-four", and inserting in lieu thereof, the words: "thirty-five".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

I was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 841, entitled:

An Act to further amend section twenty-three of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred and twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies, and water companies and steam heating companies, and to gross receipts of municipality owned or operated public utilities and public utility services previously exempt from the tax.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. ROBINSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

## HOUSE BILLS NOS. 840 AND 842 MADE SPECIAL ORDER

Mr. FURMAN. Mr. Speaker, I move that House Bill No. 840, Printer's No. 387, entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by imposing upon certain domestic insurance companies and associations a gross premiums tax on business for the year ending one thousand nine hundred and thirty-four and every year thereafter and requiring such companies and associations to make reports in writing to the Department of Revenue

and House Bill No. 842, Printer's No. 388, entitled:

An Act To further amend section seven hundred and thirteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring certain domestic insurance companies and associations to make certain reports in writing to the Department of Revenue on the fifteenth day of March one thousand nine hundred and thirty-five and every year thereafter

be made a special order of business on third reading and final passage immediately following the special order of business already on the calendar.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. RUTH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Berks will state his question of personal privilege.

Mr. RUTH. Mr. Speaker and members of the House, because of my unfortunate illness during the last three weeks, I was not in the House when the several tax bills passed the House. Had I been here, I would have voted "yes" on every one.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement.

Mr. Speaker and members of the House, for several weeks we have been examining the budget and the State fiscal affairs of the Commonwealth. As a result of that examination we have found a rather alarming condition existing, which I feel should be presented to this House, not as a partisan matter, but as one which pertains to and affects the district of every member of this House, I am, however, authorized to say on behalf of the Republicans of this House that we feel that this is such an important matter that it should receive action at once.

As of March 19th, 1935, the total amount of appropriation liability from March 19th to June 1st, which ends the fiscal biennium,—the total liability was $48,493,533.72. Of that amount the sum of $17,849,000 plus were appropriation liabilities for the ordinary expenses of the Commonwealth under the general fund. $11,622,901 was made up of items due for support of the public schools, for aid to the financially distressed school districts, the State aided universities and colleges, also to the State aided medical and surgical hospitals; State aided homes, mothers' assistance, and some correctional and insane institutions, which also are State aided. The total of that, as I said, is $11,622,901. In addition to that there was due for pensions to the blind $3,200,000, and a budget deficiency of $5,821,000, and if the amount of relief be $5,000,000 a month, which the gentleman from Berks has just spoken of tonight, or the amount which we will have to produce for April and May of $10,000,000, makes the total of $48,000,000 plus. On account of this the Commonwealth had $3,141,125 in cash and transfer items of $2,241,000, and $3,200,000.

Mr. Speaker, may I desist for a moment? I see that the gentleman from Berks is busily engaged in trying to put down these figures, and I will ask one of the page boys if he will not take a copy of the figures which I have in order that he may have the figures before him and more readily understand them.

Therefore, there is a net amount due of $39,911,000, or approximately $40,000,000. If you take the average receipts in the general fund for the last eight years, that is from 1927 to date, for the months of April and May you will find that the average receipts are $13,700,000 plus. In that item, however, is included about $7,000,000 in 1933, which was relief money, and, therefore, should not be counted in the ordinary receipts of the Commonwealth. Therefore, if we take the average receipts for the two months of April and May, it would be $13,000,000, and we would have what we might expect to be the average to be received during the two months. However, I believe that extraordinary efforts are being put forth by the State government, as they have been in the last several months, not only in this administration but in the past, to push these collections as rapidly as possible. For the sake of figures and in order to put the problem before you, I would say that suppose we consider that as receipts from March 19th to June 1st we could expect the possibility of $15,000,000 in that period of time. If you subtract that from the $40,000,000, which I have mentioned as being needed, you will have $25,000,000 of money that we will have to raise if we are to take care of not only the ordinary operating expenses of the government, but also the amounts due to our colleges, to our public schools, due for mothers' assistance, to our hospitals and State aided homes.

If the Governor's program were to be enacted into law by April first and if we were to do as the gentleman from Berks has urged us tonight,—to pass these tax measures as rapidly as possible, we would find if we would make an analysis of this tax program that most of this money will not come in until 1936 or 1937. If we were to put

them into effect on April first, there would only be a very small amount of money that could possibly be received by the Commonwealth between the first of April and the first of June. Therefore, even saying that the collections will increase, even if it were possible, and it must be evident to every one here that it is not possible, to enact these laws by April first, because a part of the program only went to the Senate last week, and there are twelve bills here upon special order of business this week, it would be an impossibility, and many of these laws, even if put into effect, would take, thirty, sixty or more days before there would be an opportunity to get returns from many of these measures.

Therefore, we are not confronted with the problem of what we are going to do with taxes we are not confronted with the problem of what the tax returns will be in the next biennium to meet the expenses of the Commonwealth and to take care of the deficit. But we need cash money now, between now and the first of June, in the State treasury, in order to meet our obligations. The State of Pennsylvania is not like the ordinary business. An ordinary business that might expect to receive $203,000,000 in the next two years, could go out and borrow $40,000,000 or any part thereof that may be necessary and tide itself through but the State of Pennsylvania, because of the constitutional inhibition can not expend more than the amount that it receives, and one million dollars beyond that amount, and under the decision of the Supreme Court in the Talbot case, the fiscal officers are not allowed to pay out these items amounting to $11,622,000, and the $10,000,000 for unemployment relief, unless the funds are in the treasury, or they can be received before June first. Therefore, under the ordinary operation of the government, if we can collect this money by June first, then the appropriations would lapse, and these institutions will be put in a very serious condition, a situation where many of them would have to close their doors, where many of the helpless, many of the afflicted and the inmates of these institutions would have to be turned out.

I know that it is possible in the next biennium to make an appropriation and to take care of them out of the receipts from taxes in the next biennium,—because that is figured in the program,—but what I am saying is that money received in August or September or October of next year will not keep these institutions running, because many of them have now had their appropriations long overdue. One institution in my own County told me the other day that their appropriation was overdue since last November. They have been ekeing along by borrowing money and trying to get along, but they can not carry that on much longer in an institution of this kind.

So, members of the House, I believe that we ought to stop now, not wait until we get down towards the end of the biennium, then find we are in a terrible box. We cannot come in here, like the Governor did a couple of weeks ago, and say "there is a great emergency, we can transfer some funds," because there aren't any funds to be transferred. If you went hunting around the capitol, gentlemen, I doubt very much whether you could find anywhere near the amount of money, or any large part of the money, and unless there be something in the motor license fund, that you could tap, there wouldn't be anywhere near the amount of money, which would take care of this problem in the State of Pennsylvania.

Therefore, it seems to me it is time that we get busy now upon this problem before it is too late and try to find out just exactly where we stand, because these figures are constantly changing, and by the first of April there will be a different picture than the one I have given you, but which will only be proportionately less, and the amount to be received will be proportionately less.

I, therefore, propose that we have a Committee of five appointed by the Speaker of this House, and that that Committee go to work now and find out from the Department of Revenue how much money we can anticipate we are going to receive, that that Committee find out from the Department of Revenue what their expectation is, because they may have funds in contemplation that can be added to this and can help us out on this program; that when we have gotten to that point we can find out what the net appropriation liability is, and what we can not put off any further, of this money which you say we must have for relief, because there will be no relief from the Federal government, and then we can go out and see how much money we still have left, after subtracting our receipts or possible receipts, how much we have to raise and find out the ways and means of raising that amount of money.

Therefore, Mr. Speaker, I desire to offer the following resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. RUTH. Mr. Speaker, is this a privileged resolution?

The SPEAKER. It is not a privileged resolution.

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk under the rules.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. KANE. RESOLUTION No. 103.

In the House of Representatives, March 21st, 1935.

Whereas, It is the opinion of the Committee on Mines and Mining of the House of Representatives that a great part of the market for Pennsylvania anthracite coal has been lost by reason of high frieght rates and the depreciation of foreign currencies, which make possible low price labor in those countries and lower cost of water transportation; and

Whereas, Railroads and other carriers involved would be largely compensated for any reduction in rates by the increased volume of anthracite coal which would be shipped as a result of restored markets for this commodity; and

Whereas, The House of Representatives has made every endeavor to uphold standards of working conditions and wages of the mining industry of Pennsylvania, which must inevitably suffer if the serious reductions of the anthracite market should continue and increase; and

Whereas, The Committee on Mines and Mining of the House of Representatives has unanimously agreed to recommend the adoption of the following resolutions; therefore be it

Resolved, That the Speaker of the House of Representatives appoint seven members of the House of Representatives to constitute a committee, as non-political as possible, whose duty it shall be to investigate the cost of transportation from the anthracite producing regions of Pennsylvania to consumption points in maritime Canada and New England, and the seaports of New York, New Jersey and Pennsylvania, and that if said committee find that high rates have materially reduced or will mate-

rially reduce the market for Pennsylvania anthracite coal in competition with coal produced in Great Britain or other foreign countries or in competition with fuel oil selling at unreasonably low prices due to world-wide overproduction of cheap grades of crude oil to endeavor to secure lower freight rates to the markets above mentioned by negotiation with carriers involved and if necessary by requesting the Interstate Commerce Commission to revise and reduce such transportation rates as are within their jurisdiction; and be it further

Resolved, That said committee make its report to the House of Representatives at the present session of the Legislature; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Mines and Mining.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were laid upon the table.

### NATURAL GAS TAX

Petitions from residents of Allegheny County, addressed to Mr. Robinson protesting tax on natural gas.

Referred to the Committee on Ways and Means.

### TAX ON FOREIGN COMPANIES

A petition from members of the fire department of the city of Lancaster, addressed to Mr. George E. Downey protesting passage of Senate Bill No. 145, return of tax on premiums received by foreign companies.

Referred to the Committee on Ways and Means.

### ADMINISTRATION TAX PROGRAM

A telegram from the Business Men's Association of Mahanoy City favoring administration tax program.

Referred to the Committee on Ways and Means.

### STATEMENT BY MR. RUTH

Mr. RUTH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, the reason we made the objection to the resolution is for the reason that the administration at the present time is making exactly the study that has been asked for therein.

In advance we know this much, that if we do not pass this tax bill by at least April 15th, we will at least get twenty million dollars less by June first than if we pass this program. We also know that if we do pass the entire program, we will still have a deficit in the state treasury of twenty-five million dollars a year from today. That condition was not caused by the present administration. We are trying to do everything that is possible today to pay our State institutions. I know of a State institution in my own district, where employees have not been paid for the last two months. I am aware of a state hospital that has not received any contribution from the state on its appropriation since last August. I know what the conditions are, but I also know that there is no money to transfer. Every fund has been combed, and the only one that could possibly be touched is the teachers' retirement, the state employees' retirement, but the provisions of the Constitution would prevent that because there are others that have contributed to that fund. I am sure that if the administration in power today could find money anywhere, they would be glad to do so. I am also sure that we could so if our constitution were changed. That program has passed the House, but it has been held up in the Senate, possibly by such organizations as the State Chambers of Commerce, the Pennsylvania Bar Association, the Pennsylvania Manufacturers' Association and other rackets of that type, where it has been held up to this time. As soon as we change our constitution, we can take care of conditions like these, but until that is done we can not do otherwise.

### STATEMENT BY MR. TURNER

Mr. TURNER. Mr. Speaker, I do not desire to continue the debate on this question, if you may call it a debate, or a statement, but I would like and I feel justified in asking the opportunity to just say a few words in reply to what the gentleman from Berks has stated.

The SPEAKER. If there are no objections, the gentleman will proceed. The Chair hears no objection, and the gentleman will proceed.

Mr. TURNER. Mr. Speaker and members of the House, I thought I had been very deliberate in trying to make myself plain, that we are not facing a theory but a condition. I am not blaming the administration or anyone else. I am merely trying to say that this is our responsibility. We can not shove it on to the administration. The problem is before us and we must do something about it. It is not a question of whether there are funds, it is a question of, we must find funds and must find ways and means of finding them. If the constitutional convention bill had been passed, and if the convention had been called, and if we could borrow money, it would not be one bit of good now because the constitutional convention, as proposed by the gentleman from Berks in his bill, would not have met until during the Summer, and its report would not have been received until the Fall, and it would not have been adopted,—until, I think the date is somewhere in November of this year,—so therefore saying that the holding up of the constitutional convention would in any way relieve the situation is not exactly stating the fact.

Again, let me repeat: I think this is our responsibility and we should do something about it. Therefore, I ask you not to hold my resolution up in committee but to send it out. I have made no restrictions in it. It calls for a committee of five to be appointed by the Speaker, believing in his fairness and good judgment in doing that. If you Democrats will just see that it comes out of committee, we will be on our way.

## RESOLUTION

### HOUSING AND SUSTENANCE FOR MEMBERS

Mr. TUMELTY offered a resolution and asked unanimous consent for its immediate consideration.

The SPEAKER. Will the House give its unanimous con-

sent for the immediate consideration of the resolution? Are there objections?

Mr. WITKIN. Mr. Speaker, may I ask that the resolution be read for the information of the House?

The resolution was read by the Clerk as follows:

In the House of Representatives, March 25, 1935.

Whereas, The present session of the General Assembly will apparently last for a very long period, and

Whereas, The Democratic Members of this House are not in a financial position to remain here indefinitely, and

Whereas, The Democratic Members have purposely avoided the supposed man with the little black bag, and

Whereas, It is the desire of all the Democratic Members to remain as long as necessary to carry out the program of His Excellency the Governor; so therefore be it

Resolved, That the Speaker of this House appoint a committee of five members to wait upon His Excellency the Governor, and plead with him to have the National Guards erect twenty (20) squad tents on the capital grounds, each to be supplied with six cots, and twelve blankets and six complete mess kits, also to erect one field kitchen, all of which may be used by the Democratic Members to carry the aforesaid program; and be it further

Resolved, That the Speaker of this House appoint a committee of six members whose duties it shall be to contact all nearby farmers and merchants to try and obtain free of charge sufficient foods to supply the Democratic Members with a light breakfast and one full meal per diem; and be it further

Resolved, That this entire procedure be put into effect not later than April first one thousand nine hundred and thirty-five.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. WITKIN. Mr. Speaker, for the reason that the Democratic majority "doth protest overly much" their innocence with respect to the little black bag, I object to the consideration of the resolution at this time.

The SPEAKER. The resolution is referred to the Committee on Aeronautics by the Chair.

## RESOLUTION

### MEMBERS PLEDGE COOPERATION TO SPEAKER

Mr. COLEMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted:

In the House of Representatives, March 25, 1935.

Whereas, The Speaker of this House has been doing a splendid job of presiding over what has been regarded as the most important session of the Legislature within the scope of the recollection of any of the Members here; and

Whereas, In so doing, he has won our love, compelled our respect and challenged our admiration; and

Whereas, His anxiety to maintain order and decorum has resulted in an expenditure of physical energy entirely unnecessary and manifestly unfair to the Speaker; and

Whereas, In wielding the gavel over this august body, he has frequently shown patience that would make Job of Biblical fame seem irritable in comparison; and

Whereas, His vigor and energy belies his age but nevertheless he recently celebrated his sixty-first birthday; therefore, be it

Resolved, That the members of this House do hereby pledge themselves to do everything within their power to assist the Speaker in bringing to an irreducible minimum the noise that played no little part in a bad case of laryngitis our Speaker suffered from last week; and be it further

Resolved, That every member of the House refrain from loud talking while the House is in session, thus setting a good example to the visitors.

The SPEAKER. The Chair wishes to thank both the members of the House and the visitors for the splendid order which they have maintained this evening thus far.

## QUESTION OF PERSONAL PRIVILEGE

Mr. McCREARY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Erie will state his question of personal privilege.

Mr. McCREARY. Mr. Speaker, the people of Erie County have delegated me to bring you this little testimonial to show their appreciation of the fact that you kept this House at work an extra day last week and the week before. They also wish me to state that their appreciation is not to be measured either by the size or value of this gift, but that it is simply a symbol of that appreciation. They have also assumed, Mr. Speaker, that you have a wife, and they have presented this little gift in such form that you can divide it equaly with her.

This gift comes to you from both Republican and Democrats, because they are all suffering from the delay caused by the wrangling in this House for about the last eight weeks. Therefore, they hope that from now on you will, if possible, see that your membership put in the full thirty hours required by the Federal Labor Act.

It gives me great pleasure to hand this little gift to you on behalf of the people of Erie County.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread on the Journal.

The Chair thanks the gentleman from Erie and also the Democrats and Republicans from that County for having forwarded this present.

## QUESTION OF INFORMATION

Mr. WITKIN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. WITKIN. Mr. Speaker, what is the gift?

The SPEAKER. The Chair is unable to state.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1067, entitled:

An Act to amend section twenty-five of the act approved the tenth day of May, one thousand nine hundred and twenty-seven (P. L. 866), entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a board of magistrates; providing for a chief magistrate; prescribing their powers and duties; providing for clerks; establishing a central administrative office; imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; and repealing certain prior acts," by changing the time of holding the election for the office of chief city magistrate and the term thereof, and terminating the term of the chief magistrate now in office.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 811, entitled:

An Act to amend section one thousand two hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," prohibiting mayors from holding other public offices.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 932, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government, providing the procedure for the adoption or discontinuance thereof, making suitable provisions for the conduct of city government thereunder, and in connection therewith imposing certain duties on mayors, city councils, county commissioners and election officers.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 802 (Senate Bill No. 56), entitled:

An Act to amend clause (d) of section ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled, "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," as amended, by defining the powers of the courts on appeals from the Department of Public Instruction.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1161 (Senate Bill No. 108), entitled:

An Act to amend paragraph six of section thirteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 458, entitled:

An Act providing for the fixing by the tax levying body of counties of the first class of the salaries and number of all persons paid out of the county treasury except those whose salaries are fixed by law and repealing existing laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the year one thousand nine hundred and thirty-six and for each year thereafter it shall be the duty of the tax levying body of counties of the first class to fix the salaries of all officials deputies clerks and employees who are paid their salaries by warrant or otherwise out of the county treasury excepting only those whose salaries are fixed and established as to amount by Act of Assembly Said tax levying body shall also fix the number of deputies clerks and employees paid by warrant or otherwise out of the said treasury except where such number is fixed by Act of Assembly Nothing contained in this act shall be deemed to authorize the increase or decrease of the salary of any public office during the term for which he or she has heretofore been elected or appointed

On the question,

Will the House agree to the section?

Mr. BLUMBERG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 6, by inserting after the word "counties" the following: "and cities"

Amend sec. 1, page 1, line 9, by inserting after the word "county" the following: "or city"

On the question,

Will the House agree to the amendments?

Mr. BURKE. Mr. Speaker, I object to the amendments.

Mr. BLUMBERG. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Burke.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Burke, permit himself to be interrogated?

Mr. BURKE. Mr. Speaker, I will.

Mr. BLUMBERG. Mr. Speaker, will the gentleman from Philadelphia, Mr. Burke, kindly state to the House the reason for his objections to the amendments to Section one.

Mr. BURKE. I will answer the gentleman by saying that the bill is a county bill and I do not exactly think that the insertion of the word "cities" is technically proper.

Mr. BLUMBERG. Mr. Speaker, under the bill as proposed by the gentleman as the sponsor, does he intend that city council should have the right to fix the number of the city and county employees, the salaries of whom are paid out of the city and county treasury?

Mr. BURKE. Mr. Speaker, will the gentleman wait until I glance over the different repeals?

Mr. BLUMBERG. Mr. Speaker, I have no objection to waiving the interrogation until the gentleman has had an opportunity of reading his bill.

Mr. BURKE. Mr. Speaker, I will answer the gentleman by saying that I think all of the officers in all the departments in which the salary is to be fixed by city council, are to be county offices.

Mr. BLUMBERG. Mr. Speaker, is it not a fact that the City of Philadelphia has only one treasury office that pays the salaries of both city and county employees?

## POINT OF ORDER

Mr. MELCHIORRE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. MELCHIORRE. Mr. Speaker, the gentleman from

Philadelphia, Mr. Blumberg, is speaking on the merits of the bill and not on the amendments he desires to insert.

The SPEAKER. The gentleman from Philadelphia, Mr Blumberg, will proceed.

Mr. BLUMBERG. Mr. Speaker, I have not heard any reply to the previous interrogation.

Mr. BURKE. Mr. Speaker, my answer is "yes," I was waiting until the commotion subsided. My answer is "yes."

Mr. BLUMBERG. Mr. Speaker, and if it be true that there is but one treasury office in the City of Philadelphia that pays the salaries and the expenses of both the city and the county employees, do you not think then, for the purpose of removing any uncertainty in this bill, we should amend it by inserting these amendments to section 1, since they apply to the payment of employees in cities and counties of the first class.

Mr. BURKE. Mr. Speaker, I do not, because we are legislating for the cities and counties of the first class and not for the city of Philadelphia. Supposing we take Luzerne county, I do not think we should permit the county commissioners in Luzerne County as a tax levying body to prescribe any regulations or exercise any control over the city employees of Wilkes-Barre, which I believe is in that county.

Mr. BLUMBERG. Mr. Speaker, the bill under discussion, House Bill No. 458, relates only to cities of the first class, does it not?

Mr. BURKE. That is right, Mr. Speaker.

Mr. BLUMBERG. And counties of the first class, Mr. Speaker?

Mr. BURKE. Mr. Speaker, cities of the first class,—counties of the first class, I beg your pardon.

Mr. BLUMBERG. Mr. Speaker, may I ask if Luzerne county has anything to do with this bill.

Mr. BURKE. Mr. Speaker, Luzerne County may some day be a first class county.

Mr. BLUMBERG. Mr. Speaker, does the gentleman know that there is but one city and county which is coextensive in the State of Pennsylvania, and that is Philadelphia?

Mr. BURKE. I do, Mr. Speaker.

Mr. BLUMBERG. Mr. Speaker, doesn't the gentleman from Philadelphia believe that in order to clarify the terms of his bill, he should refer to it as cities and counties of the first class?

Mr. BURKE. Mr. Speaker, I am afraid that the court in construing an act of this kind might look upon it as a special law for the particular city that is coterminus with the county. The matter is so very technical and it is uncertain whether or not this act would meet the approval of the Supreme Court, and that is why I am very careful to avoid any technical objections such has have been raised by the gentleman from Philadelphia.

Mr. BLUMBERG. Mr. Speaker, is it not a fact that that is exactly what you state you are afraid it might do, that is, special legislation referring only to cities and counties of the first class.

Mr. BURKE. That is right, Mr. Speaker.

Mr. BLUMBERG. Mr. Speaker, and is it not perfectly proper and legal to legislate for the cities and counties of the first class?

Mr. BURKE. Mr. Speaker, that is right.

Mr. BLUMBERG. Then, Mr. Speaker, why not remove the uncertainty from this bill and insert the amendment that I have offered, so that cities and counties of the first class shall appear wherever you have stated counties of the first class.

Mr. BURKE. Mr. Speaker, I think I have already answered that question a few times. I told the gentleman that I did not think it would be the best draftsmanship to include the counties and the cities in the same bill.

Mr. BLUMBERG. Mr. Speaker and members of the House, the amendment offered to section one is for the purpose of clarifying the bill. I am in thorough agreement with the general provision of this bill giving the tax levying body of cities or counties of the first class the right to fix the number and compensation of employees in that county. However, in taking the bill up with the Legislative Reference Bureau, I was informed that it would require the amendment that I have offered to it in order to clarify the situation. The amendment to section one does not change the effect of the bill at all. It merely refers to counties of the first class, as cities and counties of the first class, and applies only to Philadelphia.

On the question recurring.

Will the House agree to the amendments?

The yeas and nays were required by Mr. Burke and Mr. Kilroy and were as follows:

YEAS—72

| | | | |
|---|---|---|---|
| Altenburg, | Green, | Merrell, | Sproul, |
| Atkins, | Greenstein, | Moore, | Stewart, |
| Baker, F. T., | Habbyshaw, | Muir, | Stockham, |
| Baldi, | Hamilton, R. S., | Nothnagle, | Surface, |
| Bernhard, | Hart, | Parks, | Tahl, |
| Blumberg, | Hefferon, | Perry, | Terry, |
| Boose, | Hermansen, | Phillips, | Trout, |
| Brennan, | Hoffner, | Reynolds, | Turner, |
| Castor, | Jackson, | Rhys, | Wall, |
| Condon, | Jones, | Root, | Wasserman, |
| Conner, | Kelder, | Schrock, | Weidemann, |
| Cordier, | Linderman, | Shortz, | White, |
| Davies, | Longaker, | Shreiner, | Wickersham, |
| Denning, | Mallen, | Simpson, | Witkin, |
| Duffort, | McCreary, | Sloan, | Wood, |
| Ferko, | McDevitt, | Snyder, F. E., | Woodside, |
| Flynn, | McKinney | Snyder, J. L., | Yeakel, |
| Gates, | | Sowers, | Zimmerman, |
| Gillette, | | | |

NAYS—102

| | | | |
|---|---|---|---|
| Achterman, | Decker, | LaRue, | Robinson, |
| Allen, | Diehl, | Long, | Ruffennach, |
| Andrews, | Dilley, | Lovett, | Ruth, |
| Arnold, | Downey, G. E., | Male, | Sarraf, |
| Aukerman, | Downey, J. J., | McDermott, | Scanlon, |
| Baine, | Eberharter, | McElroy, | Schrope, |
| Baker, J. J., | Falkenstein, | McHenry, | Schwab, |
| Barber, | Finnerty, | Melchiorre, | Shaw, |
| Boyd, R., | Flanagan, | Mentzer, | Shepard, |
| Boyer, | Flinchbaugh, | Mooney, | Siegel, |
| Bradley, | Furman, | Moran, | Simon, |
| Brancato, | Haberlen, | Moul, | Stank, |
| Brown, H. S., | Hagerty, | Munley, | Stone, |
| Brown, J. E., | Haluska, | Murrin, | Sumney, |
| Brownfield, | Hamilton, F. P., | Nagel, | Tronzo, |
| Brumbaugh, | Harkins, | O'Keefe, | Tumelty, |
| Burke, | Harmuth, | Ominsky, | Van Sickle, |
| Cannon, | Hartman, | Panton, | Walker, |
| Caputo, | Hetrick, | Patterson, C., | Weiss, |
| Carson, | Hindman, | Patterson, J. W., | Welliver, |
| Chervenak, | Hirsch, | Pearson, | Welsh, |
| Coakley, | Holstrom, | Pfaff, | Westrick, |
| Cochran, | Kilroy, | Piole, | Wilson, |
| Cohen, | Kinney, | Powers, | Zappala, |
| Coleman, | Klingler, | Reising, | Sarig, |
| Coolahan, | Kobelak, | | |

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 14, by striking out the words "Nothing contained"

Amend sec. 1, page 2, lines 1 to 4, by striking out all of said lines, both inclusive.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 The following acts and parts of Acts of Assembly are hereby repealed in whole or in part as respectively indicated The repeal of the first section of an act shall not repeal the enacting clause of such act The repeal by this act of any Act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-two) entitled "An act relating to the clerk of the court of oyer and terminer and quarter sessions of the peace and municipal court of any county of this Commonwealth having a population of one million five hundred thousand or over providing for the salaries and compensation of the clerk of the court of oyer and terminer and quarter sessions of the peace and municipal court deputies clerks and employes thereof" absolutely

Section one of the act approved the first day of June one thousand nine hundred and eleven (Pamphlet Laws five hundred fifty-six) entitled "An act to fix the salary of the coroner of any county of this Commonwealth having a population of one million or over" absolutely

Section one of the act approved the twentieth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred forty-one) as amended by Section one of the act approved the third day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred twenty-three) entitled "An act fixing the salary of the deputy coroner of counties having a population of one million five hundred thousand or over" absolutely

Section one of the act approved the twelfth day of June one thousand nine hundred twenty-three (Pamphlet Laws six hundred ninety-two) entitled "An act fixing the salary of county commissioners in counties of the first class" absolutely

Section two of the act approved the eighteenth day of April one thousand eight hundred ninety-nine (Pamphlet Laws fifty-six) entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a clerk fix his compensation and prescribe the term and duties of the clerk except in counties where the clerk to the county commissioners is elected by the people" in so far as said act as amended authorizes the commissioners of counties of the first class to fix the salary of the clerk of the board of county commissioners.

Section one of the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred thirty-six) entitled "An act providing for the employment and payment of janitors firemen engineers mechanics laborers and care takers of court houses and grounds" absolutely

Section one of the act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-nine) entitled "An act to provide for the appointment of janitors in and for the various courts of counties having a population of one million two hundred thousand and over and for the compensation and payment thereof" in so far as it applies to the counties of the first class

Section three of the act approved the nineteenth day of March one thousand nine hundred and twenty-five (Pamphlet Laws fifty-nine) entitled "An act to provide for the positions of principal deputy prothonotary and second deputy prothonotary in counties of the first class prescribing their powers and duties and fixing their salaries" in so far as it fixes the salaries of said principal deputy prothonotary and second deputy prothonotary

Section one of the act approved the fourteenth day of March one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred twenty-nine) entitled "An act fixing the salary of the clerks of the courts of common pleas in counties of the first class" absolutely

Section four of the act approved the fourth day of April one thousand eight hundred thirty-seven (Pamphlet Laws three hundred seventy-seven) entitled "An act to alter the times of holding Courts in the county of Tioga and for other purposes" absolutely

Section one of the act approved the thirtieth day of May one thousand eight hundred ninety-five (Pamphlet Laws one hundred twenty-eight) entitled "An act increasing the salaries of tip-staves in the courts of any county in this Commonwealth having a population of not less than five hundred thousand" as last amended by section one of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred) absolutely

Section five of the act approved the nineteenth day of May one thousand eight hundred and seventy-four (Pamphlet Laws two hundred six) entitled "An act relating to the organization and jurisdiction of orphans' courts and to establish a separate orphans' court in and for counties having more than one hundred and fifty thousand inhabitants and to provide for the election of judges thereof" as last amended by the act approved the eighth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand six hundred thirty-three) in so far as it fixes the salaries of clerks of the register of wills and clerk of the orphans' court of counties of the first class and also in so far as it fixes or authorizes the judges of the orphans' court in counties of the first class to fix the salaries of assistants to the register of wills and clerk of the orphans' court in said counties

Section four of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" as last amended by the act of the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred twenty-seven) in so far as it applies to the salaries of members of the board of viewers in counties of the first class

The act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred nineteen) entitled "An act to amend an act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred twenty-seven) entitled "A supplement to an act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" as the same was amended and supplement by subsequent acts by providing for the compensation to be paid to the members of the board of viewers in counties of the second class' providing for the compensation of members of the board of viewers in counties of the first and second classes" in so far as it applies to the salaries of members of the board of viewers of counties of the first class

Section one of the act approved the twenty-ninth day of May one thousand nine hundred thirteen (Pamphlet Laws three hundred eighty-six) entitled "An act to amend the third and fourth sections of an act entitled 'An act establishing in each county a board of viewers prescribing

their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof' approved the twenty-third day of June Anno Domino one thousand nine hundred and eleven fixing the per diem compensation and mileage of the said board of viewers and providing for the payment thereof by the proper county and increasing the powers of viewers regarding the administration of oaths" in so far as it applies to the salaries of members of the board of viewers in counties of the first class

Section one of the act approved the fifth day of June one thousand nine hundred nineteen (Pamphlet Laws three hundred ninety-three) entitled "An act to further amend section four of an act approved the twenty-third day of June one thousand nine hundred eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled 'An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof' as amended" in so far as it applies to the salaries of members of the board of viewers in counties of the first class

Section seven of the act approved the second day of July one thousand nine hundred and one (Pamphlet Laws six hundred one) entitled "An act to establish in cities of the first and second class a house or houses of detention for delinquent dependent and neglected children and providing for the management and maintenance thereof" in so far as it authorizes the board of managers of the house of detention for juvenile offenders in the city of Philadelphia to fix the salary or compensation to be paid to the caretakers of said house of detention

Section two of the act approved the fourteenth day of April one thousand eight hundred and thirty-five (Pamphlet Laws two hundred thirty-two) entitled "A supplement to the act entitled 'An act to provide for the erection of a new prison and a debtors' apartment within the city and county of Philadelphia and for the sale of the county prison in Walnut street in said city'" in so far as it authorizes the inspectors of the Philadelphia county prison to fix the salaries and compensation of the superintendent the matron the physician the clerk and the keeper and all other persons employed in or about said institution

Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-two entitled "An act fixing the salary of members of the body acting as a board of revision of taxes in counties containing a population of one million two hundred and fifty thousand or over" absolutely

Section one of the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-seven) entitled "An act fixing the salaries of real estate assessors in counties of the first class" absolutely

Section three of the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred forty-nine) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries" as amended by section one of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred thirty-one) absolutely

Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-two) entitled "An act to fix the salaries of the deputy register clerks and employes in the office of the register of wills of counties of the first class" absolutely

The act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred sixty-one) entitled "An act fixing the salaries and compensation of the officers clerks and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over" as last amended by the act of the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred seventy-nine) absolutely

Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-four) entitled "An act fixing the salary to be paid by each county of the first class to its chief deputy sheriff" absolutely

All other acts and parts of acts whether special local or general inconsistent herewith are also hereby repealed

On the question,

Will the House agree to the section?

Mr. BLUMBERG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 10, by adding after line 11, the following paragraph: "So much of section three and section forty-three of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 857), as fixes the compensation of the members of the registration commission and of the employes appointed by the registration commission."

On the question,

Will the House agree to the amendment?

Mr. BLUMBERG. Mr. Speaker and members of the House, as I stated previously with reference to the amendment offered to section one, I am in full agreement with the purpose of House Bill 458, which provides that the tax levying body of the City of Philadelphia shall have the right to fix the salaries and number of the employees. By an oversight, probably a conscious one, this bill does not provide that the tax levying body shall have the right to fix the number of employees of the Registration Commisison of the city of Philadelphia, the salaries of the members and the employees of which are paid out of the county treasury. It might merely be a coincidence that the Registration Commission is Democratic in character, and that is rather an unusual event in the City of Philadelphia, and it may or may not be that that error was made because of that fact, but being in thorough agreement with the purpose of this bill, I see no reason why there should be any exception, and I, therefore, proposed this amendment to provide that the tax levying body, city council, shall fix the number of employees of all of the departments, the salaries of which are paid out of the county treasury. That seems an eminently fair proposition, without any regard to the party that may happen to control a particular office, and I think with absolute justification that I can ask the members in that spirit of fairness and of equality to vote for this amendment.

Mr. BURKE. Mr. Speaker and members of the House, this seems to be the night for imputing to the sponsors of bills the furtherment of some political purpose, either the transfer of political patronage or the protection or security of political patronage. I do not want the members of this House to think that I am sponsoring this bill with any political guile. The Registration Commission and its employees were exempted from the provisions of this bill, I say consciously, and I say designedly, and I wish to offer you two very good reasons why I did not include the Registration Commission.

The first is that the members of the Registration Commission are appointed by the Governor, and if we were to allow a tax levying body to control the number of employees and their salaries, I think that we would be taking

away in a very great measure the appointing power of the Governor; and, secondly, the function of the Registration Commission is so political in character to allow any body to control the number of their employees and the salaries of those employees would be to allow that body, who had that contol, to possibly subvert that Commission and to influence it in finally fixing the voters' list. Their connection, that is the connection of the Registration Commission, with the voters' list is entirely too intimate to permit of its regulation by any such tax levying body, and I consequently ask you to vote down the amendment.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Blumberg and Mr. Nothnagle and were as follows:

YEAS—72

| | | | |
|---|---|---|---|
| Altenburg, | Gates, | Merrell, | Sproul, |
| Baker, F. T., | Green, | Moore, | Stewart, |
| Baldi, | Greenstein, | Muir, | Surface, |
| Bernhard, | Habbyshaw, | Nothnagle, | Tahl, |
| Blumberg, | Hamilton, R. S. | Peters, | Terry, |
| Boose, | Hart, | Phillips, | Trout, |
| Boyd, R., | Hefferon, | Reynolds, | Turner, |
| Boyer, | Hoffner, | Rhys, | Van Allsburg, |
| Brennan, | Jackson, | Roan, | Wall, |
| Castor, | Jones, | Root, | Wasserman, |
| Condon, | Kane, | Schrock, | Weidemann, |
| Conner, | Kelder, | Shortz, | White, |
| Cordier, | Linderman, | Shreiner, | Wickersham, |
| Davies, | Longaker, | Simpson, | Witkin, |
| Denning, | Mallen, | Sloan, | Wood, |
| Duffort, | McCreary, | Snyder, F. E., | Woodside, |
| Ferko, | McDevitt, | Snyder, J. L., | Yeakel, |
| Flynn, | McKinney, | Sowers, | Zimmerman, |

NAYS—109

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | LaRue, | Ruffennach, |
| Alexander, | Downey, G. E., | Long, | Ruth, |
| Allen, | Downey, J. J., | Lovett, | Sarraf, |
| Andrews, | Eberharter, | Lynch, | Scanlon, |
| Arnold, | Eroe, | Male, | Schwab, |
| Aukerman, | Falkenstein, | McDermott, | Shaw, |
| Baine, | Finnerty, | McElroy, | Shepard, |
| Baker, J. J., | Fitch, | McHenry, | Shugarts, |
| Barber, | Flanagan, | Melchiorre, | Siegel, |
| Bradley, | Flinchbaugh, | Mentzer, | Simon, |
| Brancato, | Furman, | Moomaw, | Smith, J. A., |
| Brown, H. S., | Gerard, | Mooney, | Smith, W. G., |
| Brown, J. E., | Haberlen, | Moran, | Stank, |
| Brownfield, | Hagerty, | Moul, | Stevens, |
| Brumbaugh, | Haluska, | Munley, | Stone, |
| Burke, | Hamilton, F. P., | Murrin, | Sumney, |
| Cannon, | Harkins, | Nagel, | Tronzo, |
| Caputo, | Harmuth, | O'Keefe, | Tumelty, |
| Carr, | Hartman, | Ominsky, | Van Sickle, |
| Carson, | Hetrick, | Panton, | Walker, |
| Chervenak, | Hindman, | Patterson, C., | Weiss, |
| Coakley, | Hirsch, | Patterson, J. W., | Welliver, |
| Cochran, | Holstrom, | Pfaff, | Welsh, |
| Cohen, | Kilroy, | Piole, | Westrick, |
| Coleman, | Kinney, | Powers, | Yourishin, |
| Coolahan, | Klingler, | Reising, | Zappala, |
| Dent, | Kobelak, | Robinson, | Sarig, |
| Diehl, | | | |

So the question was determined in the negative and the amendments were not agreed to.

On the question, recurring

Will the House agree to the section?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, line 22, by striking out the word "absolutely" and insert in lieu thereof "in so far as it fixes the salaries of deputies, clerks and employes"

Amend sec. 2, page 2, lines 23 to 28, by striking out all of said lines, both inclusive.

Amend sec. 2, page 3, lines 10 to 14, by striking out all of said lines, both inclusive.

Amend sec. 2, page 4, line 20, by striking out the word "March" and insert in lieu thereof "May"

Amend sec. 2, page 5, lines 26 to 29, by striking out all of said lines, both inclusive.

Amend sec. 2, page 6, lines 1 to 9, by striking out all of said lines, both inclusive.

Amend sec. 2, page 6, lines 10 to 28, by striking out all of said lines, both inclusive.

Amend sec. 2, page 7, lines 1 and 2, by striking out all of said lines.

Amend sec. 2, page 7, lines 3 to 19, by striking out all of said lines, both inclusive.

Amend sec. 2, page 7, lines 20 to 29, by striking out all of said lines, both inclusive.

Amend sec. 2, page 8, lines 1 to 4, by striking out all of said lines, both inclusive.

Amend sec. 2, page 8, line 12, by striking out the words "the city" and insert in lieu thereof "cities"

Amend sec. 2, page 8, line 13, by striking out the word "Philadelphia" and insert in lieu thereof "the first class"

Amend sec. 2, page 8, lines 22 and 23 by striking out the words "the Philadelphia county prison" and insert in lieu thereof "prisons of counties of the first class"

Amend sec. 2, page 8, lines 27, 28 and 29, by striking out all said lines.

Amend sec. 2, page 9, lines 1 to 4, by striking out all of said lines, both inclusive.

Amend sec. 2, page 10, by inserting after line 13, the following: "The act approved the fourth day of April, one thousand nine hundred and twenty-nine, (P. L. 163), entitled "An act providing for real estate deputy sheriffs in counties of the first, second, and third classes; and fixing their salaries payable by said counties; and repealing section two of an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-five), entitled 'An act authorizing the sheriffs of the several counties of this Commonwealth to appoint by deed chief deputies with power to act as sheriff in case of and during the temporary disability of the sheriff to act in person and fixing the salaries of such chief deputies in counties containing more than five hundred thousand inhabitants,' and other acts general, special or local so far as inconsistant herewith," in so far as it relates to counties of the first class."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act providing for the fixing by the tax levying body of counties of the first class of the salaries and number of all persons paid out of the county treasury, except those whose salaries are fixed by law, and repealing existing laws.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 885 as follows:

An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand thirteen) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses

shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" by requiring three days to elapse between the application for and the issuance of the license

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand thirteen) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of of the clerk of the orphans' court" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no license to marry shall be issued except after three days from the day of making application therefor and upon written and verified application to the clerk of the orphans' court Provided That in cases of emergency or extraordinary circumstances a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days Such application shall contain a statement of the full Christian name and surname color occupation birthplace residence and ages of the parties whether the marriage contemplated is the first second or other marriage and that neither of the contracting parties is afflicted with a transmissable disease together with the full Christian name and surname residence color occupation and birthplace of their parents including the maiden name of the mother together with such other facts as may be necessary to determine whether any legal impediment to the proposed marriage exists Such application shall be recorded by the clerk together with the license and certificate of marriage in a book provided for that purpose which book shall be a public record

Section 2 This amendment shall become effective on the first day of October one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1207, as follows:

An Act to amend clause (a) of section sixteen of the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty-one one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" requiring the registration commission to provide an additional registration day in each election district during the month of August one thousand nine hundred and thirty-five

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (a) of section sixteen of the act aproved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at election and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 16 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice (a) From and after the first day of January one thousand nine hundred and thirty-four each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-four applications for personal registration may be received up to and including the fifth day of May anything in this section to the contrary nothwithstanding And provided further that in the year one thousand nine hundred and [thirty-four] thirty-five each commission shall arrange to have two registrars present to receive applications for the personal registration and/or change of party affiliation of electors at the polling place or some other suitable place in each election district of the city on at least [three separate days prior to May fifth (one of them being in March and another in May) and one day in the period beginning September twenty-fourth and ending October sixth] one day during the month of August

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1421, as follows:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor abolishing the elected directors of the poor and terminating the terms of those now in offices but providing that certain directors shall continue as employes and repealing existing laws

Whereas The electors in practically all of the poor districts of this Commonwealth elect the public officials in charge of poor relief administration and

Whereas In twenty-two of the fifty-one counties of this Commonwealth in which poor relief is administered on the county unit basis the county commissioners are also the directors of the poor of the poor district therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first Monday of January one thousand nine hundred and thirty-six the Cumberland County Poor District shall be managed and administered in accordance with existing law by the county commissioners of the County of Cumberland acting as directors of the poor

The records and affairs of the Cumberland County Poor District shall be turned over to the county commissioners of said county on the first Monday of January one thousand nine hundred and thirty-six at which time the office of elected directors of the poor shall be abolished and the terms of the elected directors now in office shall cease and terminate If the term of office of any elected director of the poor of the said poor district now in office extends beyond the said first Monday of January one thousand nine hundred and thirty-six such director shall for the balance of said term become an employe of said poor district at the same salary received as directors and said employment shall continue so long as his elected term would have continued

Section 2 No director or directors of the poor of the Cumberland County Poor District shall be elected at the municipal election in the year one thousand nine hundred and thirty-six

Section 3 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 945, as follows:

An Act relating to the imposition of costs of commitment and maintenance where the court of quarter sessions commits poor or mentally defective persons to an almshouse home or hospital of a poor district where such person has no legal settlement

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where the court of quarter sessions commits a poor or mentally defective person to an almshouse home or hospital of a poor district where such person has no legal settlement such court may order the poor district of legal settlement of such person to pay for the cost of committment and maintenance

Section 2 The cost of commitment and maintenance may be recovered from the poor district of legal settlement by citation as in cases of removal of poor persons or by suit in assumpsit

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1265, as follows:

An Act to repeal the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred fifty-one) entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred fifty-one) entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs" be and the same is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 734, as follows:

An Act to amend clauses forty-five and forty-six of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing the erection of memorials and their maintenance and in certain cases the furnishing of utility service without charge to rooms and buildings occupied by veteran organizations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses forty-five and forty-six of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

XLV Rooms for Veterans' Post and Camps Upon application therefor to furnish to each organization composed of veterans of the Civil War veterans of the Spanish American War veterans of the War with Germany and Austria veterans of any foreign war and sons of veterans a room or rooms in any public building of such [county city or] borough sufficient for the meeting of each of such organizations at least once each month and in the case of municipally owned utilities to furnish service without charge to such rooms and also to buildings occupied by posts camps or veterans of any war in which the United States was engaged

XLVI Care and Erection of Memorials To take charge of care for maintain and keep in good order and repair at the expense of the borough any soldiers' monument gun or carriage or similar memorial situate in the borough and not in the charge or care of any person body or organization and not put up or placed by the Government of the United States the Commonwealth of Pennsylvania the commissioners of the county or by the direction or authority of any other State of the Union and to receive from any person or organization any moneys or funds which can be used for the maintenance of such memorials and to expend the same and to erect and provide for the erection of memorials in honor of those who served in any war in which the United States was engaged at a cost not to exceed one thousand ($1,000) and thereafter properly and adequately maintain the same

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1311, entitled:

An Act to amend section one thousand five hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws

three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added authorizing school districts to provide for the treatment of diseased tonsils of pupils and to furnish glasses

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand five hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added by the act approved the seventeenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand thirty-two) is hereby amended to read as follows

Section 1511 Any school district may provide for the care and treatment of defective eyes [and] teeth and diseased tonsils of pupils of its public schools and may furnish glasses to pupils at the expense of the school district

On the question,

Will the House agree to the section?

Mr. FLANAGAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend House Bill No. 1311, Section 1511 as amended in Committee by inserting after the word "may',' line 15, the following: "With the consent of parents, guardian or person standing in loco parentis"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. KANE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 17, by inserting before the word "diseased" the following: "treatment or removal of" and after the word "Tonsils" the following: "Or adenoids"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one thousand five hundred and eleven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as added; authorizing school districts to provide for the treatment of diseased tonsils of pupils, and to furnish glasses.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 804 (Senate Bill No. 185), entitled:

An Act to amend section eleven of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred twenty) entitled "An act regulating the practice of the profession of engineering in all of its branches including surveying providing for the registration of certain persons practicing or offering to practice said profession conferring certain powers and imposing certain duties upon the State registration board for professional engineers upon the court of common pleas of Dauphin County and providing penalties" by removing the penalty for failure to renew certificates

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred twenty) entitled "An act regulating the practice of the profession of engineering in all of its branches including surveying providing for the registration of certain persons practicing or offering to practice said profession conferring certain powers and imposing certain duties upon the State registration board for professional engineers upon the court of common pleas of Dauphin County and providing penalties" is hereby amended to read as follows

Section 11 Renewal of Certificates of Registration certificates of registration shall expire on the last day of December following their issuance or renewal and shall become invalid unless renewed as hereinafter provided It shall be the duty of the board on or before the last day of November to notify by mail every person registered hereunder of the date of the expiration of his or her certificate and the amount of fee required for its renewal for one year Renewal may be effected at any time during the month of December by the payment of a fee of one dollar to the board The failure on the part of any registrant to renew his or her certificate annually in the month of December as required above shall not deprive such person of the right to practice the profession of engineering during the year succeeding but if renewal fee [as hereinafter provided] is not paid within the succeeding year the registration shall expire on the last day of December of that year [The fee to be paid for the renewal of a certificate after the month of December shall be increased fifty per centum for each month or fraction of a month that the payment of renewal is delayed Provided however That a] A certificate of registration not renewed within one year after it has become invalid shall thereby be rendered null and void

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. BROWNFIELD. Mr. Speaker, this bill was reported from the Committee on Education through error. The bill that should have been reported out is House

Bill No. 802, on the first reading calendar tonight. Since this bill has come to the House through error, I, therefore, move that it be recommitted to the Committee on Education.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1170 (Senate Bill No. 242), entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law; and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applicants for examination and registration, and changing violations of the act from misdemeanors to summary proceedings.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 169, as follows:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore the council of any city of the third class or of any borough or the board of commissioners of any township of the first class of this Commonwealth has authorized by ordinance the grading curbing guttering paving or macadamizing with concrete brick stone or other suitable material of any public street or thoroughfare or portion thereof either cartway footwalk or gutter and has caused such improvement to be made and in such ordinance has authorized the advertising for bids therefor and the assessment of benefits upon the property benefited thereby and subsequent thereto pursuant to an ordinance passed after the passage and approval of the original ordinance providing for the improvement has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor who was the successful bidder with the Commonwealth for the construction of any portion of such streets or highways without any advertising for bids on the part of the city borough or township as provided for in the original ordinance authorizing such improvement and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvement against the property abutting along the line of improvement in accordance with the provisions of the original ordinance authorizing the said improvement or has by ordinance provided for the assessment against abutting property owners of benefits for such improvement or whenever heretofore the council of any city of the third class or of any borough or the board of commissioners of any township of the first class of this Commonwealth has required by ordinance and caused to be made graded paved curbed or macadamized with brick stone or other suitable material or otherwise improved any property or public street or thoroughfare or part thereof either cartway footwalk or gutter or has covered or enclosed any watercourse or waterway in any street or thoroughfare so as to improve or extend and increase the driveway in any street or thoroughfare or has vacated confined paved or altered the channel of any water course or waterway or has caused any sewers whatsoever to be constructed within or without any such city borough or township or has caused ornamental lights to be erected pursuant to any ordinance or has heretofore in accordance with existing law assessed a portion of the cost of such sewer as a sewage tax against property abutting along the line of said improvement on the side of said street or highways which is located outside the limits of the said city borough or township the owners of such property being given permission by the said city borough or township to use such sewer and such property not being then provided with sewer facilities and has by ordinance provided for the assessment against abutting property owners of benefits for such improvement but owing to some defect in the petition action of council or of the board of commissioners notice of publication failure to make improvement in accordance with the strict terms of any ordinance or any other proceding or action necessary under existing laws and ordinances to give jurisdiction to such council or board of commissioners or because of noncompliance with existing laws as to publication of copies of ordinance and posting of handbills prior to or after the final passage of such ordinance or because of noncompliance with existing laws as to the purchasing of materials and supplies or the awarding of contracts without advertising or because the ordinance itself or the official record book containing the same has been lost mislaid or destroyed or such ordinance has not been transcribed in the official record book or because of irregularity or error in the appointment of viewers to assess benefits against property abutting along the line of improvement or because of the neglect of viewers appointed to assess damages and benefits caused or accuring as a result thereof to file their report within the time required by law for the filing thereof or because of irregularity or error in the method or procedure taken for the ascertainment of the amount of benefits to such property or because of any irregularity or error in the ordinances or passage or approval thereof authorizing the execution of the work the contracting therefore and the assessing of benefits therefore or where the right of the board of viewers to assume jurisdiction and to act in assessing the properties benefited thereby is questioned or because of any irregularity or error in the failure to bring the proceedings for the assessment of benefits for such improvement before the board of viewers within the time provided by law or the failure to assess the benefits therefore in the manner now provided by law or because of any irregularity or error in arriving at or determining the benefits assessed against any such property or because of the failure to give notice as required by law or ordinance or the time for filing a lien or making claim for such improvement has expired or the claim has not been filed after notice to do so or for any other reason the costs of such improvement or portion thereof were not or cannot be legally assessed upon the property bounding or abutting on the line of the improvement or on the street or part thereof improved or owing to some defect in the statement of claim filed to secure the lien or the failure of the city borough or township solicitor to file the lien in the court of common pleas or to sign the name or to have stamped thereon a facsimile signature of the said solicitor or chief executive of the claimant for the costs of such improvement or any error made in the name of the owner or owners of the abutting property along the line of the improvement payment thereof cannot be enforced or if the ordinance of the city borough or township authorizing the construction of any improvement was in fact adopted before such city borough or township was legally empowered to make such assessments on property within or

outside the limits of such city borough or township if such improvement was actually constructed and such assessments against property within or without the limits of such city borough or township made subsequent to the time when such city borough or township was legally empowered to levy such assessments as was contemplated by the act or acts of General Assembly under which the improvement was attempted to be made and statement of claim filed now by this act such improvement are made valid and binding and also any statement of claim heretofore filed if any to secure the liens therefore are also made valid and binding and the jurisdiction of any board of viewers hereinbefore mentioned to entertain such proceedings and the assessments made pursuant to such proceedings against property within or without the limits of any such city borough or township shall be valid and binding and the council of such city or borough and the commissioners of such township may cause the property bounding or abutting along the line of the improvement or on the street or part thereof upon which the improvement has been made or is now being made to be assessed in the manner now provided by law or by the board of viewers' proceedings in the manner and at the rates now provided by law with such a portion of the costs of such improvement as is contemplated by the law under which the improvement was made or attempted to be made or is now being made and all such benefits and all assessments heretofore made or determined are hereby ratified confirmed and validated and any statement of claims heretofore filed if any to secure the liens therefor are also hereby ratified confirmed and validated Such assessment or other assessment heretofore made or hereafter made in proceedings now pending within the time limitations specified in this act shall be a lien upon the property assessed and any lien heretofore filed for benefits assessed or for the cost of such improvement or any part thereof although the report of the viewers assessing the same was not field within the time required by law for the filing thereof is hereby made valid and binding with the same force and effect as though such report was filed within the time required by law for filing the same The lien shall date from the completion of the improvement for which the assessment is made whether the work was completed through one or several operations or contracts or from the date of filing the same and shall remain a lien until fully paid and satisfied Provided That a writ of scire facias is issued to revive the same during every period of five (5) years after the lien is filed as hereinafter provided And provided further That this act shall not validate any lien against any property which has been conveyed to a bona fide purchaser thereof subsequent to the expiration of the period prescribed by law for the filing of such liens and prior to the date of the filling thereof or give the lien thus filed priority over any boda fide lien or liens filed entered or recorded or which shall have otherwise attached subsequently to the time prescribed by law for the filing of such municipal lien and prior to the time of the filing thereof

Section 2 The Council of any city of the third class or of any borough or the board of commissioners if any township of the first class of this Commonwealth entitled to a lien under this act shall file a lien therefor if not heretofore filed in the office of the prothonotary of the county within which the property lies within six (6) months after the completion of the work where the improvement is now in progress or within twelve (12) months after the confirmation absolute of the report of the viewers assessing the benefits for such improvement whether now or hereafter pending or within twelve (12) months after the approval of this act where the improvement is now completed if no lien has been heretofore filed for the same or within twelve (12) months after the passage of any councilmanic ordinance assessing benefits under the provisions of this act where the improvement is already completed and the same shall be entered upon record as other municipal claims Such liens shall state the name of the party claimant which shall be the corporate name of the city borough or township making the improvement name of the owner or reputed owner of the property assessed a reasonable description of the property assessed the amount or sum claimed to be due which shall include interest on the assessment from the completion of the improvement for what improvement the claim is made the date of its completion the date of the assessment for which the lien is filed Such lien when so filed shall be prima facie evidence of all matters therein set forth and of the right of the city borough or township to recover the amount therein claimed to be due together with interest from the date of the lien or completion of the improvement costs and an attorney's commission of five per centum for collecting

Section 3 The claim when so filed shall be proceeded upon for collection by writ of scire facias Provided That this act shall not apply to any proceeding suit or lien wherein a final order or judgment of any court of record has already been made or entered

Section 4 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1093, entitled:

An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added changing the licensure year for motor boats

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added thereto by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred twenty-two) is hereby amended to read as follows

Section 5 Dealers' and owners' license plates shall be void from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license in the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses shall be valid until the [thirty-first day of December] thirty-first day of March of the year next following the [date] year of their issuance and may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license

On the question,

Will the House agree to the section?

Mr. FLINCHBAUGH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 21, by inserting after the word "licenses" the following: "issued for the calendar year one thousand nine hundred and thirty-five"

Amend sec. 1, page 2, lines 22 and 23, by striking out with heavy-faced brackets the words "March of the year"

Amend sec. 1, page 2, line 23, by inserting a light-faced bracket before the word "next" thus "["

Amend sec. 1, page 2, line 23, by striking out with heavy-faced brackets the word "year"

Amend sec. 1, page 2, line 24, by inserting a light-faced bracket after the word "and" thus: "]"

Amend sec. 1, page 2, line 24, by inserting after the word "and" the following: "May, one thousand nine hundred and thirty-six, and the license year thereafter shall be from the first day of June to the thirty-first day of May. Licenses"

Amend bill, page 2, by inserting after line 26, the following section: "Section 2. This act shall become effective immediately upon final enactment."

Amend sec. 1, page 2, line 12, by striking out the word "void" and inserting in lieu thereof the following: "valid"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section five of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream, artificial or natural body of water, or nontidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties;" as added changing the licensure year for motor boats.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1614, as follows:

An Act to further amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" as last amended by the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred seventy-three) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where any county city borough township municipality or school district in this Commonwealth has by virtue of any general or special act of Assembluy issued bonds or other interest-bearing evidences of indebtedness either originally or for refunding purposes with or without interest coupons attached to secure any indebtedness of any such county city borough township municipality or school district which may have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any county city borough township municipality or school district shall have the opinion to redeem or pay any such bonds or interest-bearing evidences of indebtedness or whenever holders of any bonds or interest-bearing evidences of indebtedness of any county city borough township municipality or school district which may not have matured or become redeemable are willing to surrender the whole or any part of such issue of bonds or interest-bearing evidences of indebtedness it shall be lawful for any such county city borough township municipality or school district for the purpose of redeeming or paying of any or all of the bonds or other interest-bearing evidences of indebtedness payable redeemable or offered for redemption as aforesaid to issue and sell either registered or coupons bonds bearing interest at a rate not exceeding six per centum per annum and payable at any time not exceeding twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds or other evidences of indebtedness so redeemed or paid and the said bonds so issue or sold in accordance with the provisions of this act shall be exempt from taxation except for State purposes Provided however That all moneys for the redemption of the issue of bonds proposed to be refunded placed in the sinking fund if any shall be first applied to the payment as far as applicable of the principal of such bonds and the balance of such issue only shall be redeemed by the issue of new bonds

Section 2 This act shall become effective immmediately upon its final enactment

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 533, as follows:

An Act to amend section one thousand and seventeen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pahphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines

forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by prohibiting the owner of a vehicle from passing school busses in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and seventeen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehciles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts Making an appropriation and providing for refunds" is hereby amended to read as follows

Section 1017 Passing Street Cars

(a) The driver of a vehicle shall not overtake and pass upon the left any interurban or street car proceeding in the same direction whether actually in motion or temporarily at rest when a travelable portion of the highway extends to the right of such street car even though such portion of the highway is occupied or obstructed Provided however This provision shall not apply to one way streets

(b) No operator of a vehicle who meets or overtakes a street passenger car or school bus that has stopped for the purpose of taking on or discharging passengers shall pass said car or school bus on the side on which the passengers get on or off until the car has started and until any passengers who may have alighted have reached the side of the highway except that where a safety zone has been established or at an intersection where traffic is controlled by a peace officer or a traffic signal a vehicle need not be brought to a full stop before passing any such railway interruban [or] street car or school bus but may proceed past such car at a speed not greater than is reasonable or proper and in no event greater than ten (10) miles an hour and with due caution for the safety of pedestrians

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shaw, |
| Alexander, | Falkenstein, | Mason, | Shepard, |
| Allen, | Ferko, | McCreary, | Shortz, |
| Altenburg, | Finnerty, | McDermott, | Shreiner, |
| Andrews, | Fitch, | McDevitt, | Shugarts, |
| Arnold, | Flanagan, | McElroy, | Siegel, |
| Atkins, | Flinchbaugh, | McHenry, | Simon, |
| Aukerman, | Flynn, | McKinney, | Simpson, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Bernhard, | Green, | Moore, | Sowers, |
| Blumberg, | Greenstein, | Moran, | Sproul, |
| Boose, | Habbyshaw, | Moul, | Stank, |
| Boyd, R., | Haberlen, | Muir, | Stevens, |
| Boyer, | Hagerty, | Munley, | Stewart, |
| Bradley, | Haluska, | Murrin, | Stockham, |
| Brancato, | Hamilton, F. P., | Nagel, | Stone, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brown, H. S., | Harkins, | O'Keefe, | Surface, |
| Brown, J. E., | Harmuth, | Ominsky, | Tahl, |
| Brownfield, | Hart, | O'Neill, | Terry, |
| Brumbaugh, | Hartman, | Panton, | Tronzo, |
| Burke, | Hefferon, | Parks, | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Sarraf, | Woodside, |
| Diehl, | Long, | Scanlon, | Yeakel, |
| Dilley, | Longaker, | Schrock, | Yourishin, |
| Downey, G. E., | Lovett, | Schrope, | Zappala, |
| Duffort, | Lynch, | Schwab, | Zimmerman, |
| Eberharter, | Male, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1156 as follows:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of of such additional monies as may be necessary to carry out the provisions of this Act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created and established in every city of the second class in this Commonwealth a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Po-

lice of such city which fund shall be known as the "Policemen's Relief and Pension Fund of the City of ....."

Section 2 Such fund shall consist of and to it shall be transferred and paid

(1) All disciplinary fines imposed upon the policemen of such city

(2) The income from any and all trust funds which may hereafter be established by gift for the benefit of such persons as are eligible to be beneficiaries under this fund

(3) The dues of the members of the fund as hereinafter stipulated

(4) All donations of money from whatever source which shall be made to the fund

(5) All monies heretofore required to be paid by cities of the second class to the organization or association constituting and having in charge the distribution of police pension funds in such cities

(6) Sums to be annually paid into said fund by each city of the second class in amounts sufficient to maintain the pensions or compensations due under this Act The public authorities of every city of the second class charged with the disbursements expenditures and appropriations thereof shall annually set aside apportion and appropriate out of all taxes and income of the said cities unto the fund hereby created a sum sufficient to maintain the pensions or compensations due under this Act and to carry out the provisions of this Act

Section 3 There is hereby created for the care management and control of such fund a board of managers consisting of eleven members to be known as the "Policemen's Pension Fund Board of the City of ....." The personnel thereof shall be as follows the president of council the city controller and the director of the department of public safety who shall be ex-officio members and eight elective members from among the following classes of the members and beneficiaries of such fund one member to be elected from among the inspectors captains and lieutenants of both police and detectives one member to be elected from among the sergeants and detectives two members to be elected from among the beneficiaries of the fund and four members to be elected from among the active members of the fund who are of the rank and file and not classified in any of the foregoing groups

The first board of managers the members of which shall hold office until the first day of February one thousand nine hundred and thirty-six shall consist of those persons who at the effective date of this Act shall be the members of the board of directors or managers of the organization or association which is designated as the official and authorized organization or association to hold receive and distribute the funds for the purpose of pensioning the police officers of said cities of the second class under the provisions of the Act of Assembly of April fifth one thousand nine hundred and seventeen Pamphlet Laws thirty-nine

The Board is hereby authorized to make and establish such rules and regulations for the care management and operation of the fund created by this Act as shall not be inconsistent with the provisions of this Act

Section 4 Elections of the eight elective members of the Board shall be held annually on the second Monday of January of each year beginning with the year one thousand nine hundred and thirty-six and the said members so elected shall take office on the first day of February following their elections

Vacancies among the elective members of the board shall be filled by the board at its next meeting for the unexpired term

The time and place of holding the annual elections shall be designated and fixed by the board herein created

Section 5 The president and the vice-president of the Board shall be elected by the members of the Board The Board shall elect a secretary-treasurer from the members of the fund and may elect or appoint a solicitor and such other employes as the Board may deem necessary and shall fix the salary or compensation of all officers and employes elected or appointed by the Board

Section 6 The president shall preside at all meetings of the Board He shall sign all necessary papers approved by the Board requiring his signature and perform such other duties as may be required by his office

The secretary-treasurer shall keep minutes of all meetings of the Board receive and receipt for all payments to the fund and keep accurate accounts between the fund and its members All checks shall be signed by the secretary-treasurer and countersigned by the president or vice-president of the Board

The Board shall hold regular monthly meetings at a time and place to be fixed by the Board Special meetings of the Board shall be called by the president whenever he deems it necessary or upon written request of five members of the Board or twenty-one members of the fund

Section 7 The Board shall designate and choose the bank or banks trust company or trust companies in such city in which the monies of the fund shall be deposited

The Board may invest the monies of the fund in such State County or Municipal bonds of the State of Pennsylvania or in bonds of the United States Government as they may deem to the best interest of the fund The accounts of the fund shall be audited annually by the city controller or oftener if the Board requests the same to be done and a copy of the audit shall be furnished to the council of the city and copies to the members of the board

Section 8 The membership of the fund shall consist of

(1) All persons who shall after the effective date of this Act become employes of the Bureau of Police as uniformed policemen or as detectives including all substitute uniformed employes of the Bureau of Police superintendent of police assistant superintendent of police inspector of police inspector of traffic inspector of detectives captain of police captain of detectives lieutenant of police lieutenant of detectives lieutenant of traffic lieutenant of motorcycles detective sergeant of police turnkey patrolman cornerman motorcycle patrolman radio patrolman Morals Court officer Traffic Court officer and precinct detectives provided that the membership of any person who shall become a member of the fund under and by virtue of the provisions of this subsection shall be in no way affected or impaired by the fact that he thereafter becomes a chief Bertillon operator or Bertillon operator who shall have come from the ranks and provided further that membership under this sub-section shall exist solely by virtue of the provisions of this sub-section and without the making of any application

(2) Each present employe of the Bureau of Police as classified by part (1) of this Section who at the effective date of this Act is a member of any Employes' Pension Fund created under the Act of May twenty-eight one thousand nine hundred and fifteen Pamphlet Laws five hundred ninety-six if and only if he elects to withdraw and resign from the said Employes' Pension Fund and to apply for membership in the fund created by this Act

(3) Each person who at the effective date of this Act is a member of any other association corporation or fund in the same city constituted for and having in charge the distribution of police pension funds but to whom a pension has not yet been granted by said other association corporation or fund if and only if he waives his right to receive any other pension than a death benefit from the said other association corporation or fund and applies for membership in the fund created by this Act and assigns to the fund created by this Act whatever amount of his contributions to the said other association corporation or fund of which he is a member at the effective date of this Act he is permitted to withdraw from the said association corporation or fund by the laws and rules thereof now or hereafter in effect

(4) Each member of any other association corporation or fund in the same city existing or created for purposes similar to the purposes of the fund created by this Act to whom prior to the effective date of this Act a pension has been granted by the said other associations corporation or fund and who has not forfeited his right to receive the said pension whether at the effective date of this Act he is receiving the said pension or not if and only if he waives his right to receive from the said other association corporation or fund any other pension than a death benefit and applies for membership in the fund created by this Act

The waiver in such case is only to take effect as of the date that the member first receives pension payments from the fund created by this Act

Section 9 The forms for application for membership required under sub-sections (2) (3) and (4) of Section 8 hereof shall be determined by the board of managers These forms shall include the waivers and assignments required under the provisions of Section 8 hereof Upon the filing with the secretary-treasurer of the fund of an application properly filled out and executed on the form prescribed by this Section an applicant shall automatically become a member of the fund created by this Act

Section 10 Each member in active service shall be required

(1) To contribute to said fund three percentum of his rated monthly salary or wages which shall be deducted from his salary or wages by the city controller from the payroll for the last half of each month and paid into the fund

(2) Substitute employes of the Bureau of Police as classified under sub-section (1) of Section 8 hereof shall be credited for pension and paid on the basis of actual days served in the Bureau of Police

(3) Regular and substitute employes shall serve at least one day in each month in order to be credited for one month's service for pension under this Act

Section 11 When any member of the fund shall resign or be dismissed from service or shall die while in active service there shall be paid to him or to his executor or administrator if his service has been terminated by death from the fund all dues paid by him into the fund without interest and all monies which the fund may have received under any assignment made by the said member to the fund at the time of his admission to membership under the provisions of sub-section (3) of Section 8 hereof

Section 12 A member of the fund who has severed his connection therewith and has subsequently again become a member thereof shall be required to pay a re-admission fee of $5.00 and to return to the fund such monies as were paid to him from the fund when his membership in the fund was terminated

Such re-admission fee and refund shall be collected from the monthly salary or wages of the reinstated member over the period of a year in the manner provided for in sub-section (1) of Section 10 hereof or in such manner and period as the board of managers may determine Full payment thereof shall be a condition precedent to the member being eligible to receive the benefits of the fund

If however any such reinstated member shall be injured in the line of duty before he shall have made such full restitution and if the disability caused by such injury shall continue beyond the period during which compensation shall be paid to him under the provisions of the Workmen's Compensation Act of Pennsylvania he shall be eligible to pension under this Act but any amount in which he shall have been indebted to the fund at the date of his injury shall be repaid if the board in its discretion shall so require in such monthly payments as said board may determine which amounts shall be deducted from his pension as and when monthly payments thereof shall be made

Section 13 Members of the fund shall be eligible to receive pensions from said fund as follows

(1) A member who has been admitted into membership under the provisions of sub-section (4) of Section 8 hereof shall at once and automatically be entitled to receive a pension as hereinafter stipulated

(2) A member who has been admitted to membership in this fund within sixty days from the effective date of this Act under the provisions of subsection (2) or subsection (3) of Section 8 hereof shall be entitled to receive a pension from this fund upon written application of such member stating his desire to withdraw from service in said city or that his employment by the said city has been terminated and showing that such member has rendered at least twenty years' service to the said city at least one year of which was immediately prior to his application but which need not have been otherwise continuous service Such service shall total twenty years and shall include service in the armed forces of the United States in times of war provided that the Board of Managers for good cause shown to their satisfaction may permit a member who has been admitted to membership more than sixty days after the effective date of this Act to go on pension upon filing a written application containing the statements prescribed by this sub-section

(3) Any member who has become a member of this fund under the provisions of sub-section (1) of Section 8 hereof or who has been admitted to membership under the provisions of sub-section (2) or subsection (3) of Section 8 hereof more than sixty days after the effective date of this Act shall be entitled to receive a pension from said fund upon written application of such member stating his desire to withdraw from service in said city or that his employment by the said city has been terminated and showing that such member has attained the age of fifty-five years and has rendered at least twenty-five years' service to the said city at least one year of which was immediately prior to his application but need not have been otherwise continuous service Such service shall total twenty-five years and shall include service in the armed forces of the United States in times of war

(4) Any member who while a member of the fund is injured in the line of duty and disabled through such injury shall be entitled to receive a pension from the fund created by this Act upon written application of such member stating such facts and further showing that such disability continues and that the applicant is no longer entitled to payments from the city under the provisions of the Workmen's Compensation Act and its amendments Upon approval by the Board such member of the fund shall become a beneficiary thereunder

Section 14—Beneficiaries under said fund shall be rated and classified and shall be entitled to receive from the fund per month the amounts indicated in the following table to-wit

| Classification | Monthly Payments |
|---|---|
| Superintendent of Police | $125.00 |
| Assistant Superintendent of Police | 115.00 |
| Inspector of Police | 100.00 |
| Inspector of Traffic | 100.00 |
| Inspector of Detectives | 100.00 |
| Captain of Detectives | 95.00 |
| Captain of Police | 95.00 |
| Lieutenant of Detectives | 95.00 |
| Lieutenant of Police | 90.00 |
| Lieutenant of Traffic | 90.00 |
| Lieutenant of Motorcycles | 90.00 |
| City Detective | 90.00 |
| Sergeant of Police | 85.00 |
| Chief Bertillon Operator | 85.00 |
| Turnkey | 85.00 |
| Patrolman | 80.00 |
| Cornerman | 80.00 |
| Motorcycle Patrolman | 80.00 |
| Morals Court Officer | 80.00 |
| Traffic Court Officer | 80.00 |
| Precinct Detective | 80.00 |
| Bertillon Operator | 80.00 |
| Radio Patrolman | 80.00 |

The pensions for members holding positions not included in the above table shall be rated classified and determined by the Board of Managers in amounts proportionate to the pensions listed in the above table

No pension shall be granted or paid to any member based on the rank or position which he holds at the time of making application for pension unless he has held such rank or position for a period of one (1) year prior to the date of making such application

The first pension payments to be made under this Act shall be those for the month of October one thousand nine hundred and thirty-five which shall be payable on the third working day of November one thousand nine hundred and thirty-five Pension payments thereafter shall always be payable on the third working day of each month and shall be for the preceding month

Section 15 If any beneficiary of the fund shall be awarded a pension and shall thereafter be convicted of felony or shall become an habitual drunkard or shall cease to care for and support his wife and family then and in

any such case the Board shall have power by a two-thirds vote to revoke the pension or to suspend the payment thereof or to direct payment of the pension to the family of such beneficiary and in such case the family shall be considered the beneficiary within the meaning of Section 18 hereof

Section 16 Any beneficiary of the fund who may obtain employment in the service of the City itself or County or State or any political sub-division whereof shall suffer suspension of his pension from the fund during the time of such employment

Section 17 The provisions of this Act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

Section 18 The compensation or pension herein provided for shall not be subject to attachment execution levy garnishment or other legal process and shall be payable only to the beneficiary designated by this Act in person and shall not be subject to assignment or transfer

Section 19 The provisions of this Act shall be severable and if any of the provisions thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any of the remaining provisions of this Act It is hereby declared as the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein

Section 20 The following Acts and parts of Acts of Assembly are repealed so far as they apply to cities of the second class viz

"An act entitled "An Act to empower boroughs and cities to establish a Police Pension Fund to take property in trust therefor and regulating and providing for the regulation of the same" approved the 24th day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine)

An Act entitled "An Act to amend section one of the Act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine) entitled 'An Act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same' directing the establishment of such funds by cities" approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-two)

Section 21 This act shall take effect on the first day of September one thousand nine hundred and thirty-five

Approved the ..... day of .....19.....

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. JOHN J. BAKER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Mr. JOHN E. BROWN. Mr. Speaker, I desire to call up at this time House Bill No. 180, Printer's No. 275, on page 19 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. John E. Brown.

The House resumed the consideration on third reading of House Bill No. 180, entitled:

An Act to provide for wash rooms in connection with certain employments to protect the health of employes and secure their comfort.

On the question recurring,

Wil the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. JOHN E. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of amendment.

The motion was agreed to.

## SENATE MESSAGE

## TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 1, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 1, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## BILL SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 89.

An Act to validate acts done and contracts conveyances transfers and mortgages of property made to or by any corporations of the first class created or intended to be created by decree of the courts of common pleas granting a charter where the applicants for incorporation had failed to register its proposed name as required by law and to validate charters of corporations of the first class granted since the sixteenth day of May one thousand nine hundred and twenty-three where there was a failure to register the name of title of the proposed corporation at the time of filing its application for a charter as required by law providing for the subsequent filing of such registration and providing for the amendment of names or titles of such corporations in certain cases

SENATE BILL No. 148.

An Act authorizing counties cities boroughs townships poor districts school districts or other municipalities or incorporated districts to rent lease and hire suitable office and warehousing space and provide suitable accommodations therein within said districts or municipalities for distributing funds and merchandise or both by emergency relief boards

SENATE BILL No. 153.

An Act to further amend section five hundred and thirty-one of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by classifying foreign mutual fire mutual marine or mutual fire and marine companies for the purpose of licensing and relicensing and providing the requirements for licensing and relicensing

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Appropriations will meet tomorrow morning at 9.00 o'clock in room 326.

The Committee on Judiciary General will meet tomorrow morning at 10.00 o'clock in room 325.

The Committee on Highways will meet tomorrow morning at 10.00 o'clock in the House Caucus Room.

Mr. Connor, Chairman of the Dinner Committee of the Legislative Sons of St. Patrick, wishes to advise members contemplating the biennial dinner tomorrow evening must make their reservations tonight. This is the deadline. Tomorrow you will be too late. The dinner with Governor Earle as the guest of honor will be held at the Penn-Harris Hotel at 7.30 tomorrow, Tuesday evening.

## ADJOURNMENT

Mr. MORAN. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11.00 o'clock A. M.

The motion was agreed to, and (at 11.58 o'clock P. M.) the House adjourned until Tuesday, March 26, 1935, at 11.00 o'clock A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, MARCH 26, 1935 No. 35

## SENATE

TUESDAY, March 26, 1935.

The Senate met at 11:00 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

We thank Thee, O God, that Thy Word contains a prescription for the cure of national depression. Thou didst say to a great king of Thy chosen nation, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."

We have tried many other remedies, help us to try this. Earnestly may we call upon Thee; humbly may we walk before Thee; sincerely may we repent of our sins; diligently may we seek Thy face. Then wilt Thou forgive us and heal our land.

When we honestly do our part Thou wilt drive away depression from our borders and bring us out into a larger and happier place in our national life.

May all who occupy places of power heed this divine injunction. In Thy Name we ask these things. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. RODGERS the further reading was dispensed with, and the Journal was approved.

### PETITIONS

PROTESTING AGAINST SENATE BILL NO. 660

The Chair cleared his table and laid before the Senate remonstrances against Senate Bill No. 660 (House Bill No. 839) containing over seven hundred thousand names.

Which were referred to the Committee on Finance.

FAVORING REDUCTION OF TAXES ON REAL ESTATE

The Chair also laid before the Senate petition from the Belle Vernon Tax Club of the Real Estate Owners Association, Inc., favoring reduction of taxes on real estate.

Which was referred to the Committee on Finance.

OPPOSING HOUSE BILL NO. 973

Mr. RANKIN presented petitions from numerous citizens of Allegheny County opposing House Bill No. 973.

Which were referred to the Committee on Finance.

OPPOSING SENATE BILL NO. 662

He also presented petitions signed by numerous citizens of Allegheny County opposing Senate Bill No. 662.

Which were referred to the Committee on Finance.

FAVORING REDUCTION OF TAXES ON REAL ESTATE

He also presented petitions signed by numerous citizens of Pittsburgh favoring reduction of taxes on real estate.

Which were referred to the Committee on Finance.

OPPOSING SENATE BILL NO. 218

He also presented petitions signed by numerous residents of Allegheny County protesting against enactment of Senate Bill No. 218.

Which were referred to the Committee on Judiciary Special.

FAVORING SENATE BILL NO. 218

He also presented petition from numerous citizens of New Castle and Sharon favoring enactment of Senate Bill No. 218.

Which was referred to the Committee on Judiciary Special.

### HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 533 (Senate Bill No. 715), entitled:

An Act to amend section one thousand and seventeen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by prohibiting the owner of a vehicle from passing school busses in certain cases.

Which was committed to the Committee on Highways.

House Bill No. 836 (Senate Bill No. 716), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "Fiscal Code," as amended, by adding new sections and repealing certain sections; changing the method of appointing certain agents and employes of the Commonwealth engaged in the appraisement and collection of inheritance and estate taxes and mercantile taxes and li-

cense fees; and further defining the powers and duties of the Department of Revenue in the collection of such taxes and license fees.

Which was committed to the Committee on Finance.

House Bill No. 838 (Senate Bill No. 717), entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations; imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships and companies heretofore exempt; and increasing the rate of tax on the capital stock of fire and marine insurance companies.

Which was committed to the Committee on Finance.

## HOUSE MESSAGE

### TIME OF NEXT MEETING

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, March 25, 1935.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 1, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 1, at nine o'clock.

## REPORT FROM COMMITTEE

Mr. BATCHELOR, from the Committee on State Government re-reported as committed, Senate Bill No. 498 (House Bill No. 332), entitled:

An Act to amend section two of the act approved the second day of January, one thousand nine hundred and thirty-four (P. L. 200, 1933-34) entitled "An act authorizing officers, departments, boards and commissions of any political subdivision of the Commonwealth, and cities, counties, boroughs, incorporated towns, townships, school districts, to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances."

## RESOLUTION REQUESTING INFORMATION FROM THE PENNSYLVANIA STATE EMERGENCY RELIEF BOARD

Mr. BATCHELOR offered the following resolution, which was twice read as follows:

In the Senate, March 26, 1935.

Whereas, The General Assembly of Pennsylvania is being asked to appropriate huge sums for continuance of relief during the present year and may be confronted with still greater requests for money for this purpose for the remainder of the biennium, and

Whereas, There appear to be grave doubts in the public mind as to the efficiency of the methods of distribution now in force, and

Whereas, It is essential that the Senate of Pennsylvania be in possession of authentic information in order to act upon proposed legislation dealing with relief appropriations, therefore, be it

Resolved, That the director of Pennsylvania State Emergency Relief Board be requested to transmit to the Senate at his earliest convenience the following information:

(1) Total cost of relief in Pennsylvania since he assumed his office.

(2) Number of persons on relief by counties on March 15.

(3) Amount paid for relief since January 15, 1935.

(4) Cost of administration of relief since January 15.

(5) Total number of persons employed in relief administration.

(6) Number of non-residents of Pennsylvania employed in relief administration.

(7) Types of relief furnished such as clothing, fuel, shelter, milk, medical care, etc.

(8) Results of his inquiries into practices of handling distribution of relief money in each county where he has conducted such investigations, especially as to allegations of extravagance, unjustifiable payments to persons receiving relief or fraud on the part of recipients or their families and particularly whether persons in possession of means to maintain themselves have been receiving public money for their subsistence and whether money paid for relief has been used for purposes other than specified.

Mr. BATCHELOR. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

E. C. Endler, Midland.

CHESTER COUNTY

Everett J. Hoopes, Downingtown.

CRAWFORD COUNTY

Walter J. McClintock, Meadville.

HUNTINGDON COUNTY

Miss Fae Peterson, Mount Union.

LEHIGH COUNTY

Max Dorwath, Allentown.

MONTGOMERY COUNTY

James J. Carr, Norristown.
Mrs. Elizabeth Hance, Bala-Cynwyd.
Frank Underkoffler, Norristown.

NORTHAMPTON COUNTY

Miss Gwyneth Jane Davies, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Emma M. Becker, Public Ledger Bldg., Philadelphia.
A. Seymour Brown, 1602 S. 11th St., Philadelphia.
Miss Katherine M. Hayes, 1201 Chestnut St., Philadelphia.
Miss Fanny M. Lehman, Independence Bldg., Philadelphia.
Harold S. Pelham, 2628 N. Mascher St., Philadelphia.

WESTMORELAND COUNTY

Paul S. Barnhart, Greensburg.

LANCASTER COUNTY

Miss Margaret C. Schmoll, Lancaster.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania,

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

WARREN COUNTY

Henry A. Shipe, Youngsville, March 27, 1935.

ALLEGHENY COUNTY

John F. Will, Pittsburgh, March 31, 1935.

BEAVER COUNTY

J. C. Potts, Midland, April 1, 1935.

BERKS COUNTY

Mrs. Mattie T. Norton, Reading, April 1, 1935.
Henry M. Schroeder, Reading, April 1, 1935.

CHESTER COUNTY

B. J. Passmore, Malvern, April 1, 1935.

CRAWFORD COUNTY

Miss Anna Haury, Meadville, April 1, 1935.

LEHIGH COUNTY

Wilson C. Wenner, Emaus, April 1, 1935.

MERCER COUNTY

Charles C. Covert, Grove City, April 1, 1935.

NORTHAMPTON COUNTY

L. P. Kostenbader, Nazareth, April 1, 1935.

PHILADELPHIA COUNTY

Hyman, Backman, Philadelphia, April 1, 1935.
Walter N. Kennedy, Philadelphia, April 1, 1935.
G. N. Nicholson, Philadelphia, April 7, 1935.

ALLEGHENY COUNTY

Wm. H. McClafferty, Pittsburgh, April 9, 1935.

WESTMORELAND COUNTY

H. A. Westerman, New Kensington, April 12, 1935.

NORTHAMPTON COUNTY

Harvey C. Werst, Easton, April 13, 1935.

BERKS COUNTY

Miss Catharine M. Otterbein, Reading, April 17, 1935.

ALLEGHENY COUNTY

V. E. Griffin, Glassport, April 22, 1935.

PHILADELPHIA COUNTY

Miss Mary Mandia, Philadelphia, April 27, 1935.

GEORGE H. EARLE.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Mrs. Blanch E. Whiteman, of Williamsport, Lycoming County, as Alderman of the Sixth Ward of the City of Williamsport, Lycoming County, vice her husband, Walter C. Whiteman, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

## QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Dauphin). I rise to the question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED (Dauphin). Mr. President, and members of the Senate: Last evening, before introducing a motion to discharge the Committee on Constitutional Changes, the Senator from Fayette, Mr. Cavalcante, used these words: Speaking of party spirit he said "through it predatory interests and party chiefs say what bills and resolutions this Senate shall finally be permitted to be acted upon. A fortnight ago they stultified the rules so as to make the votes of dead and absent Senators available for party spirit to consummate its selfish designs behind the doors of committee rooms with greater comfort and security. It fosters and elicits from speakeasies, sweat-shops and bawdy houses streams of slimy gold to be used for the debauchment of useful citizens."

At the conclusion of the remarks of the Senator from Fayette, it was then my thought that the language used by the Senator from Fayette was not worthy of a reply; but as I have read these remarks and have contemplated upon them, I thought an injustice would be done to the Republican membership of this Senate if a reply were not made.

Mr. President, it is not necessary for me to deny the assertion that the Republican Party, through its leadership and through its committees in the Senate, is receiving "streams of slimy gold" from any source whatever for the debauchment of citizens of this community. Those remarks, however, as I have read them and re-read them, constitute an attack upon the entire Republican membership of this Senate. I deeply regret that such a partisan attack should be made, and especially from a Senator who is representing a district which was once so ably represented by William E. Crow, later a member of the Senate of the United States, and, more recently, by one of the best beloved and able Senators who has ever sat upon the floor of this Senate, Senator Harry J. Bell.

Mr. President, with all the emphasis which I can command, I deny the insinuation contained in those remarks.

May I say, Mr. President, further, that in the consideration of the questions involved which are of major importance to the people of Pennsylvania, the great question

of whether or not it is wise to revise the Constitution of Pennsylvania; whether this great Commonwealth of ours shall pass bills which are proposed, imposing over $200,000,000 on an over-burdened people—in considering those measures, in taking due time for their proper consideration, I resent the insinuation that the Republican majority in this Senate is being actuated by money motive, or that money is passing in this Senate. Mr. President, as far as I am concerned, over two months ago I publicly announced my position to the press of Pennsylvania that I was unalterably opposed to any revision of the Constitution. Other members of that Committee have been arguing the question, have been seeking all the information which was possible, and I was most happy last night that the Senator from Allegheny, Mr. Rodgers, publicly stated upon the floor of this Senate what every member of the Committee on Constitutional Changes knows, and that is that this Committee has been giving honest consideration to this great question of whether or not the Constitution should be amended at this time.

During the time it has been my privilege to serve as a member of the Senate of Pennsylvania, I have endeavored and, as far as I know, all the members on the Republican side of this Chamber, have endeavored to give their Democratic colleagues due consideration, and we have never challenged the motive which may have actuated their vote; and in the same spirit I say that it is unworthy of any Senator to say that the great Republican Party of this State, through its membership in the Senate, is doing anything else than giving the proper and necessary consideration to public measures, as we are sworn to do under our oaths as Senators.

## QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I am indeed sorry that the Senator from Dauphin, Mr. Reed, has taken the attitude that he has expressed on a portion of my talk delivered last night. I am sorry if those words have created that impression in his mind or in the mind of any other Senator of this body, but I wish to here follow the same principles followed by the Republican leadership in explaining the word "feasible." The words that I used and the words read by the Senator from Dauphin are not the words directed solely at the party spirit of the Republican Party, but those words were directed at any party spirit, whether that spirit be Democratic Party spirit, Socialist or Republican, but that language was used generally to apply to party spirit, and I did not single out in those words any particular party; but they were directed to all party spirit, and I direct those words at the Democratic Party, and members of this Senate, if they allow the kind of party spirit I spoke of last night to creep into the deliberations of this Senate.

## RECESS

Mr. COYNE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. WOODWARD. Mr. President, I second the motion.

**The motion was agreed to.**

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor hereby to nominate for the advice and consent of the Senate the following person:

David B. Roberts, 312 Soho Street, Pittsburgh, Allegheny County, as a Workmen's Compensation Referee, vice Gregory Ignatius Zatkovich, resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

### BOARD OF GAME COMMISSIONERS

March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor hereby to nominate for the advice and consent of the Senate the following persons:

Ross L. Leffler, of McKeesport, Allegheny County, as a member of the Board of Game Commissioners, vice Doctor Samuel H. Williams, resigned, for the term of six years.

A. W. Lee, Jr., of Clearfield, Clearfield County, as a member of the Board of Game Commissioners, vice Richard E. Reitz, removed from office, for the term of six years.

Robert Lamberton, of Franklin, Venango County, as a member of the Board of Game Commissioners, vice A. Hunter Willis, removed from office, for the term of six years.

### ALDERMAN

John H. Collins, of Scranton, Lackawanna County, as Alderman of the 8th Ward of the City of Scranton, Lackawanna County, vice Thomas W. Davis, deceased, until the first Monday in January, 1936.

### JUSTICE OF THE PEACE

Clifford R. Smith, of West Hickory, Forest County, as Justice of the Peace in the Townhsip of Harmony, Forest County, until the first Monday in January, 1936.

### MEMBER OF THE WORKMEN'S COMPENSATION BOARD

D. Ferd Swaney, of Georges Township, P. O. Uniontown, Fayette County, as a member of the Workmen's Compensation Board, vice Edward J. Hunter, resigned, to serve until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

WARREN COUNTY

Henry A. Shipe, Youngsville, March 27, 1935.

ALLEGHENY COUNTY

John F. Will, Pittsburgh, March 31, 1935.

BEAVER COUNTY

J. C. Potts, Midland, April 1, 1935.

BERKS COUNTY

Mrs. Mattie T. Norton, Reading, April 1, 1935.
Henry M. Schroeder, Reading, April 1, 1935.

CHESTER COUNTY

B. J. Passmore, Malvern, April 1, 1935.

CRAWFORD COUNTY

Miss Anna Haury, Meadville, April 1, 1935.

LEHIGH COUNTY

Wilson C. Wenner, Emaus, April 1, 1935.

MERCER COUNTY

Charles C. Covert, Grove City, April 1, 1935.

NORTHAMPTON COUNTY

L. P. Kostenbader, Nazareth, April 1, 1935.

PHILADELPHIA COUNTY

Hyman Backman, Philadelphia, April 1, 1935.
Walter N. Kennedy, Philadelphia, April 1, 1935.
G. N. Nicholson, Philadelphia, April 7, 1935.

ALLEGHENY COUNTY

Wm. H. McClafferty, Pittsburgh, April 9, 1935.

PHILADELPHIA COUNTY

Henry M. Black, Philadelphia, April 9, 1935.

WESTMORELAND COUNTY

H. A. Westerman, New Kensington, April 12, 1935.

NORTHAMPTON COUNTY

Harvey C. Werst, Easton, April 13, 1935.

BERKS COUNTY

Miss Catharine M. Otterbein, Reading, April 17, 1935.

ALLEGHENY COUNTY

V. E. Griffin, Glassport, April 22, 1935.

PHILADELPHIA COUNTY

Miss Mary Mandia, Philadelphia, April 27, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

E. C. Endler, Midland.

CHESTER COUNTY

Everett J. Hoopes, Downingtown.

CRAWFORD COUNTY

Walter J. McClintock, Meadville.

HUNTINGDON COUNTY

Miss Fae Peterson, Mount Union.

LEHIGH COUNTY

Max Dorwarth, Allentown.

MONTGOMERY COUNTY

James J. Carr, Norristown.
Mrs. Elizabeth Hance, Bala-Cynwyd.
Frank Underkoffler, Norristown.

NORTHAMPTON COUNTY

Miss Gwyneth Jane Davies, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Emma M. Becker, Public Ledger Bldg., Philadelphia.
A. Seymour Brown, 1602 S. 11th St., Philadelphia.
Miss Katherine M. Hayes, 1201 Chestnut St., Philadelphia.
Miss Fanny M. Lehman, Independence Bldg., Philadelphia.
Harold S. Pelham, 2628 N. Mascher St., Philadelphia.

WESTMORELAND COUNTY

Paul S. Barnhart, Greensburg.

LANCASTER COUNTY

Miss Margaret C. Schmoll, Lancaster.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

BRADFORD COUNTY

P. H. Brown, Ulster, March 28, 1935.

DAUPHIN COUNTY

Mrs. Jennie B. Brugnoni, Harrisburg, March 30, 1935.
Miss Lottie H. Dockey, Pillow, March 30, 1935.

ALLEGHENY COUNTY

Miss Lillian D. Folger, Pittsburgh, March 31, 1935.
LeVan R. Geiger, Pittsburgh, April 1, 1935.
Edward F. Lehmann, Tarentum, April 1, 1935.
Edward D. Hogan, Pittsburgh, April 5, 1935.
Fred C. Grote, Pittsburgh, April 6, 1935.

PHILADELPHIA COUNTY

Thos. E. Brennan, Philadelphia, April 7, 1935.

WARREN COUNTY

Enoch J. Johnson, Sheffield, April 9, 1935.

ALLEGHENY COUNTY

A. E. Bradley, E. McKeesport, April 10, 1935.

SOMERSET COUNTY

Miss Margaret E. Zeigler, Somerset, April 12, 1935.

WASHINGTON COUNTY

Nicola Pizzica, Monongahela, April 13, 1935.

LAWRENCE COUNTY

M. E. Alexander, New Castle, April 15, 1935.

LYCOMING COUNTY

Kurt R. Cloud, Jersey Shore, April 20, 1935.

BUCKS COUNTY

Mrs. Mabel S. Mitchell, Langhorne, April 22, 1935.

PHILADELPHIA COUNTY

Ernest T. Wright, Philadelphia, April 23, 1935.

NORTHUMBERLAND COUNTY

Miss S. D. Young, Northumberland, April 29, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Jessie E. Boor, Smithfield St., Pittsburgh.
A. F. Haberl, Jr., Werner Bldg, Pittsburgh.
Mrs. Esther Widom Horvitz, 2621 Murray Ave, Pittsburgh.
Francis F. Kernan, 1741 Chislett St., Pittsburgh.
Audrey C. Schroth, Gulf Bldg, Pittsburgh.
Leo C. Simmons 21st and A. V. R. R., Pittsburgh.
J. G. Simpson, 6601 Hamilton Ave, Pittsburgh.
G. C. Sterling, 3200 Glen Mawr Ave., Pittsburgh.
Wm. M. Wood, Law and Finance Bldg., Pittsburgh.

BEAVER COUNTY

Wallace W. Standley, Midland.

CLEARFIELD COUNTY

Miss M. Augusta Craft, Clearfield.

CRAWFORD COUNTY

F. L. Shaffer, Cambridge Springs.

DAUPHIN COUNTY

W. M. Groff, Williamstown.
Mrs. Ruth E. Kiehl, Harrisburg.

DELAWARE COUNTY

Matthew Margoline, Chester.

ELK COUNTY

John H. Cartwright, Ridgway.

ERIE COUNTY

Leo J. Brugger, Erie.
W. E. Sweet, Erie.

FOREST COUNTY

Miss Margaret A. Clark, Tionesta.

FRANKLIN COUNTY

Miss L. Maude Beck, Chambersburg.

GREENE COUNTY

Mrs. Vaetta V. Blaker, Carmichaels.

LUZERNE COUNTY

Miss Nan L. Gallagher, Wilkes-Barre.

MERCER COUNTY

Miss Margaret E. McDonald, Farrell.

MIFFLIN COUNTY

Mrs. Eva M. Snook, Burnham.

MONROE COUNTY

Clarence S. Kitchen, Stroudsburg.

NORTHAMPTON COUNTY

Miss Marie T. McCarthy, Bethlehem.

NORTHUMBERLAND COUNTY

Joseph P. Bradley, Mt. Carmel.
Edw. Brennan, 3rd, Shamokin.
Miss Gertrude A. Cashman, Shamokin.
Frank S. Moser, Shamokin.

PHLIADELPHIA COUNTY

Joseph M. Bellano, Jr., 6412 Vine St., Philadelphia.
Edmund W. Clarke, 1600 Arch St., Philadelphia.

SCHUYLKILL COUNTY

John Saloka, Saint Clair.

SOMERSET COUNTY

Mrs. Violet M. Adams, Windber.

WARREN COUNTY

Mrs Helen E. Swanson, Warren.

WASHINGTON COUNTY

C. Glenn Wonsetler, Washington.

WESTMORELAND COUNTY

Miss Virginia P. Everly, Jeannette.
Mrs. Fannie Frankel, Latrobe.
Miss Sara K. Reynolds, Scottdale.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38 which requires nominations made by the Governor to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on foregoing nominations,

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a negative recommendation the following nomination by His Excellency, the Governor of the Commonwealth:

### MEMBER OF THE REGISTRATION COMMISSION

March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following persons:

Mrs. Mary Jane Clark, 1623 Shady Avenue, Squirrel Hill, Pittsburgh, Allegheny County, as a member of the Registration Commission in and for the City of Pittsburgh, vice Thomas A. Joyce resigned, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. BUCKMAN,

That Rule 38 which requires nominations made by the Governor to lie on the table be dispensed with, and the Senate do now resolve itself into Executive Session for the purpose of acting on the foregoing nomination,

Which was agreed to.

Whereupon,

A motion was made by Mr. BUCKMAN,

That the Senate do advise and consent to said nomination notwithstanding the negative recommendation of the Committee on Executive Nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—20

| | | | |
|---|---|---|---|
| Baumer, | Lanius, | Rankin, | Rodgers, |
| Cavalcante, | Law, | Reed, | Rupp, |
| Frey, | McCreesh, | (Washington) | Thompson, |
| Harris, | McGinnis, | Rice, | (Centre) |
| Huffman, | Miller, | Roberts, | Trainer, |
| Kahle, | Pytko, | | |

NAYS—24

| | | | |
|---|---|---|---|
| Aron, | Ealy, | McClure, | Shapiro, |
| Batchelor, | Gelder, | Norton, | Staudenmeier, |
| Bennett, | Graff, | Owlett, | Thompson, |
| Buckman, | Homsher, | Pierson, | (Westmoreland) |
| Chapman, | Howell, | Prince, | Ziesenheim, |
| Clark, | Hunsicker, | Reed, | |
| Coyne, | Mallery, | (Dauphin) | |

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

Mr. BUCKMAN. Mr. President, I move that the Executive Session do now rise.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

## BILL OVER IN ORDER

Mr. HOWELL. Mr. President, I ask unanimous consent that Senate Bill No. 31, on third reading, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thriteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 96, entitled:

An Act to amend section four of the act approved the twentieth day of March, one thousand eight hundred and ten, (P. L. 208), entitled "An act to amend and consolidate with its Supplements the Act entitled 'An act for the recovery of debts and demands, not exceeding one hundred dollars before a Justice of the Peace and for the election of Constables and for other purposes,'" by prescribing the time within which transcripts must be filed on appeals from judgments of justices of the peace in civil cases.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | Miller, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 269, entitled:

An Act relating to writs of execution, other than attachments, on goods and chattels, where Sheriffs' Sales are delayed or plaintiffs fail to advance the cost for same, and providing that such writs, including any in the hands of Sheriffs when this Act becomes effective, may be returned as stayed for want of prosecution, unless the property levied upon be advertised for sale within three months after the levy thereon, exclusive of the duration of any stay of proceedings by order of Court or operation of law preserving the lien of such levy.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Coyne, | Law, | Reed, | Thompson, |
| Ealy, | Mallery, | (Dauphin) | (Westmoreland) |
| Frey, | McClure, | Reed, | Trainer, |
| Gelder, | McCreesh, | (Washington) | Woodward, |
| Graff, | McGinnis, | Rice, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 352, entitled:

An Act to reenact and amend the act approved the twenty-third day of March one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four) entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases" extending said act to all courts of record.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. LAW. Mr. President, I do not object to this bill so far as it applies to the Philadelphia Municipal Court but I do object to it so far as it applies to the Allegheny County Court. It would make it necessary for us to put in an addition to the indexing system for the Prothonotary's records, at great cost, and we think it entirely unnecessary. The Bar Association of our County is opposed to having verdicts in county courts made liens on real estate until they are transcribed and transferred over to the Common Pleas Court. Verdicts in the County Court are transferred over to the Common Pleas Court in that way. If all of them are transferred over it will clog the docket; and in about 75% of the cases in the County Court no one wants any liens on real estate that is not necesssary because the defendants have no real estate; and we feel it will entail a very heavy expense to Allegheny County. We have no objection to its applying to the Municipal Court of Philadelphia, which, I believe, has a set-up of its own—with a Prothonotary, clerk, and an indexing system; but in Allegheny County it would require us to change our indexing system at great cost, and we feel that it is entirely unnecessary. And if the sponsor of the bill will eliminate the provision applying to the Allegheny County Court, I will go along with the bill.

Mr. SHAPIRO. This bill affect the Act of 1887, which was passed at a time when what was known as County Courts were merely Courts of Common Pleas. Since the Act of 1887, was passed there has grown into the court system a structure of courts differing from the Courts of Common Pleas, with different jurisdictions. As a result of that we find ourselves in this position: that a man may not bring a suit in the Court of Common Pleas for an amount less than $2500.00, and when he brings such a suit in a different kind of court he is in a position where he cannot get the same advantage as in the Court of Common Pleas. In the Court of Common Pleas, under the Act of 1887, the moment he gets his judgment it becomes a lien on the real estate of the defendant. In the Municipal Court it is not a lien upon the real estate of the defendant until he gets a final verdict.

Now, to correct that situation in the manner suggested by the Senator from Allegheny, Mr. McGinnis, would mean to affect the constitutionality of the Act. I took that question up with Mr. Fertig, Director of the Legislative Reference Bureau, to see if he agreed with my idea: and he does agree that an effort to make a verdict of a court of record in Philadelphia a lien upon real estate and not have the same rule apply to courts of record in other jurisdictions, would make the Act unconstitutional; and it is to correct that situation that the amendment is made directly to the Act of 1887, providing that all verdicts in any court of record shall be liens upon real estate.

Now, the City of Pittsburgh has a Court of Common Pleas and also a County Court, and both are courts of record; and it seems to me that the indexing of a judgment by the Prothonotary in the Court of Common Pleas, where it is no wdone by transfer, would be of little if any expense. In other words, the effect on their situation can be corrected by an amendment to the Act creating the County Court, or by an amendment to the Act creating the Common Pleas Court, by providing that the Prothonotary of the City of Pittsburgh shall index for the County Court such judgments as are rendered in that Court; and that would effect that change and obviate the difficulty. But certainly the City of Philadelphia and the other cities which now have or may hereafter have courts of minor jurisdiction, are entitled to have all litigants in those courts granted the same rights as litigants in cases involving greater sums of money; and under those circumstances I think this is a good piece of legislation, correct inform, and should be passed.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, could not the purpose, as outlined by the Senator from Philadelphia, Mr. Shapiro, be accomplished by not making it mandatory upon the Clerk of the Court to transfer the verdict, but making it optional on the litigant himself as to whether he wants his verdict made a lien on real estate?

Mr. SHAPIRO. Mr. President, the Senator from Fayette, Mr. Cavalcante, has misconstrued the bill which is before us now. The proposed legislation which is before us now is an amendment to the Act of 1887. The Act of 1887 provides that all verdicts in Courts of Common Pleas shall be liens upon real estate. This bill merely changes the words "Common Pleas" and inserts the word "Record," of this Commonwealth." That is to say, it strikes out the words "Common Pleas" and inserts the word "Record," thus making it read "the Courts of Records of this Commonwealth." The situation to which the Senator from Allegheny, Mr. McGinnis, adverts could occur only in those counties where verdicts are not recorded or indexed in a judgment index; so that, where that situation exists, as in the City of Pittsburgh, it could be corrected by an amendment, an amendment to the County Act in Pittsburgh, providing that at the option of the judgment creditor, or, rather, at the option of the plaintiff, when he obtains a judgment, the Prothonotary shall record it, or register it, in the index in the Court of Common Pleas; and that would not be at all expensive, from my experience with that kind of litigation and records.

Mr. CAVALCANTE. Mr. President, does the bill which we are now debating make it mandatory upon the Clerk of the Court, or the Prothonotary of the Court, to record the judgment as a lien against real estate?

Mr. SHAPIRO. Mr. President, it does not. The Act of 1887 does not have anything to do with the recording of the judgment; it merely states what the effect of the verdict shall be.

Mr. CAVALCANTE. Well, Mr. President, as I understand the objection made by the Senator from Allegheny, Mr. McGinnis it is to the effect that this bill, if enacted, will compel the entailing of expense for the entry of a verdict against a defendant who owns no real estate, and that the entry of such a verdict, and the incurring of that expence, would be absoluely useless. Does the bill offered by the Senator from Philadelphia. Mr. Shapiro, exclude that?

Mr. SHAPIRO. Mr. President, I am sorry to differ with the Senator from Pittsburgh, Mr. McGinnis, but this bill does not have that effect at all; this merely says what the effect will be. He may have some difficulty in finding the verdict because he does not index it, but whether or not he indexes it, under this bill it will become a lien upon real estate.

Mr. LAW. Mr President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will he Senator from Philadelphia, Mr.Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I have no objection.

Mr. LAW. Mr. President, is it not true that there has been some talk throughout the State of substituting some intermediate court of record for our present minor judiciary?

Mr. SHAPIRO. Mr. President, I did not hear the first part of the question asked by the Senator from Mercer, Mr. Law.

Mr. LAW. Mr. President, is it not true that throughout the State there has been some talk of substituting a minor court of record for our present minor judicial system?

Mr. SHAPIRO. Mr. President, that could take place only if you change the Constitution; it has not gone through. The Governor, I understand, does not favor that; he said he hoped the judiciary can be left alone.

Mr. LAW. Mr. President, in such an event, by making this so broad would we be not be required to consider all of those verdicts as a matter of lien?

Mr. SHAPIRO. Mr. President, not necessarily, this would not affect the character of subsequent courts of record, because if it is a court of record its verdict of record will automatically become a lien. The only difficulty you might have is in indexing. The person who wants to secure a lien on a judgment, or wants to maintain a prior position, would have to go through the records of the particular court. That is the only trouble you could have even in Pittsburgh. In other words, this verdict of the court of record becomes a lien; the index is for the purpose of notice. If they do not want to index it, in Pittsburgh, they do not have to do it; but you will have to search the title, later, a little more closely than before. It would, of course, be a source of additional revenue to the lawyers in Pittsburgh; it may help the lawyers in Pittsburgh.

Mr. LAW. Mr. President, I think the words "a little more closely" not well taken, because it is going to create tremendous confusion in title searching.

Mr. SHAPIRO. Mr. President, it will not create any confusion in title searching; possibly you will have to go somewhere else in searching the titles. The only difference between the situation in Philadelphia and that in Pittsburgh is that you will have to go somewhere else in searching titles; to find what liens exist you to index book entries in the docket of your Court of Common Pleas, that in the Prothonotary's office, and, later, go to the docket is all. The docket in the Court of Common Pleas has the case listed, and you will find what happened to the case; and the title searcher, instead of going to the index provided by the Prothonotary, as in our County, will go to the docket of the Court of Common Pleas of the County of Pittsburgh.

Mr. McGINNIS. Mr. President, If the bill in its present form be passed, I feel we will have to set up an indexing system in the County Court in our County. That is in a separate building. We have a number of title searchers working there every day, on titles and liens, and they would be compelled to go from one building to another and look up the index in both buildings.

Mr. SHAPIRO. Mr. President, I feel that the Act of 1887 applied only to the Court of Common Pleas, and this bill, if enacted into law, would apply only to the Municipal Court of Philadelphia. It does not necessarily include the County Court of Allegheny County, which is a different class of Court.

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. HARRIS. Mr. President, I merely want to ask one question of the Senator from Allegheny, Mr. McGinnis, and that is, whether or not this will increase the cost of government in Allegheny County.

Mr. McGINNIS. Mr. President, it undoubtedly will. We will have to set up an indexing system, or have to transcribe every verdict in our County Court and send it over to the county building, and set it up in the docket there, and that will be an added expense, and will be cluttering up the dockets that we now feel are crowded enough; and, as I say, over 75% of the verdicts are against defendants who own no real estate, and it is of no advantage.

As I said before, this matter has been discussed and studied by the Bar Association of our County very thoroughly, and they are opposed to having verdicts in the County Court made liens on real estate.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will be glad to.

Mr. SHAPIRO. Mr. President, will the Senator from Allegheny, Mr. McGinnis, state whether or not it is a fact that the cost of litigation so far as the indexing of cases tried in the Court of Common Pleas of Allegheny County is concerned, is borne by the parties litigant.

Mr. McGINNIS. Mr. President, yes.

Mr. SHAPIRO. Mr. President, is there any difficulty in the County Court in having the Prothonotary make a charge for indexing which will cover all the expense of the County regardless of whether you make an index of record.

Mr. McGINNIS. Mr. President, that does not cover the cost of the books and of the installing of the system, or the cost of operating the system. I do not believe the cost the County inflicts on litigant begins to cover the cost of the indexing or of the supervising.

Mr. SHAPIRO. Mr. President, do I understand, then, that in the County Court, the expense is not fully met by the costs levied? In other words, that the City of Pittsburgh is not charging enough money to pay itself for the expenditures it makes for taking care of the litigation of its citizens?

Mr. McGINNIS. Mr. President, I would say it is today, but if we add additional work on the County Court, in establishing an indexing system, and supervising the system, it will entail additional expense, because it is additional work.

Mr. SHAPIRO. Mr. President, would the Senator from Allegheny, Mr. McGinnis, say whether it is possible or not possible for the Prothonotary of the County Court, through an enabling act, to make a sufficient charge to cover both the cost of the books and the cost of the Clerk of the County transcribing any judgment that may be handed down?

Mr. McGINNIS. Mr. President, oh, yes, but the litigants in the County Court are poor people, and there is no use in inflicting additional costs; and, furthermore, I feel that the inflicting of such additional costs on these poor litigants is unnecessary.

Mr. SHAPIRO. Mr. President, if the County Court litigants are such poor people, let the Senator from Allegheny, Mr. McGinnis, introduce into this Senate a bill providing for the relief of litigants in cases that involve less than $2500.00.

## BILL OVER IN ORDER

Mr. EALY. Mr. President, this seems to be a complicated discussion, and I move that Senate Bill No. 352, go over in its order.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 379, on third reading, entitled:

An Act providing for the purchase and distribution of milk to undernourished and needy children in the public schools; imposing duties on boards of school directors, teachers, principals, medical inspectors and the Department of Welfare; and making an appropriation.

go over in its order.

Mr. PRESIDENT, in making this request I wish to say that I have been asked by some people who would like to go into it for the question of amendment and I, therefore, request that the bill go over in its order.

The PRESIDENT. Is there objection. The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 424 (House Bill No. 677), entitled:

An Act to amend sections three hundred eleven three hundred eighteen and three hundred twenty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended further amplifying the powers of the retirement board in counties of the second class increasing the contributions of such counties county poor districts and employes and restricting rights to retire for disability in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Sálus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 428 (House Bill No. 275), entitled:

An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning bor-

oughs and revising amending and consolidating the law relating to boroughs" providing for and regulating joint sewer improvements

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 429 (House Bill No. 276), entitled:

An Act to amend section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating joint sewer improvements

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 430 (House Bill No. 277), entitled:

An Act to amend section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 431 (House Bill No. 278), entitled:

An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 434 (House No. 877), entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 440, entitled:

An Act establishing as State highways subject to certain restrictions all existing township roads in townships of the second class which have not heretofore been established as State highways and providing for their maintenance and repair and for the vacation of certain of said roads

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

## BILL POSTPONED

Mr. GELDER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 496 (House Bill No. 233), entitled:

An Act to amend and reenact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" extending the provisions thereof for two years and exempting mortgages issued under the National Housing Act

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of Senate Bill No. 71, on third reading postponed for the present, entitled:

An Act to amend section forty-two of, and to add section thirty-five A to, the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-1934), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors, and changing certain penalties.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I would like the spon-

sor of the bill to explain the measure to us. I did not know it was coming up this morning.

Mr. HARRIS. Mr. President, this is an amendment to the Permanent Registration Bill affecting cities of the second class. It was passed at the 1933 Session, and every member of this Senate who is now a member, voted for the bill in its entirety. When it went to the House, section 36, a very important section of the bill, was removed. The bill was signed by the Governor on that condition, and those who favored the bill, and I as sponsor, realized that section 36 was quite important, and in fact vitally important to the bill, and that was the purpose of preventing this amendment. A similar bill to have permanent registration in the city of Scranton, has that section in, and I am informed by those who have a knowledge of the workings of the permanent registration bill in Scranton, that it works splendidly. It is known as the perfect Permanent Registration bill for the city of Scranton, and this will make our bill conform with that city's plan, on which every member of this Senate and every member of the House voted.

On the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante. | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 327, as follows:

An Act making an appropriation to the Northeastern Hospital of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the of the same That the sum of fifty-five thousand dollars ($55,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Northeastern Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capital in the public ward of such hospital

An said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. CLARK. Mr. President, I move that Senate Bill No. 489, on second reading, entitled:

An Act to amend section one thousand and eight of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers hereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by adding a new clause, authorizing the Water and Power Resources Board to construct dams and reservoirs for the purpose of furnishing water supplies; and to impose reasonable charges for such water.

be recommitted to the Committee on Municipal Government for further consideration.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 574 (House Bill No. 1006), entitled:

An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 579, entitled:

An Act authorizing the transfer to and the acceptance by the Commonwealth of the Chester County Hospital for the Insane at Embreeville including the grounds annexed thereto and the buildings thereon providing for the development improvement and enlargement thereof for use as a State mental hospital permitting the Chester county and poor district authorities to continue to use said hospital or other buildings for certain purposes for a limited time and making an appropriation

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Welfare with the approval of the Governor is hereby authorized to accept for and on behalf of the Commonwealth a grant and conveyance by the county of Chester without consideration of the Chester County Hospital for the Insane together with the grounds thereto annexed and other buildings connected therewith for the purpose of developing improving and enlarging such hospital grounds and buildings for use as a State mental hospital No such grant shall be made or accepted until the proper authorities of the county of Chester shall by resolution authorize and direct such transfer to be made particularly describing the grounds and buildings to be transferred and power is hereby conferred upon the proper authorities of such county to authorize such grant and conveyance Upon acceptance of such grant the Commonwealth shall improve develop and enlarge such hospital grounds and other buildings in order to make them suitable for use as a State mental hospital Provided That the county or poor district authorities of such county as the case may be may continue to maintain in the manner provided by law mental patients in such hospital and poor persons in the almshouse located on the site of such hospital until the first day of June one thousand nine hundred and thirty-seven at which time the Commonwealth shall assume full control and operation of such premises as a State mental hospital

On the question,

Will the Senate agree to the section?

Mr. CLARK. Mr. President, I move to amend Section 1, page 2, line 14, by inserting after the word "hospital" the following: serving Chester County and the city and county of Philadelphia: Provided, That the acceptance of such grant and conveyance on behalf of the Commonwealth shall impose upon the Commonwealth the responsibility of accepting all legally committed insane patients from Chester County and: also lines 17 and 18, by striking out the words "and poor persons in the almshouse located on the site of such hospital."

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to.

Section 2 The sum of one million dollars ($1,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the repair alteration and improvement of existing buildings and for the erection and construction of additional buildings on the site authorized to be acquired by the Commonwealth under this act and for the payment of the cost of necessary plans specifications advertising for bids supervision architectural and engineering fees grading and improvement of the land comprising the site of such hospital and other incidental expenses necessary for carrying out the purpose sof this act

Section 3 That act shall become effective immediately upon its passage and approval by the Governor

The title of the bill was read as follows and agreed to.

An Act authorizing the transfer to and the acceptance by the Commonwealth of the Chester County Hospital for the Insane at Embreeville including the grounds annexed thereto and the buildings thereon providing for the development improvement and enlargement thereof for use as a State mental hospital permitting the Chester county and poor district authorities to continue to use said hospital or other buildings for certain purposes for a limited time and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 580, as follows:

An Act making an appropriation to the Simon H Barnes Memorial Hospital of Susquehanna Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nine thousand dollars ($9,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Simon H Barnes Memorial Hospital of Susquehanna Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided ohwever That said hospital shall not receive compensation at a rate exceeding the actual cast of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 598, as follows:

An Act making an appropriation to the Home for Friendless Children in the city of Reading Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Home for Friendless Children in the city of Reading Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the following purposes namely

For the support and maintenance and payment of interest on debt of the said Home for Friendless Children the sum of five thousand dollars ($5,000)

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 599, as follows:

An Act making an appropriation to the Beaver Valley General Hospital at New Brighton Pennsylvania

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Beaver Valley General Hospital at New Brighton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid thre dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 600, as follows:

An Act making an appropriation to the Rochester General Hospital of Rochester Beaver County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty-four thousand dollars ($54,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Rochester General Hospital of Rochester Beaver County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 601, as follows:

An Act Making an appropriation to the Ellwood City Hospital Elwood City Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eighteen thousand dollars ($18,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Ellwood City Hospital Elwood City Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capital in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 602, as follows:

An Act making an appropriation to the Dobler Tuberculosis Hospital Girard Township Erie County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Dobler Tuberculosis Hospital Girard Township Erie County for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 615, as follows:

An Act making an appropriation to the Children's Aid Society of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and sixteen thousand dollars ($116,000) or so much thereof as may be necessary is hereby specifically appropriated to the Children's Aid Society of Pennsylvania located in Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 618, as follows:

An Act making an appropriation to the Columbia Hospital at Columbia Lancaster County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Columbia Hospital located at Columbia Lancaster County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 633, as follows:

An Act making an appropriation to the Margaret Henry Children's Home New Castle Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby specifically appropriated to the Margaret Henry Children's Home at New Castle Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 634, as follows:

An Act making an appropriation to the Beaver County Children's Home of New Brgihton Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven thousand five hundred dollars ($7,500) or so much thereof as may be necessary is hereby specifically appropriated to the Beaver County Children's Home of New Brighton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 635, as follows:

An Act making an appropriation to the Providence Hospital Beaver Falls Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Providence Hospital Beaver Falls Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 636, as follows:

An Act Making an appropriation to the Almira Home Association New Castle Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven thousand five hundred dollars ($7,500) or so much thereof as may be necessary is hereby specifically appropriated to the Almira Homo Association of New Castle Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 637, as follows:

An Act Making an appropriation to the Jamison Memorial Hospital Association New Castle Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty-two thousand dollars ($42,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jamison Memorial Hospital Association New Castle Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 638, as follows:

An Act Making an appropriation to the Pennsylvania Historical Commission for the maintenance upkeep improvement and restoration of the Pennsbury Memorial in Falls Township Bucks County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical Commission for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the maintenance upkeep improvement and restoration of the Pennsbury Memorial in Falls Township Bucks County Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 654, as follows:

An Act Making an appropriation to the Department of Forests and Waters for the maintenance and improvement of Fort Washington Park

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the maintenance and improvement of Fort Washington Park

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 660, (House Bill No. 839), entiled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by increasing said tax for a limited period of time and providing for the distribution thereof

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Providing That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax an additional emergency State tax of two cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth as aforesaid for the period commencing on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred thirty-seven

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruc-

tion maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest on bonds issued for highways and bridge purposes The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withhold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the tax collected under the provisions of this act all penalties and interest and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law

(c) The entire amount of the additional emergency tax of two cents per gallon or fractional part thereof collected under the provisions of this act shall be paid into the General Fund

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend Section 1, page 3, line 19, by inserting after the word "thirty-seven" the following: Amend Section 1, page 3, line 19, by inserting after the words "thirty-seven" the following: Provided, however, That the Governor may by his proclamation, at any time prior to said date, suspend the imposition and collection of said additional tax for the reason that the revenues therefrom are no longer needed for the purpose of unemployment relief.

ployment relief.

Mr. KAHLE. Mr. President, I second the motion.

Will the Senate agree to the amendment?

Mr. REED. Mr. President, I desire to interrogate the Senator form Mercer, Mr. Law. I am not sure that I or other Senators get the full import of that amendment, and I would ask the Senator from Mercer, Mr. Law, to explain the exact effect of the amendment.

Mr. LAW. Mr. President, my explanation is that this amendment meets the objection that has been raised by many people in regard to this tax. You are placing an emergency tax here for a two-year period, and there is somewhat of a question as to whether the emergency will exist that long; and in order to provide for that situation the amendment is made to the effect that if the emergency ceases to exist—if there are sufficient funds available, and we do not need this tax for emergency relief purposes—the Governor may suspend the operation of the additional two-cent gasoline tax.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. SHAPIRO. Mr. President, is it intended that every one of these tax bills that come before us shall have this same amendment?

Mr. LAW. Mr. President, at the present time there is only one bill under consideration.

Mr. SHAPIRO. Mr. President, there is no assurance, then, that this rider will be attached to every tax bill?

Mr. LAW. Mr. President, I do not think so. However, I do not think that is material to the question at issue here.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2 This act shall become effective the first day of the month succeeding its final enactment

The title of the bill was read as follows and agreed to.

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred fourty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which ordinarily practically and commercially usable to internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for records imposing certain costs on counties conferring powers and imposing duties on certain State Officers and departments providing for refunds imposing penalties and making an appropriation" by increasing said tax for a limited period of time and providing for the distribution thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## SENATE BILL NO. 660 (HOUSE BILL NO. 839) SPECIAL ORDER FOR MARCH 27, 10:30 A. M.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 660 (House Bill No. 839), the bill just read, be made a special order for Wednesday, March 27th, at 10:30 A. M.

Mr. BENNETT. Mr. President, I second the motion.

The motion was agreed to.

## BILL ON FINAL PASSAGE POSTPONED FOR THE PRESENT

Mr. TRAINER. Mr. President, I move that the Senate resume consideration of Senate Bill No. 482 on final passage postponed for the present, entitled:

An Act providing for the filling of vacancies in certain county offices in counties of the first class and that such appointees shall hold office for the unexpired term

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

## BILL DROPPED FROM CALENDAR

Mr. TRAINER. Mr. President, I move that Senate Bill No. 482, be dropped from the calendar.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

## REPORTS FROM COMMITTEES

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on County Government reported as committed, Senate Bill No. 703, entitled:

An Act to amend the title and section one of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," by extending the provisions thereof to license fees erroneously and inadvertently paid; and making such extension retroactive for a certain period.

Mr. PRINCE. Mr. President, I ask unanamous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PRINCE from the Committee on Agriculture reported as committed, Senate Bill No. 516 (House Bill No. 648), entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by providing for the free licensing of certain dogs of blind persons.

Also from the Committee on Agriculture reported as committed, Senate Bill No. 425 (House Bill No. 775), entitled:

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violations thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act.

Also from the Committee on Agriculture reported as committed, Senate Bill No. 402 (House Bill No. 441), entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws six) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowing may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof

Also from the Committee on Agriculture reported as committed, Senate Bill No. 403 (House Bill No. 442), entitled:

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of one thousand nine hundred thirty-three or from Federal intermediate credit banks organized under the Agricultural Credits Act of one thousand nine hundred twenty-three.

Also from the Committee on Agriculture reported as committed, Senate Bill No. 4, entitled:

An Act to amend sections twenty-six, twenty-nine and thirty of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damage done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city borough, town and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," as amended; providing for the payment of claims for damages for live stock dying from or killed because of rabies.

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on County Government reported as committed, Senate Bill No. 418 (House Bill No. 51), entitled:

An Act to amend section eight of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and providing for the acceptance of this act by cities" by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone.

Mr. TRAINER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER from the Committee on Public Health reported as committed, Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one, (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examina-

tion, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to corporations not previously licensed.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 708, entitled:

An Act making an appropriation to carry into effect the provisions of an act, approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State Supervisor and assistants, and fixing the salaries of such State Supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of this act to appropriate certain moneys; and providing penalties," as amended.

Also from the Committee an Appropriations reported as committed, Senate Bill No. 621, entitled:

An Act making an appropriation to the Saint Francis Hospital of the City of Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 620, entitled:

An Act making an appropriation to the South Side Hospital of Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 329, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of the Falk Clinic of the University of Pittsburgh, including instruction of the students in the School of Medicine of the University of Pittsburgh in the departments of the Falk Clinic not included in the instruction given in hospitals.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 702, entitled:

An Act making an appropriation to the Reading Hospital, of Reading, Pennsylvania.

Also from the Committee on Appropriations reported as Committed, Senate Bill No. 710, entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg; and making an appropriation.

Mr. RANKIN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on County Government re-reported as committed, Senate Bill No. 141, entitled:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district and poor district taxes.

Mr. RANKIN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN read in place and presented to the Chair, Senate Bill No. 718, entitled:

An Act to carry into operation the provisions of Article XV, Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh, and providing a charter for the government thereof; providing for the exercise by the consolidated city of all the powers and duties in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein; reserving substantial powers to the cities, boroughs and townships situated in the county of Allegheny; providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of the consolidated city; providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith; providing for the appointment or election as provided herein the officers of the consolidated city, including a public administrator, and abolish certain officers of the county of Allegheny; vesting in the consolidated city the exclusive power to assess persons and property for taxation by the consolidated city and the cities, boroughs and townships thereof; providing for a municipal court and abolishing the offices of magistrates, aldermen, constables and justices of the peace; providing for a special election for the submission of said charter to the electors of the county of Allegheny, and for the resubmission thereof; providing a schedule to carry the charter into operation, and repealing inconsistent laws.

Which was committed to the Committee on Municipal Government.

## RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 149

Mr. BUCKMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN offered the following resolution which was twice read and considered and agreed to:

### CONCURRENT RESOLUTION

In the Senate, March 26, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 149, Printer's No. 98, entitled "An act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## CONGRESS MEMORIALIZED TO PREVENT LYNCHING

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of House Resolution No. 51 reported from the Committee on Federal Relations at yesterday's session.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was read as follows:

In the House of Representatives, February 13, 1935.

Whereas, During each year many lynchings occur, statistics revealing that twenty-five happened during the last

year and more than five thousand during the last fifty years; and

Whereas, State governments cannot put an end to this evil which reflects upon the good name of the states in which occurring and upon the United States; and

Whereas, A bill is pending in Congress known as the Costigan Wagner Bill, to enable the Federal Government to control this evil; therefore be it

Resolved (if the Senate concur), That the General Assembly hereby memorializes the Congress of the United States to pass legislation consistent with the Constitution of the United States which will enable the Federal Government to assist in the prevention of this crime and punish offenders against the Federal law;

Resolved, That a copy of this resolution be transmitted to the Senate and House of Representatives of the United States by the Chief Clerk of this House.

Ordered, That the Clerk inform the House of Representatives accordingly.

## QUESTION OF PERSONAL PRIVILEGE

Mr. PYTKO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Pytko, will state his question of personal privilege.

Mr. PYTKO. Mr. President and gentlemen, you have noticed on your desks a magazine nation-wide in its circulation, placed there at my direction, and I would call your attention to an article the author of which is Mr. Walter Davenport, of renowned repute as an impartial commentator on municipal affairs. This article appears on page 10 of this magazine, the name of which I refrain from mentioning lest it be inferred that I am either an agent or salesman for the publication.

In this article Mr. Davenport treats of the present situation in Philadelphia. His treatise is neither commendatory nor is it condemnatory. It is my desire that the membership of this body take no resentment because of the offer I have made; I have found that article both enlightening and educational, and also entertaining. I am presenting it to you with my compliments for your analysis, not because it is entertaining or because it is educational but because it treats of questions which are of paramount importance at the present time.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take recess until 4:15 this afternoon.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 840 (Senate Bill No. 719), entitled:

An Act to further amend section twenty-four of the act approved the first day of June, one thousand eight hundred and eighty-nine, (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by imposing upon certain domestic insurance companies and associations a gross premium tax on business for the year ending one thousand nine hundred and thirty-four, and every year thereafter, and requiring such companies and associations to make reports in writing to the Department of Revenue.

Which was committed to the Committee on Finance.

House Bill No. 842 (Senate Bill No. 720), entitled:

An Act to further amend section seven hundred and thirteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "Fiscal Code" by requiring certain domestic insurance companies and associations to make certain reports in writing to the Department of Revenue on the fifteenth day of March, one thousand nine hundred and thirty-five, and every year thereafter.

Which was committed to the Committee on Finance.

House Bill No. 857 (Senate Bill No. 721), entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," by requiring every person, copartnership, bank, national bank, bank and trust company, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank to report unclaimed deposits after ten years; and repealing certain acts.

Which was committed to the Committee on Finance.

House Bill No. 858 (Senate Bill No. 722), entitled:

An Act to further amend section seven of the act approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy eight), entitled "An act providing for the escheat of deposits of money or property of another received for storage or safekeeping; the dividends, profits, debts, and interest on debts of corporations, companies, banks, trust companies, insurance companies, limited partnerships, and partnership associations, organized under the laws of this Commonwealth, except mutual saving-fund society not having a capital stock represented by shares, and except also building and loan associations, and property held for the benefit of another by the same, and the profits, accretions, and interest on such property, as well as interest thereon accrued, or which should have accrued, between the fixing of the amount of such property by the award of any court and the actual distribution thereof," by requiring that unclaimed deposits with every person, copartnership, bank, national bank, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank, shall escheat after ten years.

Which was committed to the Committee on Finance.

House Bill No. 923 (Senate Bill No. 723), entitled:

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation, by increasing the rate of tax imposed by this act on the shares of stocks of banks and savings institutions.

Which was committed to the Committee on Finance.

House Bill No. 924 (Senate Bill No. 724), entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and

regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereof; for the insurance of owners of real estate, mortgages, and others interested in real estate from loss by reason of defective titles, liens, and encumbrance; and of companies entitled to the benefits of, and of companies having any of the powers of companies entitled to the benefits of an act, entitled 'An act conferring upon certain fideliey, insurance, safety deposit, trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection, and payment of the State tax on the stock of title insurance and trust companies.

Which was committed to the Committee on Finance.

House Bill No. 948 (Senate Bill No. 725), entitled:

An Act imposing a State excise tax on electric power and current generated, manufactured and sold within this Commonwealth; providing for the collection of the tax and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties on certain persons, associations, partnerships, corporations, and State departments; and imposing penalties.

Which was committed to the Committee on Finance.

House Bill No. 1192 (Senate Bill No. 726), entitled:

An Act to provide revenue for State purposes by imposing an excise tax on the net incomes of certain corporations joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax; conferring powers and imposing duties on certain persons corporations, joint-stock, boards and departments; and providing penalties.

Which was committed to the Committee on Finance.

## SPECIAL ORDER

### MOTION TO DISCHARGE COMMITTEE

The PRESIDENT. The hour of 4:30 having arrived, the Senate will now proceed to the consideration of the special order of business fixed for this time — the motion to discharge the Committee on Constitutional Changes from further consideration of Senate Bill No. 150 House Bill No. 147.

The motion by Mr. Cavalcante was read as follows:

"I now move that the Standing Committee on Constitutional Changes be now dismissed from further consideration of House Bill No. 147 so that it may be returned to the floor of the Senate for immediate constitutional consideration."

On the question,
Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, for the benefit of the membership of this Senate I desire briefly to review the action of our committee in connection with that bill. The House bill, known as House Bill No. 147, sponsored by Mr. Ruth, was introduced in the House of Representatives on January 21st. On the same day it was referred to the Committee on Constitutional Changes in the House, and on the same day, after eleven minutes' consideration, was brought out on the floor of the House. It received first reading January 22nd, was recommitted on the same day, and reported out again on the same day. It passed second reading, with amendments, on the 23rd, and was recommitted on the 28th, brought out again, as amended on the 28th, passed finally on the 29th, and referred to the Senate Committee on Constitutional Changes on January 29th.

Mr. President, since that date the Committee on Constitutional Changes in this body has had a series of, I think, five public hearings. We have had a public hearing every week but one since this bill was referred to this committee. We have had before us the leaders of thought in this State, both proponents and opponents of the plan. We have heard Bar Associations—representatives of the Pennsylvania State Bar Association, and all sorts of organizations appearing in connection with this bill.

I do not think, Mr. President, that I am overstating when I say that this is the most important piece of legislation submitted to this body. If a committee of a legislative body means anything at all, the purpose of the committee is to study the legislation that is submitted to it. This committee has been criticized for not acting more expeditiously. We started out by hearing all those who desired to be heard on this bill, feeling, because of its importance, that they were entitled to be heard. We met promptly after the close of the public hearings and discussed the various features of the bill, and, by almost unanimous action of the committee, struck out the portion of the bill which called for a special election, at an expense of a million dollars, on May 14th. We provided in the bill, as a substitute for the provisions in it, a method of submitting to the electors of this State the question of whether or not the people of this State desire a new Constitution. That was done after careful deliberation, after learning that that is the practice pursued in forty-three of the forty-eight States in the Union, after learning that it has been the practice pursued for one hundred and twenty-five years in this State, and after coming to the conclusion that regardless of whether or not the Legislature itself could call a Constitutional Convention—it was a democratic, orderly way of calling one to submit the question to the people, feeling that the argument that both platforms provided for amendments to our Constitution did not mean that we should amend or re-write our Constitution in any but an orderly, regular way.

There is now before the Committee some seven or eight further amendments to this bill, some of them providing for the election of delegates from different subdivisions. Some of our Democratic colleagues in this Senate, Mr. President, are in favor of one subdivision and others are in favor of another subdivision. There have been suggestions made as to the method—different suggestions made as to the different methods of electing the delegates to this Convention.

Mr. President, all these matters are now before this Constitutional Revision Committee and they are receiving our earnest, our careful, our unbiased and unprejudiced consideration.

We intend, Mr. President, that if and when a bill calling for a Constitutional Convention in Pennsylvania is reported out of this committee it will be the best kind of a bill that this committee can prepare.

Now, Mr. President, a motion has been made, that will soon come before this body, to discharge the Committee

from further consideration of this bill. I submit, as was said yesterday by the Senator from Allegheny, Mr. Rodgers, that this committee has been giving serious consideration to this bill, and we have not delayed it any longer than has been absolutely necessary.

It is agreed, now, that we are not to have any special election on May 14th. It is agreed that if it is to be submitted, it will be submitted to the voters next September. There is no reason why this Committee should be prevented from going on with its orderly duties, and if and when this committee takes final action on this bill, that will be the time for such a motion as this, if ever one is made or is timely, but not now; and I submit, in deference to the good work that has been done by the members of this committee, in deference to the serious consideration that the members of this committee have given this matter in deference to the time they in trying to give this State a real Constitutional Amendment Bill, if we are to have one, motion of the Senator from Fayette, Mr. Cavalcante, should be voted down unanimously.

If we are to have, in this Senate, the functioning of this body in an orderly way, if we are not to be stampeded by the partisan press of the State, it is high time that we stand up and say so; it is time for us to say that we are going to consider these bills as they should be considered, and not be forced into premature action. I say to the members of this Senate that the work done by the committee on this bill has not been done with the idea of pickling it—it is done solely with the idea of getting a good bill.

I ask the members of this Senate, on behalf of my colleagues on the committee, to sustain by their vote the work that this committee has done thus far and vote down this motion, so that we can proceed with the orderly determination of the serious matter still before us, without having this motion hanging over our heads.

Mr. REED (Washington). Mr. President, it has fallen to my lot to be one of the members of this important committee on Constitutional Changes. On account of the motion of the Senator from Fayette, Mr. Cavalcante, I feel compelled to say a few words at this time. For his information, I want to say that after House Bill No. 147, Senate Bill No. 28, came into the hands of this Committee, public hearings were at once instituted, and they were held, I believe, not more than one a week for several weeks, until there were five public hearings. I was of the opinion that after the first four weeks that further hearings were not needed, because, as a lawyer, I saw that most of the testimony that was produced was of a cumulative nature, in itself, of what had already been produced, a repetition of what had already been produced.

I feel that measures of this kind that are so important to the public should not in any case be delayed. I feel so in this case and I urged that haste be not only taken, and that expedition should be used in order to get these measures out upon the floor of the Senate, because there was a general stipulation that this committee was unduly delaying this important legislation.

Now, the motion of the Senator from Fayette, Mr. Cavalcante, would indicate that he has been, like myself, annoyed with a lot of inquiries concerning the status of these two measures. I do not want to think that this committee was overly zealous in holding back this legislation. I think that most of the members on that committee were sincere—I believe that it was the sincere thought of the whole committee to bring out good bills in this case, but at the same time, on account of the importance of this legislation, it seems to me that action should be taken as promptly as possible. I feel today that if it is the will of this body that this committee be discharged, I will abide by the will of the majority of this Senate. There is a custom here, I have heard, although a new man, that no committee should be discharged. I am old-fashioned enough to believe that anything that has to do with public interest is able to stand the light of public scrutiny and the light of public discussion, and I will say now, that if any committee holds a bill for an unreasonable length of time, I will be for voting to discharge that committee, because we are just agents of the people, and the people have a right to know how we stand on these important measures. I do not criticize the Senator from Fayette, Mr. Cavalcante, in getting overly anxious about these measures, for I know the sentiment in his county, because his county adjoins my county. I know the agitation that took place last Fall when we were campaigning, over the very issue we are having here today. I know what they are asking of him, because they are asking of me the same question, "What are they doing with the two measures regarding the new Constitution?"

I do not care, my fellow Senators, who knows how I vote on any issue, I am here to represent the people and I want the people to know openly how I stand on every measure, and I think every other Senator here should stand the same way. We are laboring for a great people and a great Commonwealth, and party politics should be cast aside, and we should get down to real business,—as one Senator said the other evening—to get something accomplished for this great Commonwealth. I am ashamed to think we have been here for two months and upwards, and we have done nothing for the people. Any businessman in this Senate would not run his business by delaying and procrastinating and party bickerings as we have been running the business of this Senate. I say, my friends, that the measures must come out on the floor of this Senate where everyone has a right to his views and discuss them and have them considered. I say that this is in the sense of democracy and it is in the sense of the Constitution, and then, my friends, if these bills, these measures, are to be killed, then we should be satisfied. If the one side which is opposed to my side wins, then I will abide by the majority vote, but it seems to me that we should get important measures before the Senate for a vote as promptly as possible and dispose of them here in the open. I shall never be a party to hiding any bill in the dark recesses of a dark room—I want them disposed of on the floor of this Senate, where my constituents and the people of the State know where I stand, then if they want me here further, all right, if they want me home in my county, all right, but I am here to try to serve the people the best way I can; and if it is necessary to bring it out on the Senate floor and have it disposed of here, then I say it is in the spirit of democracy, it is in the spirit of the Constitution.

My friends, I think we have spent too much time on this Constitutional question already. I believe that in the course of the time that we have had it that a good lawyer like my friend, Senator Reed, could have drawn up a new Constitution, and then why take more time, because the time of this body will soon be at an end—we will soon be into the Summer, and no one will want to

carry on here deep into the Summer. We must get these questions up and get them disposed of in one way or the other. I say in conclusion that this is an important question, and while I stand, as Senator Reed knows particularly, for a new Constitution, and I will not hold any animous against any member who votes the other way on any of the measures and kill a measure or vote it down. The only thing I am interested in is to get them out and get them disposed of one way or the other, because that, in my opinion, the people want.

Now, finally, if this important measure, the Ruth bill, is not satisfactory, let us report Dr. Woodward's bill out—let us get some bill before this body and either decide what we want, or that we do not want a new Constitution, so that we can get on some of the other important business that will be before this Senate.

Mr. OWLETT. Mr. President, I merely want to make it clear that a vote to sustain this committee is not a vote to pickle this Constitutional bill. It is not a vote against the Constitution—it is merely a vote to sustain this committee in its attempt to get the best possible piece of legislation if we are to have a new Constitution. It is a vote to give this committee the right to function, which the Rules of this Senate and the Constitution of Pennsylvania give it—the right to function. If and when this committee acts finally on this bill, if it is not reported out, and I want to say to the members of this Senate, that that final action is going to be taken soon on it, and if it is not reported out there will be plenty of time for you to make the motion to discharge this Committee, but now we are considering this bill, we are determining how best to treat it—how the members of this Senate, Democrats as well as Republicans, want the delegates chosen. We are determining numerous other and we are entitled to be sustained in our efforts that we have made to bring out the right kind of a bill.

Mr. HARRIS. Mr. President, I am not a member who has a fixed policy of voting against every motion to discharge. My record for eight sessions will show clearly that if there has been unnecessary delay in handling a piece of legislation in committee, that I would readily vote for the discharge of that committee. I would also readily vote for the discharge of a committee holding legislation that I considered was of value to the people of Pennsylvania, and I think the only questions that we have here are the two questions, first, whether or not there has been unnecessary delay, and secondly, if this committee has been acting honestly in its efforts to report to this body a Constitutional Convention bill.

In the campaign last November, the two major parties declared for a Constitutional Convention, the Democratic Party very clearly and properly asked for a convention to be held, the Republican platform qualified it somewhat by saying "when feasible," and today we are confronted with the definition of the word "feasible." We have had many discussions on just what "feasible" meant, and some of our Democratic friends said that "feasible" meant four years from now; others said that it meant in a reasonable time. I am going to predicate my vote today on the answer that I get from the Chairman of the Constitutional Changes committee.

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Tioga, Mr. Owlett, if, in his opinion, his committee intends to report out to this floor a bill of some kind regardless of its nature.

Mr. OWLETT. Mr. President, I can answer that only by saying that I intend, when the bill is in the condition that the majority of the members of the committee feel it should be in, to call the committee together promptly and ask them to report out the bill.

Of course, I do not think the Senator from Allegheny, Mr. Harris, would ask me to speak for the other members of the committee; but I do want to make it clear that it is my understanding that this committee intends to report out a bill for the revision of the Constitution.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Tioga, Mr. Owlett, what his definition of "a reasonable time" is. In his remarks a few minutes ago he indicated, or, rather, he stated very definitely that they would report out a bill in a reasonable time. I desire to ask the gentleman if he can give me any idea of what he means by "a reasonable time."

Mr. OWLETT. Mr. President, I would say that the "reasonable time" I mean is a sufficient time for the committee to consider the various amendments now before it. We have had meetings each week—I do not think there has been a week that this committee has not met since this bill came into our hands. I am planning on holding another meeting tomorrow, and we will continue to hold meetings until we thresh out the questions that are now before the committee. But to name a definite date when these deliberations will be completed,—I do not think that I should, in justice to my committee, do that; but I will say this: this matter will be determined by this committee in ample time for this body to act on it before we adjourn, ample time to negotiate with the committee of the House if we do not agree on the terms of the bill, so that before we leave here we will have a Constitutional Revision Bill for the committee to report out. Now, I do not think that further than that I should be asked to state.

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Rodgers, who is a member of the committee.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. HARRIS. Mr. President, I desire to ascertain if the Senator from Allegheny, Mr. Rodgers, will express his opinion as to when there will be some definite action on the part of this committee.

Mr. RODGERS. Mr. President, I feel, also, that this Committee should be given some more time to consider this very important piece of legislation; and I do feel that eventually you will be satisfied with their judgment, because I do not believe any group of men—any other group of men will be in as good a position to consider the matter as we are now, after having held all these public hearings and having held so many meetings of the committee to discuss the matter; and it is my thought that if we intend to have this Constitutional Revision at all we would better confine ourselves to the efforts that this committee is now putting forth.

Now, as to the time when a bill will be reported out, I would state to the Senator from Allegheny, Mr. Harris, that if I were to make a guess—and it would only be a

guess—I would say that it could, possibly, be reported out within two weeks. I feel that the hearings should be sufficient; that all of the amendments could be considered, and well considered, before that period of two weeks expires.

Mr. HARRIS. Mr. President, I am deeply grateful to the Senator from Allegheny, Mr. Rodgers, for his very definite information. I say to you, absolutely honestly, that my vote would have been,—if I had not received this information, I would have voted for the discharge of this committee; but, with this information at hand, I will cast my vote against the motion to discharge this committee, feeling that the Senator from Allegheny, Mr. Rodgers, is absolutely sincere when he tells us there will be action within two weeks.

Under those conditions, I think that the Senator from Fayette, Mr. Cavalcante, in all fairness to his colleagues, whom he will embarrass by his motion, should immediately rise and withdraw that motion to discharge the committee, because he is only embarrassing his colleagues and every member of the Senate here today.

Mr. SHAPIRO. Mr. President, I should like to say that I shall feel no embarrassment in voting on this motion, because, so far as I am concerned personally, I am not bound by any traditions as to the discharge of committees. As a matter of fact, I myself, at the last session, set a precedent in regard to the discharge of committees by making such a motion; and while I regretted exceedingly that it had to be done, I have no apologies to offer for my action because I felt that it was an important piece of legislation and the circumstances were such that my action was warranted.

I should like to call the attention of the Senators to this situation: To my mind the question, with regard to the behavior of a committee, is, always, whether or not they have acted reasonably and honestly. And I should say that "reasonably," in that connection, means, the completion of their work within a reasonable length of time. As far as the efforts of this committee are concerned, the question of reasonableness depends, as lawyers say, on "What is a reasonable time under the circumstances?" The "circumstances," in this connection, have to do with the object to be obtained.

Now, the important thing to be accomplished—the object to be attained—is the raising of money in sufficient quantities to carry on the affairs of the State of Pennsylvania; and the Senator who made this motion, which can be passed only on the theory that the action of this committee has not been "reasonable"—that they have had more than a reasonable length of time in which to act—I say, the Senator from Fayette, Mr. Cavalcante, should look at the record of the House. One of the most important bills in the Governor's program is Senate Bill No. 660 (House Bill No. 839). It is what is commonly known as, "The liquid fuel tax." It was introduced in the House and referred to the Committee on Ways and Means on February 13th. It had a very long and peaceful slumber in that committee, and did not come out for first reading until March 11th—almost thirty days. House Bill No. 147, the bill on Revision of the Constitution, passed third reading in the House on January 29th, and came to us a few days later. Now, a comparison of these two pieces of legislation, one providing for the imposition of a two-cent tax on liquid fuels, and the other involving a structural change in the fundamental law which has governed this Commonwealth, upholds the claim that there has been no unreasonableness on the part of the Senate committee entrusted with the consideration of this bill on Constitutional Revision; and it seems to me unfair and unreasonable to interfere, and waste time—which we have been doing last night and today—on the question of discharging the committee which is dealing with so important a document, a bill which may upset the fundamental principles of our government, the laws under which we have acted for almost sixty years.

It seems to me unfair and unreasonable that this Senate should attempt to discharge a committee which has had this bill in its possession, certainly, not more than the time within which the fuel bill was dealt with by the House of Representatives—a House, mind you, which is controlled by a much greater majority than this Senate is controlled.

Therefore, under these circumstances, I say that the question is one of reasonableness—whether a reasonable length of time has passed in dealing with this bill; and I say very frankly, to my friend on the other side, that I have no fear as to the fate of a bill for Constitutional Revision. I am not concerned with what the word "feasible" means. If a proper bill can be presented, and if the people of Pennsylvania, by their vote, say they want a Constitutional Convention, then the difficulties about the word "feasible" disappear; and, so far as I personally am concerned, I shall be in favor of a Constitutional Revision, and shall do all I can to bring out some sort of a bill which will be acceptable to the people. The question for them to vote on first is, shall we have a Constitutional Convention?

So far as the Republican organization is concerned, its attitude was apparent at the very beginning of this session of the Legislature, when the Senator from Philadelphia, Mr. Woodward, presented a bill for Constitutional Revision. When the time comes that this committee, after having had a reasonable time under the circumstances, takes such action as, in my opinion, violates the desires of the people, or the principles under which the organization went to the polls last November, I may have a different story to tell; but up to this present time no one can honestly and fairly say that this committee has dealt unreasonably with this important piece of legislation.

Mr. LAW. Mr. President, it seems to me that the important question here is, what constitutes an unreasonable time. We have had a period of eight weeks since this bill came in, during part of which time public hearings were held, the remainder being since the public hearings, when the bill was amended. In view of the importance of this measure, and in view, also, of the fact that it must be discussed on the floor before passage,—and we do not want it discussed in the final jam of legislation at the end of the session, and in view of the further fact that in the normal course of events—which I have some hope will be carried out here—the session will not last more than six or seven weeks longer, I think that in the period of the next two weeks there should be a report on the floor of this Senate; and if the Senator from Tioga, Mr. Owlett, wil join the Senator from Allegheny, Mr. Rodgers, in expressing himself to that effect, I feel that we should go along on the proposition and let the committee have more time for the consideration of this bill.

Mr. THOMPSON (Centre). Mr. President, I think that my erudite friend, the Senator from Cumberland, Mr.

Prince, will bear me out that Ralph Waldo Emerson once made an observation something like this: "What you do speaks so loud I cannot hear what you are saying."

Now, certainly, we do not want to put ourselves in the position in this State Senate wherein what we do will speak so loudly to the people of this State that they will disregard entirely the motives behind any action that we may take with respect to any subject, particularly a subject of such vital importance as the revision of our State Constitution.

I cannot refrain, while on my feet, referring to page No. 1186 of the Legislative Journal, containing part of the proceedings of the Senate, where, about four or five lines from the top of the page, in referring to another bill, not the Constitutional Revision Bill but another measure, a rather unimportant one, in reply to an interrogation by the Senator from Philadelphia, Mr. McGinnis, as follows: "Mr. President, I desire to ask the Senator from Tioga, Mr. Owlett, why he moves to recommit this bill," the Senator from Tioga, Mr. Owlett, replied, "Mr. President, to "pickle" it. I moved that it be recommitted for the purpose of "pickling" it."

Now, I am sure that the Senator from Tioga, Mr. Owlett, made that statement as a matter of jest; but I do not want to so play with this Constitutional Revision Blil that we may be accused of doing nothing but jesting with it. I have a great deal of respect for the Senator from Tioga, Mr. Owlett, and for the Committee on Constitutional Changes, into whose hands this bill has been committed. This, after all, is not a bill which writes a new Constitution; this is a bill defining the mechanics, or submitting a method, of calling a Constitutional Convention. This is not a bill which will require the same deliberation as the drafting of a new Constitution; this bill deals simply with mechanics, and should, accordingly, be expedited.

I believe, and I think the Senator from Tioga can well agree with me, that two weeks longer should be the very latest date at which this Committee on Constitutional Changes should report on this bill. Certainly, more than two months—two months-and-a-half—should give them ample opportunity to carry out their deliberations and to arrive at their conclusion.

I should be the last one in this Senate to try to interfere with the orderly operations of a committee, and yet, Mr. President, I do not want the implication to go before the public that we are sitting idly by while matters of vital consequence are being ignored by the Senate.

In view of this fact, Mr. President,—and I say this solely for the purpose of giving this committee two weeks longer to finish their deliberations on this matter; and within that time, in my judgment, they will have ample opportunity to carry out any deliberations, or to arrive at any conclusions they need to make.

## MOTION TO LAY ON THE TABLE

I move you, Mr. President, that this motion by the Senator from Fayette, Mr. Cavalcante, discharging this committee, be laid on the table for a period of two weeks, —to come before this Senate two weeks from today at the hour of 4:30 as a special order of business.

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON (Centre). Now, Mr. President, in making that motion, if the Senator from Tioga, Mr. Owlett, can assign any imperative reason why a reasonably longer time than two weeks is absolutely necessary for his deliberation, I will give serious consideration to deferring to his judgment in that respect; but I press this motion, Mr. President.

## POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, there being a motion on the floor, the motion of the Senator from Centre, Mr. Thompson, is out of order.

The PRESIDENT. No, the motion is perfectly in order.

And the question recurring,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I object to the motion, and ask for a roll call. I want to state to this Senate that this committee is entitled to have this motion made by the Senator from Fayette, Mr. Cavalcante, disposed of and disposed of today. Let us know whether a Senate committee is going to be forced, as they are attempting to force this committee, to say when they are going to act on a bill.

Mr. PRESDENT, I ask for a roll call on this motion made by the Senator from Centre, Mr. Thompson, and I ask the Senate to vote down the motion to postpone this matter.

And the question recurring,

Will the Senate agree to the motion?

Mr. RODGERS. Mr. President, in view of the generous attitude—I, at least, think it was generous—of the Senators from this side of the House, who fully intended to vote today on the motion to discharge the committee, but who now are willing to give us two weeks more, may I not appeal to the Senators who, like myself, are on this committee to consider whether we cannot report a bill out in two weeks' time?

Personally, I feel it can be done, and I would like to see this committee co-operate in this effort to get before this body a bill.

Mr. OWLETT. Mr. President, I want to say that I appreciate fully the good work that the Senator from Allegheny, Mr. Rodgers, is doing; he is co-operating with this committee, he is giving this matter serious and careful consideration, he is appreciative of the importance of the problem, as he stated on the floor of this Senate; but I say, Mr. President, the principle involved in this motion is greater than that. The motion to discharge this committee was made after a speech by the Senator from Fayette, Mr. Cavalcante, which libeled every member of this Senate, which was a direct attack on the members of the Senate; and to discharge this important committee on a motion which followed a speech bringing up the question of not cooperating with the Democratic members of this Senate presents an ultimatum, and that ultimatum is this: Whether this committee is going to have held over it, in its deliberations on this bill, a motion by the Senator from Fayette, Mr. Cavalcante, to discharge it, or whether we are going to dispose of this motion to discharge this committee now.

I say, Mr. President, in behalf of the members of this committee, as well as in my own behalf, that we are entitled to have this motion to postpone consideration of

the motion to discharge this committee disposed of at this time. Another motion can be made later. As far as I am concerned, and I know I speak for the other members of this committee, we want this motion to discharge disposed of now.

Mr. SHAPIRO. Mr. President, this is a strange position in which to place the Senate—to have a motion to the effect that we shall not have a motion to discharge a committee until the end of two weeks from now. I might find myself in a position next week where I would be disposed to postpone action on the bill, and I might make a motion to discharge the committee on the following week. I am opposed in principle to such a motion, because it means that every time a committee works on bills it has hanging over its head a hatchet inscribed with these words, "if you do not bring this bill out, we will discharge you." I never heard that that was the method of procedure in this Senate, or, indeed, in any other deliberative body. It seems to me it is the function of committees of the Senate to keep off the floor unnecessary and unimportant legislation, so that we can get out on the floor legislation that is necessary and is important, so that we may give it the consideration it deserves; and any suggestion from any member of the Senate that unless a committee reports out a bill in two weeks is a suggestion—in this case embodied in a motion—that, in my opinion, should be kept off the record of this deliberative body at this time. There is no reason for it. There is nothing to stop any member of this Senate, within two weeks, or at any time, from repeating that motion; and after the Senator from Fayette, Mr. Cavalcante, has heard from his own colleague, the Senator from Allegheny, Mr. Rodgers, that he feels the committee is acting fairly, and that they do require further time, it seems to me a piece of unfairness on the part of anybody to suggest, or to be told, "we will give you two more weeks, and if you do not report the bill out in that time we are going to proceed to discharge you."

I say, it does not appeal to me to have a hatchet over my head poised for action at a future date; I say, let it fall now, I am ready to meet the situation. Certainly, on the question of whether or not the Constitution of the Senate of Pennsylvania shall be changed, I will not, for one, agree that any committee shall be put in that position; it is too important a piece of legislation; and it seems to me a silly way to get out of a difficult situation, which is important for everybody.

Suppose the committee needs two more days, and suppose everybody not really resigning himself to a spirit of unfairness appreciates that two more days are necessary, are we to understand that we must rush through any kind of a bill in order to avoid a threat of such an action?

I say let us have it out now, let us find out whether our friends on the other side want to set a precedent of putting the members of a committee in a position where they will be on notice that unless they come in with a report that meets with the approval of any particular individual, and satisfies his test, or the state of his digestion on a particular day, they will be discharged. I am ready to test that question right now.

Mr. HARRIS. Mr. President, without the least hesitation, I would have voted against the motion of the Senator from Fayette, Mr. Cavalcante, to discharge this committee immediately, but I think our Democratic colleagues are extremely generous in permitting the committee to act for two more weeks; and I want to say, in reply to the Senator from Philadelphia, Mr. Shapiro, that if at the end of two weeks the chairman of the committee, or the committee as a whole, should request more time, and that request is made sincerely and honestly for the purpose of serious deliberation, and not for the purpose merely of delay, I will be very glad to vote that they be given more time.

This is not an effort to frighten this committee, to hold a sword over their heads, or to propel them into hasty action; it is merely a precaution in order to insure that the members of this Senate and the people of Pennsylvania will have a Constitutional Convention bill reported from this committee at the proper time. I believe the committee has acted sincerely, I think they have worked earnestly in an endeavor to bring out some sort of a bill providing for a Constitutional Convention; but they must understand that the eyes of the people of Pennsylvania are on them, they must understand that already rumors are spread throughout the State that this is an attempt to kill this bill.

Now, I refer to the platforms of the two major parties, in which one said "immediately" and the other said "as soon as feasible." When I interrogated the Senator from Tioga, Mr. Owlett, I received the answer that a bill would be reported out in "a reasonable time." I am not sure just what is meant by "a reasonable time;" and my reason for voting for this motion to extend the time two weeks is so that we may fix a definite "reasonable time."

Mr. OWLETT. Mr. President, I still ask that this motion be voted down—I mean the motion to postpone this matter; and I ask it on behalf of myself and of the other members of this committee.

And the question recurring,

Will the Senate agree to the motion?

Mr. REED (Dauphin). Mr. President, and members of the Senate: The position taken by the Senator from Allegheny, Mr. Rodgers, has been so fair, so very fair, that I hesitate to arise to oppose his motion or to disagree with what he has said; but I do not think that the Senate of Pennsylvania can overlook the fact that last night at least the Republican membership of that committee, as well as all other committees of the Senate, were being charged with seeing a flood of gold which was coming into these committee rooms from speakeasies and bawdy houses and other places in Pennsylvania, and, after all, a postponement for two weeks is to my mind simply adding insult to injury. What can be the purpose of such a move, except that it is to impute that the Chairman of the committee and the members of that committee are not acting fairly in this matter.

I know that every member of the Senate is fully acquainted with my views on the question of Constitutional change. I am and I always have been opposed to any change in the Constitution of Pennsylvania; and, as far as I am concerned, it makes no difference when that bill comes out of committee, or whether it ever comes out of that committee; but, Mr. President, during the past weeks, as a member of the Committee on Constitutional Changes, I attended, I think, every time a committee meeting was called. That bill has not been referred to any sub-committee, and at each meeting it has been debated, and it

has been amended; and there have been amendments pending before that committee, or at least, the Senators have indicated their intention to present amendments to that Committee, and under those circumstances, Mr. President, for one, I am unwilling to vote that a stigma of this kind should reflect upon the good faith of the Chairman or of the members of the Committee on Constitutional Changes.

It is true that the Senator from Allegheny, Mr. Rodgers, and the Senator from Washington, Mr. Reed, have indicated on the floor of the Senate their opinion that there has been no undue delay and no effort made toward pickling in that committee; but, after all, a motion such as this, to hold a continuing club over the head of a committee of the Senate, can only be regarded by the people of Pennsylvania as meaning that a portion of the Senate does not take a statement of the Chairman of the committee in good faith, and, for one, I do not propose to act on any committee with a club like that hanging over my head.

I stand on the floor of the Senate as a member of this body, as a peer of every Senator, and I object, therefore, to an action of this kind being taken. The statement has been made and has been reiterated that there is no disposition to pickle this bill or to delay it unduly; and I think, therefore, that these motions, all of them, should be voted down, to the end that this committee can function properly in giving consideration to the bills which are now pending before it.

And the question recurring

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN and were as follows, viz:

YEAS—19

| | | | |
|---|---|---|---|
| Baumer, | Lanius, | Pytko, | Roberts, |
| Cavalcante, | Law, | Rankin, | Rodgers, |
| Frey, | McCreesh, | Reed, | Rupp, |
| Harris, | McGinnis, | (Washington) | Thompson, |
| Huffman, | Miller, | Rice, | (Centre) |
| Kahle, | | | |

NAYS—26

| | | | |
|---|---|---|---|
| Aron, | Ealy, | McClure, | Shapiro, |
| Batchelor, | Gelder, | Norton, | Staudenmeier, |
| Bennett, | Graff, | Owlett, | Thompson, |
| Buckman, | Homsher, | Pierson, | (Westmoreland) |
| Chapman, | Howell, | Prince, | Trainer, |
| Clark, | Hunsicker, | Reed, | Woodward, |
| Coyne, | Mallery, | (Dauphin) | Ziesenheim, |

So the question was determined in the negative.

The PRESIDENT. The question is now on the original motion of the Senator from Fayette, Mr. Cavalcante, to to discharge the Committee on Constitutional Changes from further consideration of Senate Bill No. 150, House Bill No. 147.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. PYTKO and were as follows, viz:

YEAS—18

| | | | |
|---|---|---|---|
| Baumer, | Lanius, | Pytko, | Roberts, |
| Cavalcante, | Law, | Rankin, | Rodgers, |
| Frey, | McCreesh, | Reed, | Rupp, |
| Huffman, | McGinnis, | (Washington) | Thompson, |
| Kahle, | Miller, | Rice, | (Centre) |

NAYS—27

| | | | |
|---|---|---|---|
| Aron, | Gelder, | McClure, | Shapiro, |
| Batchelor, | Graff, | Norton, | Staudenmeier, |
| Bennett, | Harris, | Owlett, | Thompson, |
| Buckman, | Homsher, | Pierson, | (Westmoreland) |
| Chapman, | Howell, | Prince, | Trainer, |
| Clark, | Hunsicker, | Reed, | Woodward, |
| Coyne, | Mallery, | (Dauphin) | Ziesenheim, |
| Ealy, | | | |

So the question was determined in the negative.

## REPORT FROM COMMITTEES

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Judiciary Special reported as committed, Senate Bill No. 693 (House Bill No. 132), entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

## NOMINATION BY THE GOVERNOR

### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania, Governor's Office,
Harrisburg, Pa., March, 26, 1935.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following:

Richard Rinn, of Lakemont, Blair County, as Justice of the Peace in the Township of Logan, Blair County, until the first Monday in January, 1936.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination,

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE

That the Senate do advise and consent to the nomination reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

## RESOLUTION EXPRESSING DISAPPROVAL OF VIOLATION OF PERSONAL PRIVILEGE

Mr. BUCKMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is theer objection? The Chair hears none.

Mr. BUCKMAN offered the following resolution which was twice read:

In the Senate, March 26, 1935.

Whereas, the Senator from Fayette County, Mr. Cavalcante, in his address to the Senate on Monday evening, March 25, 1935, upon the question of personal privilege, made unwarranted statements reflecting upon the character and integrity of the members of this body, now therefore be it

Resolved, That we do hereby express our disapproval of the conduct of the said Senator in so grossly violating the rule of personal privilege and the traditions of the State Senate.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. THOMPSON (Centre). Mr. President, I object.

The Chair hears objection.

Under the rules of the Senate the judgment of the Chair is the resolution should go to the Committee on Rules.

It is so ordered.

## BILL INTRODUCED

Mr. RODGERS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS read in place and presented to the Chair, Senate Bill No. 727, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties to create a county insurance fund.

Which was committed to the Committee on County Government.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 4, entitled:

An Act to amend sections twenty-six, twenty-nine and thirty of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commisioners; providing for the assessment of damage done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," as amended; providing for the payment of claims for damages for live stock dying from or killed because of rabies.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 329, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of the Falk Clinic of the University of Pittsburgh, including instruction of the students in the School of Medicine of the University of Pittsburgh in the departments of the Falk Clinic not included in the instruction given in hospitals.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 402 (House Bill No. 441), entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and releas

of such mortgages and generally revising and supplementing the provisions thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 403 (House Bill No. 442), entitled:

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of one thousand nine hundred thirty-three or from Federal intermediate credit banks organized under the Agricultural Credits Act of one thousand nine hundred twenty-three.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 418 (House Bill No. 51), entitled:

An Act to amend section eight of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such boards regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and providing for the acceptance of this act by cities" by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 425 (House Bill No. 775), entitled:

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violations thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 516 (House Bill No. 648), entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal kililng of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by providing for the free licensing of certain dogs of blind persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 620, entitled:

An Act making an appropriation to the South Side Hospital of Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 621, entitled:

An Act making an appropriation to the Saint Francis Hospital of the City of Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 693 (House Bill No. 132), entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 702, entitled:

An Act making an appropriation to the Reading Hospital, of Reading, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 703, entitled:

An Act to amend the title and section one of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," by extending the provisions thereof to license fees erroneously and inadvertently paid; and making such extension retroactive for a certain period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 708, entitled:

An Act making an appropriation to carry into effect the provisions of an act, approved the tenth day of July, one

thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State Supervisor and assistants, and fixing the salaries of such State Supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of this act to appropriate certain moneys; and providing penalties," as amended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 710, entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to corporations not previously licensed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 10 o'clock.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:40 P. M. until Wednesday morning, March 27, 1935, at 10 o'clock.

# HOUSE OF REPRESENTATIVES

TUESDAY, March 26, 1935.

The House met at 11:00 o'clock A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend O. B. Paulson, a former chaplain of this House, offered the following prayer:

Almighty God, before Whom all hearts are open, we give Thee thanks for the privileges of a new day.

Under Thy providential care and guidance we have watched the ship of State sail ever on. With Thy hand at the helm, and Thy Word to chart the course, our land has attained greatness among the nations of the earth.

Throughout the years we have prayed that the Spirit of America might be the Spirit of the humble Galileean. May that spirt be manifested in this House today.

Give us the good sense to know that if we do well in the sight of God, the blessings of peace and prosperity will certainly ensue. But if we do not well, sin lieth at the door.

Bless with Thy presence and leadership those in authority in our nation and in this Commonwealth. Give to the Speaker and members of this House the courage of honest convictions. Remember in mercy those who are detained at home because of sickness or bereavement. Give to us all the grace to deal justly, to love mercy, and to walk humbly with our God. In the Master's name. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. STEWART, the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. JOHN A. SMITH. HOUSE BILL No. 1721.

An Act to re-anact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1933-34 Pamphlet Laws, one hundred seventy-four) entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licenees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; providing new and changing existing penalties; and making an appropriation.

Referred to the Committee on Agriculture.

By Mr. WEISS. HOUSE BILL No. 1722.

An Act making voidable certain releases of damages for personal injuries or for death resulting from such injuries.

Referred to the Committee on Judiciary General.

By Mr. PEARSON. HOUSE BILL No. 1723.

An Act to provide for the burial of indigent dead throughout the Commonwealth; prescribing the procedure therefor and delimiting the costs thereof; imposing certain duties on directors of the poor and/or the county commissioners in the several counties; and providing penalties.

Referred to the Committee on Counties.

By Mr. TURNER. HOUSE BILL No. 1724.

An Act to amend section three of the act approved the second day of May, one thousand nine hundred and thirty-three, (P. L. 224), entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants; authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation, except expenses payable by counties; providing for the commitment of defendants to certain institutions where the reports show the same to be advisable; and providing for the payment by individuals, counties, or the Commonwealth of the cost of admission, care and discharge of such defendants," providing for appeals in such cases.

Referred to the Committee on Judiciary General.

By Mr. YOURISHIN. HOUSE BILL No. 1725.

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

Referred to the Committee on Labor.

By Mr. COAKLEY. HOUSE BILL No. 1726.

An Act abolishing civil causes of action for breach of promise to marry; making it unlawful to file, cause to be filed threaten to file or threaten to cause to be filed any such action; fixing a time for the commencement of such causes of action heretofore accrued; declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. McCREARY. HOUSE BILL No. 1727.

An Act prohibiting the sale of certain real property at judicial or tax sales unless the first bid shall equal at least the assessed value thereof, nor for a price less than such assessed value; and providing that no title shall pass in certain cases.

Referred to the Committee on Judiciary General.

By Mr. McCREARY. HOUSE BILL No. 1728.

An Act to amend sections four and ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation, by increasing said tax at different rates on liquid fuels containing less than ten per centum and those containing ten per centum and more, by volume, of alcohol made from corn, for a limited period of time, and providing for the distribution thereof.

Referred to the Committee on Ways and Means.

By Mr. FALKENSTEIN. HOUSE BILL No. 1729.

An Act to prohibit officers and agents of any public service corporation from making inquiry as to the political affiliation of any employee, applicant or consumer.

Referred to the Committee on Public Utilities.

By Mr. FALKENSTEIN. HOUSE BILL No. 1730.

An Act requiring State-aided hospitals to admit any indigent person who is seriously ill and who requires hospitalization.

Referred to the Committee on Public Health and Sanitation.

By Mr. MERRELL. HOUSE BILL No. 1731.

An Act to amend section seven hundred and sixteen of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended; further regulating the use and control of hunting dogs.

Referred to the Committee on Game.

By Mr. SHEPARD. HOUSE BILL No. 1732.

An Act to amend section four of article five of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by authorizing the employment of women as policewomen.

Referred to the Committee on Cities.

By Mr. PERRY. HOUSE BILL No. 1733.

An Act to amend sections four hundred and four and four hundred and ten as amended, and section four hundred and twelve (b) of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," eliminating the distinction between taxidermists practising for profit and those practicing not for profit.

Referred to the Committee on Game.

By Mr. BURKE. HOUSE BILL No. 1734.

An Act providing for the laying out, widening, extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state, and for the construction thereof and of appurtenances thereto; authorizing the acquisition by gift, purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction; providing for the acquisition of a fee simple title; authorizing the use, sale or leasing, subject to restrictions, by the city of additional land and property acquired, and the erection, occupation, use, sale or leasing of buildings and structures thereon by the city; and authorizing and prescribing the procedure for the assessment of damages and benefits.

Referred to the Committee on Cities.

By Mr. McDERMOTT. HOUSE BILL No. 1735.

An Act to amend section four hundred six of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934), entitled "An act to regulate and restrain the sale, importation and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State, except as herein provided; prohibiting certain sales or practice in, connections with, and transactions in such beverages by licensees and others;

making disposition of the receipts from State stores and of license fees; and imposing penalties, permitting certain licensees to furnish bond without surety.

Referred to the Committee on Law and Order.

By Mr. BURKE. HOUSE BILL No. 1736.

An Act to amend sections eighteen and twenty-four of the act approved the fourth day of June, one thousand nine hundred and one (P. L. 404), entitled "An act relating to insolvency; embracing, among other matters, voluntary assignments for the benefit of creditors, and adverse proceedings in insolvency by creditors; forbidding, also certain preferences; providing for the distribution of the insolvent's estate, and in certain contingencies relieving him, and others liable with him, from further liability for his or their debts," shortening the time for the liquidation of the assets of an insolvent and the filing of an account by the assignee or receiver.

Referred to the Committee on Judiciary General.

By Mr. EBERHARTER. HOUSE BILL No. 1737.

An Act to amend the title and the act approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by extending the scope of the title; defining and further prohibiting the practice of law and prohibiting additional penalties, including the forfeiture of corporate charters for violations of the act.

Referred to the Committee on Judiciary General.

By Mr. REISING. HOUSE BILL No. 1738.

An Act to amend the title and sections one, two, three and four of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled "An act relating to domestic animals, and providing for their appraisement when about to be slaughtered to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," providing for the appraisement of condemned animals; denying compensation for dying and dead animals; regulating the disposition of appraised animals, the payment of salvage and the rendering of statements thereof; and empowering the Department of Agriculture to adopt rules and regulations.

Referred to the Committee on Agriculture.

By Mr. NAGEL. HOUSE BILL No. 1739.

An Act to amend the title, section two as amended, section nineteen, and sections twenty-six, twenty-nine, thirty, thirty-six and thirty-seven, as amended, of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," requiring chiefs of police of boroughs, towns and townships to properly keep and feed licensed dogs detained, and to give notice to the owner thereof; providing for the payment of claims for damages for live stock dying from or killed because of rabies, and for certain game birds killed or injured by dogs; providing for the payment of certain costs, and the value of licensed dogs illegally killed, by the Commonwealth; and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs.

Referred to the Committee on Agriculture.

By Mr. ZAPPALA. (By Request). HOUSE BILL No. 1740.

An Act to amend section four eleven of the act approved the twenty-ninth day of November, A. D. one thousand nine hundred and thirty-three, pamphlet laws, extraordinary session nineteen hundred and thirty-three, page fifteen, entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties." fixing times for selling and distributing liquor and malt liquors.

Referred to the Committee on Law and Order.

By Mr. ZAPPALA. HOUSE BILL No. 1741.

An Act to amend section nine of the act approved the thirty-first day of March, one thousand eight hundred sixty (Pamphlet Laws three hundred eighty-two), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by defining and amplifying the meaning of the crime of common barratry.

Referred to the Committee on Judiciary General.

By Mr. HIRSCH. HOUSE BILL No. 1742.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. HIRSCH. HOUSE BILL No. 1743.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and

making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. SCHROPE. HOUSE BILL No. 1744.

An Act to amend section two hundred and fifty-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto;" as amended, increasing the compensation of the indictment clerk in counties of the fourth class.

Referred to the Committee on Counties.

By Mr. DUFFORT. HOUSE BILL No. 1745.

An Act requiring weighers of cargo of ships at ports in cities of the first class to be residents of such cities for at least two years and to be licensed; and providing penalties.

Referred to the Committee on Cities.

By Mr. OMINSKY. HOUSE BILL No. 1746.

An Act to further amend sections one and two of the act approved the twenty-third day of May, one thousand nine hundred and seven (P. L. 227) entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands," by giving married men the same rights under said act as married women.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 1747.

An Act making the insurer of defendant in an action in torts involving the operation of a motor vehicle a party defendant with the defendant; and providing for the effect of such joinder.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 1748.

An Act to limit the personal liability of owners of real estate for taxes thereon.

Referred to the Committee on Judiciary General.

By Mr. HARKINS. HOUSE BILL No. 1749.

An Act to amend sections eight hundred and twelve, and eight hundred and twenty-one of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 319), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for a burgess and members of council in consolidated boroughs, and terminating the term of certain of said officers.

Referred to the Committee on Boroughs and Townships.

By Mr. OMINSKY (By request) HOUSE BILL No. 1750.

An Act to amend section thirteen of the act approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 933), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," as amended, further regulating the practice of architecture, making it unlawful for certain governmental agencies to receive for filing plans or specifications for buildings unless signed by persons legally qualified.

Referred to the Committee on Education.

By Mr. SOWERS. HOUSE BILL No. 1751.

An Act imposing a State tax on sales and distributions of moving picture films; and providing methods and penalties for the enforcement of such tax.

Referred to the Committee on Ways and Means.

By Mr. FINNERTY. HOUSE BILL No. 1752.

An Act requiring weighers of cargo of ships at ports in cities of the first class to be residents of such cities, and to be licensed, and providing penalties.

Referred to the Committee on Cities.

By Mr. ZIMMERMAN. HOUSE BILL No. 1753.

An Act making an appropriation to the Department of Military Affairs for the State Veterans' Commission.

Referred to the Committee on Appropriations.

By Mr. ZIMMERMAN. HOUSE BILL No. 1754.

An Act decreasing registration fees on motor vehicles, tractors and trailers used exclusively for farm purposes; empowering the Secretary of Revenue to adopt rules and regulations; and providing penalties.

Referred to the Committee on Highways.

By Miss BRANCATO (By request). HOUSE BILL No. 1755.

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees, and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," better defining the word "club" and permitting sales by clubs on Sundays and election days.

Referred to the Committee on Law and Order.

By Mr. HIRSCH. HOUSE BILL No. 1756.

An Act requiring the Public Service Commission to fix the maximum salaries paid to officers and employes of public service companies.

Referred to the Committee on Public Utilities.

By Mr. MURRIN. HOUSE BILL No. 1757.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, association and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. ROBERT BOYD. HOUSE BILL No. 1758.

An Act to amend article twenty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts of the first class to establish a college for boys.

Referred to the Committee on Education.

By Mr. GERARD. HOUSE BILL No. 1759.

An Act to further amend section six of the act, approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith; defining drugless therapy, and regulating the licensure and practice thereof.

Referred to the Committee on Education.

By Mr. DENNING. HOUSE BILL No. 1760.

An Act prohibiting pawnbrokers from selling property taken as pledge or held in storage except by public auction in the county where received and requiring certain notice thereof to be given.

Referred to the Committee on Judiciary Local.

By Mr. DENNING. HOUSE BILL No. 1761.

An Act making it unlawful for any person to own, operate or conduct a pawnshop or pawnbrokers business within five years after being convicted of receiving stolen goods.

Referred to the Committee on Judiciary Local.

By Mr. DENNING. HOUSE BILL No. 1762.

An Act prohibiting foreign corporations from owning or conducting a pawnbrokers business.

Referred to the Committee on Judiciary Local.

By Mr. DENNING. HOUSE BILL No. 1763.

An Act providing that pawnbrokers shall not sell or dispose of property taken by them as pledge or for storage, until after a certain period of time.

Referred to the Committee on Judiciary Local.

By Mr. DENNING. HOUSE BILL No. 1764.

An Act limiting the rates pawnbrokers are allowed to charge.

Referred to the Committee on Judiciary Local.

By Mr. ALTENBURG. HOUSE BILL No. 1765.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Crawford.

Referred to the Committee on Highways.

By Mr. ALTENBURG. HOUSE BILL No. 1766.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Crawford.

Referred to the Committee on Highways.

By Messrs. BLUMBERG and BALDI. HOUSE BILL No. 1767.

An Act to amend section one, two, three, and five of an act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-four), entitled "An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole," as amended by the act approved the eleventh day of May, one thousand nine hundred and thirty-one, (Pamphlet Laws, one hundred eight), entitled, "An act to amend section two of an act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand one hundred eighty-four), entitled 'An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole,' by authorizing field parole agents to arrest parole violators," by conferring and imposing certain powers and duties thereby conferred upon and imposed upon the State Board of Pardons and the Department of Justice, upon the Department of Corrections and its field parole agents, and repealing section four of said act.

Referred to the Committee on State Government.

By Messrs. BLUMBERG, and BALDI. HOUSE BILL No. 1768.

An Act to amend an act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1183), entitled "An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon; and regulating the procedure when such persons violate the terms of paroles, and the effect of such violations," as amended by the act, approved the eleventh day of May, one thousand nine hundred and thirty-one (P. L. 109), entitled, "An act to amend an act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1183), entitled 'An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon; and regulating the procedure when such persons violate the terms of paroles, and the effect of such violation,' by authorizing field parole agents to arrest parole violators," by conferring certain of the powers, and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents, and by further defining the effect of such violations.

Referred to the Committee on State Government.

By Messrs. BLUMBERG, and BALDI.

HOUSE BILL No. 1769.

An Act to amend an act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violations," as amended by the act approved the eleventh day of May, one thousand nine hundred and thirty-one (P. L. 111), entitled "An act to amend section one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled 'An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violations,' by authorizing field parole agents to arrest parole violators," by conferring certain of the powers and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents, and by further defining the effect of such violations.

Referred to the Committee on State Government.

By Messrs. BLUMBERG, and BALDI.

HOUSE BILL No. 1770.

An Act providing for the recommitment of parolees who are convicted of crimes punishable by imprisonment during the period of such parole, providing for the reparole of convicts so recommitted, as well as convicts recommitted under section ten of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," and its amendments, providing for the release from the service of such period of recommitment of certain classes of convicts at the discretion of the authority which originally placed such convicts on parole, and repealing section ten of the said act approved the nineteenth day of June, one thousand nine hundred and eleven, as amended in so far as it relates to those at present or hereafter released on parole.

Referred to the Committee on State Government.

By Messrs. BLUMBERG and BALDI.

HOUSE BILL No. 1771.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended by the act approved the first day of June, one thousand nine hundred and thirty-one (P. L. 350), entitled "An act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department therefor and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined,' repealing certain sections; adding certain new sections; creating new administrative agencies; modifying the provisions regulating contracts for public work and purchases; and generally further reorganizing the conduct of the administrative work of the Commonwealth;" repealing certain sections; amending certain sections; adding certain new sections; creating a new administrative department to be known as the Department of Corrections, providing the powers and duties thereof, including the power to transfer inmates between State institutions of the Deparment, providing for the appointment of and fixing the compensation of, or prescribing the manner in which compensation shall be fixed, for certain administrative officers and of and for the deputies and other assistants and employes in the Department of Corrections; repealing certain acts; and generally further reorganizing the conduct of the administrative work of the Commonwealth.

Referred to the Committee on State Government.

By Mr. BLUMBERG. HOUSE BILL No. 1772.

An Act to amend sections ten, twelve and fifteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," prescribing additional grounds for divorce and providing for the annulment of additional void marriages.

Referred to the Committee on Judiciary General.

By Mr. EBERHARTER (By Request).

HOUSE BILL No. 1773.

An Act making an appropriation for the preparation of the Eightieth Division History; and creating a commission for such purposes.

Referred to the Committee on Appropriations.

By Mr. PIOLE. HOUSE BILL No. 1774.

An Act to provide for the safety of persons employed. housed or assembled in certain buildings and structures used for the exhibition of motion pictures by requiring an asbestos and/or steel curtain and a main control lighting switchboard, by requiring the attendance of a licensed attendant during the performance; providing for the licensing of such attendant; providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the first, second and second A classes; and providing penalties.

Referred to the Committee on Judiciary Special.

By Mr. HALUSKA. HOUSE BILL No. 1775.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. HALUSKA. HOUSE BILL No. 1776.

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and the commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto.

Referred to the Committee on State Government.

By Mr. HALUSKA. HOUSE BILL No. 1777.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. GREENSTEIN. HOUSE BILL No. 1778.

An Act to protect the owners of mortgaged property during the present emergency by limiting the time within which deficiency judgments may be proceeded for, and limiting the amounts thereof, during a certain period.

Referred to the Committee on Judiciary General.

By Mr. GREENSTEIN. HOUSE BILL No. 1779.

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred and nineteen (P. L. 207), entitled "An act relating to policies of life insurance or annuities," extending the provisions of said act to certain other contracts.

Referred to the Committee on Insurance.

By Mr. GREENSTEIN. HOUSE BILL No. 1780.

An Act to amend section one of the act approved the twenty-second day of June, one thousand eight hundred and ninety-seven (P. L. 178), entitled "An act taxing certian stocks of building and loan associations for State purposes," fixing the rate of the tax on matured stock of building and loan associations.

Referred to the Committee on Ways and Means.

By Mr. GREENSTEIN. HOUSE BILL No. 1781.

An Act to further amend section one of the act approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 479), entitled "An act to regulate procedure where a defendant desires to have joined, as aditional defendants, persons who he alleges are alone liable or liable over to him, or jointly or severally liable with him, for the cause of action declared on, and providing for entry of judgments against such additional defendants," by providing for the joining of additional defendants in other cases; and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

Referred to the Committee on Judiciary General.

By Mr. GREENSTEIN. HOUSE BILL No. 1782.

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 112), entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts, bona fide taken out by any persons, not exceeding one hundred dollars per month," extending the provisions of said act to certain other contracts.

Referred to the Committee on Insurance.

By Mr. GREENSTEIN. HOUSE BILL No. 1783.

An Act to amend section one of the act approved the twelfth day of July, one thousand eight hundred and forty-two (P. L. 339), entitled "An act to abolish imprisonment for debt, and to punish fradulent debtors, further defining cases in which imprisonment for debt shall or shall not be permitted.

Referred to the Committee on Judiciary General.

By Mr. GREENSTEIN. HOUSE BILL No. 1784.

An Act providing for and regulating the joinder of plaintiffs and defendants in civil actions, and the entry of judgment in such cases; and defining the powers of the courts in such cases.

Referred to the Committee on Judiciary General.

By Mr. GREENSTEIN. HOUSE BILL No. 1785.

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name; and regulating the service of process and pleadings in such cases.

Referred to the Committee on Judiciary General.

By Mr. HARKINS. HOUSE BLL No. 1786.

An Act to further amend section one of the act "An Act to amend section one of the act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania, unless

duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by defining and prohibiting certain acts related to the practice of the law by persons, partnerships, associations, and corporations not duly and regularly admitted to practice law, and defining the practice of law and defining those who may engage in the practice of law, and providing for penalties.

Referred to the Committee on Judiciary General.

By Mr. SHEPARD. HOUSE BILL No. 1787.

An Act to amend section one thousand five hundred three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by transferring from the State Treasurer to the State Workmen's Insurance Board the power and duty of drawing checks on the State Workmen's Insurance Fund.

Referred to the Committee on State Government.

By Mr. RUTH. HOUSE BILL No. 1788.

An Act to amend section four hundred eighteen of an act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing and reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended, by changing the names of the State Association and training schools for nurses.

Referred to the Committee on Education.

By Mr. RUTH. HOUSE BILL No. 1789.

An Act to amend sections one, three, four, five, seven and eleven of an act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants, the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," by changing qualifications for registration, the publishing of a list of registrants, and fixing penalties.

Referred to the Committee on Education.

By Mr. RUTH. HOUSE BILL No. 1790.

An Act Transferring money from the Motor License Fund to the General Fund.

Referred to the Committee on Appropriations.

By Mr. SCHWAB. HOUSE BILL No. 1791.

An Act to amend an act, approved the third day of June, one thousand nine hundred thirty-three, (Pamphlet Laws one thousand five hundred fifteen), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder;' defining the liability of public or charitable bodies, corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor, and the rights of persons injured in such employment; establishing the State Work Relief Compensation Fund to provide such compensation in certain cases, and providing for the administration of such fund by the State Workmen's Insurance Fund, and making an appropriation therefor," by further defining the compensation to be paid injured work relief employes and further defining the liability of employers for such compensation.

Referred to the Committee on Labor.

By Mr. ARNOLD. HOUSE BILL No. 1792.

An Act to amend section one thousand six hundred and three of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the borrowing of money by township authorities to provide a water supply for public and private use.

Referred to the Committee on Boroughs and Townships.

By Mr. LaRUE. HOUSE BILL No. 1793.

An Act to amend section one of the act approved the twenty-third day of May, one thousand nine hundred and thirty-three (P. L. 946), entitled "An act authorizing the Secretary of the Commonwealth, with the approval of the presiding officers of the General Assembly, and Attorney General, and the Director of the Legislative Reference Bureau, to correct certain errors in the original copies of laws," providing for the correction of additional errors.

Referred to the Committee on Judiciary General.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TURNER. RESOLUTION No. 104.

In the House of Representatives, March 25, 1935.

Whereas, It appears, as of March 19, 1935, that there is a net appropriation liability for the remainder of the present fiscal biennium of approximately $40,000,000, of which amount $18,000,000 is required for the operation of the State Government, and $11,622,901 for the support of the public schools, universities, colleges, State-aided medical and surgical hospitals, State-aided homes, mothers' assistance and State-aided correctional and insane institutions, and $10,000,000 for unemployment relief for the months of April and May; and

Whereas, It is apparent that the ordinary revenues of the State Government to the end of the present biennium will be inadequate to meet this appropriation liability, since by averaging the ordinary receipts for the last seven years, a total revenue for the remainder of the biennium cannot be anticipated in excess of $15,000,000; and

Whereas, The appropriations to many of these State-aided institutions are in arrears; and

Whereas, Unless sufficient revenues are raised during the present biennium to meet this over-appropriation liability, the appropriation to these institutions will lapse; therefore be it

Resolved, That a committee be created, composed of five Members of the House of Representatives to be appointed by the Speaker, whose duty it shall be to ascertain from the Department of Revenue the amount of revenue which it is anticipated the Commonwealth may receive by the end of the present biennium; to ascertain the exact amount of revenue necessary to be raised to meet the appropriation liability; to inquire into the possibilities of raising new revenues and suggest to the Legislature a plan by which sufficient moneys can be raised during the remaining months of the present fiscal biennium in order to meet all the appropriation liabilities of the Commonwealth;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Ways and Means.

By Mr. CANNON (Concurrent).

RESOLUTION No. 105.

In the House of Representatives, March 26, 1935.

Whereas, Continuously there has been announced on the radio and

Whereas, The Public Press notes the conditions prevailing and

Whereas, The Administration of this Commonwealth urgently request that no one should starve and

Whereas, The Federal Administration seek to remedy the situation beneficial to the millions of persons of involuntary want or destitution and

Whereas, Chaos still remains within this Commonwealth conditions deplorable due to the diligence previously rendered and

Whereas, This Honorable body in this Administration constitute the authority to aid those in distress active legislation proves more desirous by deed as well as word and

Therefore Be It Resolved, This Honorable Body speed up legislation of value to remedy this long standing employment problem and be it further

Resolved, That the treasury department of this Commonwealth report the funds available in this Commonwealth to this General Assembly who should use good judgment by the confidence placed in them to restore afflicted Pennsylvania.

Referred to the Committee on Ways and Means.

By Mr. JAMES W. PATTERSON. RESOLUTION No. 106.

In the House of Representatives, March 25, 1935.

Whereas, The Commonwealth of Pennsylvania spends large sums of money each year in stocking the Juniata River with fish; and

Whereas, Low waters cause thousands of fish to die and flood waters carry many fish down stream to other waters in adjoining states; and

Whereas, The erection of dams in the Juniata River would prevent such destruction of fish and save large sums of money in restocking this stream, therefore be it

Resolved, By the House of Representatives that the relief administrators be directed to allocate from funds of the Public Works Administration or other funds granted by the Federal government, a sum sufficient to construct and erect no less than ten dams in said Juniata River, and that the Department of Forests and Waters, in cooperation with the Bureau of Fisheries be directed to furnish to the relief administrator the necessary plans, specifications and other data that may be required to determine the cost, location and erection of such dams; said dams to be located approximately one mile east of the town of Huntingdon and eastwardly to the Susquehanna River, as may be determined by a committee of seven citizens, to serve without compensation, and to be appointed by the Secretary of Forests and Waters and to advise in all matters relating to the erection and construction of said dams, and be it further

Resolved, That the civilian conservation corps be used in the erection and construction of such dams, when feasible.

Referred to the Committee on Fisheries.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### MINERS

Resolutions from Local No. 6275 U. M. W. of A. favoring passage of legislation compelling miners to have certificate of competency.

Referred to the Committee on Labor.

### BLUE LAWS

A petition from Adult Bible Class of The Presbyterian Sunday School of Avonmore, protesting any changes in the Blue Laws.

A communication from the Presbyterian Ministerial Association of Pittsburgh protesting any changes in Blue Laws.

Referred to the Committee on Law and Order.

### LIQUOR LICENSES

A petition from the 25th Ward United Democratic Club favoring passage of legislation allowing clubs to be open on Sundays.

Referred to the Committee on Law and Order.

A communication from the County Controller of Allegheny County showing statement of receipt from and payment to Commonwealth of Pennsylvania, protesting passage of legislation increasing real estate tax burden.

Referred to the Committee on Ways and Means.

The SPEAKER laid before the House the following communication which was read by the Clerk.

## UNITED STATES SENATE

COMMITTEE ON
POST OFFICES AND POST ROADS

March 17, 1935.

Mr. W. P. Gallagher
Chief Clerk
House of Representatives
Harrisburg, Pennsylvania.

Dear Mr. Gallagher:—

In the absence of Senator Davis, I desire to acknowledge the certified copy of Resolution No. 52, House of

Representatives General Assembly of Pennsylvania, memoralizing Congress to pay immediately the Adjusted Compensation Certificates to veterans of the World War.

It is a matter of record that Senator Davis has consistently supported legislation of this character and that he has no intention of deviating from that policy. I am hopeful his return to duty will be in sufficient time to permit him to maintain this record which appears to have universal approval in Pennsylvania.

Very sincerely,

(Signed) Frank K. Boal,
Secretary to Senator Davis.

NOTE: Copy to Hon. William Roan.

The SPEAKER. The communication will be noted in the Journal and printed in the Legislative Journal.

The SPEAKER laid before the House the following communication which was read by the Clerk:

FEDERAL SURPLUS RELIEF CORPORATION

1734 New York Avenue, N. W.
Washington, D. C.

March 20, 1935.

Mr. W. P. Gallagher
Chief Clerk
The General Assembly of Penna.,
House of Representatives
Harrisburg, Pennsylvania.

Dear Mr. Gallagher:—

Receipt is hereby acknowledged of a certified copy of Resolution 65 of the House of Representatives in the State of Pennsylvania, recommending the purchase of Pennsylvania grown potatoes for relief distribution within the state.

For your information Mr. Robert L. Johnson, Administrator of the Penna. State Emergency Relief Board is now completing arrangements for the purchase of Penna. grown potatoes for distribution to relief clients within the state.

Very truly yours,

(Signed) William L. Nunn,
Director of Commodity Distribution.

The SPEAKER. The communication will be noted in the Journal and printed in the Legislature Journal.

## QUESTION OF PERSONAL PRIVILEGE

Mr. ROBINSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. ROBINSON. Mr. Speaker, on March 21st, I am not recorded as having voted on House Bills Nos. 306, 1299, (Senate Bill No. 148), 1160, (Senate Bill No. 89), 628 and 563. I was in the House at the time the vote was taken and voted "aye" on all of these bills. I desire to be so recorded in the Legislative Journal.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## LEAVES OF ABSENCE

Mr. Eroe asked and obtained leave of absence for Mr. KELSO for the balance of the week on account of illness.

Mr. White asked and obtained leave of absence for Mr. STOTT for the balance of the week on account of illness.

## REPORTS FROM COMMITTEES

Mr. OMINSKY, from the Committee on Judiciary General reported as committed, House Bill No. 687, entitled:

An Act authorizing parties to equity suits to dismiss claims or counter claims; and providing that claims shall remain in force as to parties not joining in the dismissal.

Mr. RUFFENNACH, from the Committee on Judiciary General reported as committed, House Bill No. 751, entitled:

An Act relating to the business of selling or leasing furniture, and household articles on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times.

Mr. Burke, from the Committee on Judiciary General reported as committed, House Bill No. 934, entitled:

An Act to amend section two of the act approved the twenty-second day of April, one thousand eight hundred and seventy-four (P. L. 109), entitled "An act to provide for the submission of civil cases to the decision of the court, and to dispense with trial by jury," providing that upon request of counsel, the decision of the court in such cases shall state separately the facts found, the answers to points submitted and the conclusions of law.

Mr. WEISS, from the Committee on Judiciary General, reported as amended, House Bill No. 987, entitled:

An Act to amend section ten of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates: including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by changing the number of times required to advertise the granting of letters.

Mr. FLINCHBAUGH, from the Committee on Highways reported as committed, House Bill No. 1024, entitled:

An Act to amend section two of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads."

Mr. CLIFF PATTERSON, from the Committee on Highways, reported as committed, House Bill No. 1461, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulat-

ing the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by extending the period of revocation of operating privilege for operating while under the influence of intoxicating liquor or narcotic or habit producing drugs.

Mr. ALEXANDER, from the Committee on Highways reported as committed, House Bill No. 1119, entitled:

An Act to further amend section five of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways, and bridges," decreasing minimum widths of certain roads.

Mr. HAGERTY, from the Committee on Cities, reported as committed, House Bill No. 1114, entitled:

An Act to amend the title of, and sections one and seventeen of the act approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," extending the provisions of said act to cities of the first class.

Mr. JOHN J. BAKER, from the Committee on Cities, reported as amended, House Bill No. 1652, entitled:

An Act to amend section one as amended, and section two of, and adding section two and one-tenth to, the act approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended, "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the qualifications and appointment of the members of the courts of inquiry and trial authorized to hear and determine charges against such police officers, detectives and firemen; providing that charges preferred before the effective date of this act shall be invalid; and providing penalties.

Mr. GERARD, from the Committee on Highways, reported as amended, House Bill No. 28, entitled:

An Act to amend article nine of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by adding a new section thereto for protecting the safety of the public by prohibiting the operation of certain commercial motor vehicles on Sundays and legal holidays between the hours of nine o'clock ante meridian and nine o'clock post meridian.

Mr. ALLEN, from the Committee on Highways reported as committed, House Bill No. 528, entitled:

An Act to amend section seven hundred and ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts making an appropriation and providing for refunds," changing the dates when registrations may be made for less than the full yearly fee.

Mr. BARBER, from the Committee on Judiciary General reported as committed, House Bill No. 878, entitled:

An Act to amend section thirty-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising and consolidating the law relating thereto," as amended, further regulating the sending of notice to corespondents in certain divorce actions.

Mr. BARBER, from the Committee on Judiciary General, reported as committed, House Bill No. 883, entitled:

An Act to amend section twelve of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising and consolidating the law relating thereto," providing for the annulment of void and voidable marriages.

Mr. TURNER, from the Committee on Judiciary General, reported as committed, House Bill No. 686, entitled:

An Act in relation to the procedure in cases at law in which certain questions other than of jurisdiction over the defendant or of the cause of action are raised preliminarily.

Mr. SCHROCK, from the Committee on Highways, reported as committed, House Bill No. 1236, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May, one thousand nine hundred and twenty-nine

(P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing certain exemptions from the payment of fees provided for therein.

Mr. WESTRICK, from the Committee on Agriculture re-reported as amended, House Bill No. 178, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act, and imposing penalties.

Mr. HARKINS, from the Committee on Judiciary General re-reported as amended, House Bill No. 1209, entitled:

An Act prohibiting collection agencies, as herein defined, from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding, or in settlement or adjustment of the affairs of a debtor; from soliciting business for attorneys at law, and from threatening the debtor with legal proceedings; and providing penalties.

Mr. NAGEL, from the Committee on Apriculture reported as committed, House Resolution No. 91.

## SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The hour of 11:30 having arrived the Chair lays before the House the special order of business fixed for this time.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 857, entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securties belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring every person, copartnership, bank, national bank, bank and trust company, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank to report unclaimed deposits after ten years; and repealing certain acts.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, House Bills 857 and 858 refer to the same subject, they provide for the escheat of monies in banks and trust companies, or in the hands of individual guardians or others, for which there has been no claim made. Although these appear as part of the Governor's tax program, they cannot be said to be tax measures, because they are taking monies which are unclaimed in these institutions, as they have done in the past. The difference is this, however, the amendment provides for the reduction from 14 years to 10 years; that is, if these funds are unclaimed for 10 years instead of 14 years, as the law now provides.

In the case of savings institutions, however, it reduces the time from 30 years to 10 years. I do not believe there can be much objection to the reduction from 14 years to 10 years, but I do believe that there is a very serious question that arises in the case of the savings institutions, where the reduction is made from 30 years to 10 years. The people have the right to expect that their funds will remain in those institutions, and would remain in those institutions for a period of 30 years before they can escheat to the State. To now reduce this by such a drastic cut from 30 to 10 years is too much. If it had been 21 years or 20 years, I would have felt that it would have been justified. These measures, according to the estimate, will only produce a very small amount of money, and they are not going into effect until January, 1936. Therefore, it seems to me that they cannot in any way affect the program and act in the interests of the savings institutions and we should oppose the measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—150

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Longaker, | Sarraf, |
| Alexander, | Falkenstein, | Lovett, | Scanlon, |
| Allen, | Ferko, | Lynch, | Schrock, |
| Andrews, | Finnerty, | Male, | Schrope, |
| Arnold, | Fitch, | Mallen, | Schwab, |
| Aukerman, | Flanagan, | Mason, | Schwartz, |
| Baine, | Flinchbaugh, | McCreary, | Shaw, |
| Baker, J. J., | Furman, | McDermott, | Shepard, |
| Barber, | Gerard, | McElroy, | Shortz, |
| Barnhardt, | Gillette, | McHenry, | Shreiner, |
| Blumberg, | Habbyshaw, | Melchiorre, | Shugarts, |
| Bradley, | Haberlen, | Mentzer, | Siegel, |
| Brancato, | Hagerty, | Moomaw, | Simon, |
| Brennan, | Haluska, | Mooney, | Smith, J. A., |
| Brown, H. S., | Hamilton, F. P., | Moran, | Smith, W. G., |
| Brown, J. E., | Hamilton, R. S., | Moul, | Stank, |
| Brownfield, | Harkins, | Munley, | Stevens, |
| Brumbaugh, | Harmuth, | Murrin, | Stockham, |
| Burke, | Hart, | Nagel, | Stone, |
| Cannon, | Hartman, | O'Keefe, | Sumney, |

| | | | |
|---|---|---|---|
| Caputo, | Hefferon, | Ominsky, | Tronzo, |
| Carr, | Hetrick, | O'Neill, | Tumelty, |
| Carson, | Hindman, | Panton, | Van Allsburg, |
| Coakley, | Hirsch, | Parks, | Van Sickle, |
| Cochran, | Hoffner, | Patterson, C., | Walker, |
| Cohen, | Holstrom, | Patterson, J. W., | Wall, |
| Coleman, | Hoopes, | Pearson, | Wasserman, |
| Condon, | Horst, | Perry, | Weiss, |
| Coolahan, | Jackson, | Pfaff, | Welliver, |
| Cordier, | Kane, | Piole, | Welsh, |
| Davies, | Kelder, | Powers, | Westrick, |
| Decker, | Kilroy, | Reising, | Wickersham, |
| Dent, | Kinney, | Rinn, | Wilson, |
| Diehl, | Klingler, | Roan, | Woodside, |
| Dilley, | Kobelak, | Robinson, | Yourishin, |
| Downey, G. E., | LaRue, | Rooney, | Zappala, |
| Downey, J. J., | Long, | Ruffennach, | Sarig, |
| Eberharter, | | Ruth, | |

NAYS—40

| | | | |
|---|---|---|---|
| Altenburg, | Gates, | Nothnagle, | Surface, |
| Baker, F. T., | Green, | Peters, | Tahl, |
| Baldi, | Greenstein, | Phillips, | Terry, |
| Boose, | Jones, | Root, | Trout, |
| Boyd, R., | Linderman, | Simpson, | Turner, |
| Boyer, | McDevitt, | Snyder, F. E., | Weidemann, |
| Castor, | McKinney, | Snyder, J. L., | White, |
| Conner, | Merrell, | Sowers, | Witkin, |
| Denning, | Moore, | Sproul, | Yeakel, |
| Duffort, | Muir, | Stewart, | Zimmerman, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. SURFACE. Mr. Speaker, I wish to vote "no" and file my reasons for so doing.

I do not support this Bill because the money should escheat to the State and not to the banks. Also the time for the escheating of unclaimed funds, being but ten years, is too brief.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Chairmen of committees who do not hold meetings at their regularly scheduled time should report that fact to the desk so that the committee rooms can be used by other committees. There are other committees that would be glad to use the rooms in case they are not used by other committees at their regular time.

## SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 858, entitled:

An Act to further amend section seven of the act approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy eight), entitled "An act providing for the escheat of deposits of money or property of another received for storage or safekeeping; the dividends, profits, debts, and interest on debts of corporations, companies, banks, trust companies, insurance companies, limited partnerships, and partnership associations, organized under the laws of this Commonwealth, except mutual saving-fund society not having a capital stock represented by shares, and except also building and loan associations, and property held for the benefit of another by the same, and the profits, accretions, and interest on such property, as well as interest thereon accrued, or which should have accrued, between the fixing of the amount of such property by the award of any court and the actual distribution thereof," by requiring that unclaimed deposits with every person, copartnership, bank, national bank, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank, shall escheat after ten years.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—141

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Lovett, | Scanlon, |
| Alexander, | Eberharter, | Lynch, | Schrock, |
| Allen, | Eroe, | Male, | Schrope, |
| Andrews, | Falkenstein, | Mason, | Schwab, |
| Arnold, | Ferko, | McCreary, | Schwartz, |
| Aukerman, | Finnerty, | McDermott, | Shaw, |
| Baine, | Fitch, | McElroy, | Shepard, |
| Baker, J. J., | Flanagan, | McHenry, | Shortz, |
| Barber, | Flinchbaugh, | Melchiorre, | Shreiner, |
| Barnhardt, | Furman, | Mentzer, | Shugarts, |
| Blumberg, | Gerard, | Moomaw, | Siegel, |
| Boyer, | Habbyshaw, | Mooney, | Simon, |
| Bradley, | Haberlen, | Moran, | Smith, J. A., |
| Brancato, | Hagerty, | Moul, | Smith, W. G., |
| Brown, H. S., | Haluska, | Munley, | Stank, |
| Brown, J. E., | Hamilton, F. P., | Murrin, | Stevens, |
| Brownfield, | Hamilton, R. S., | Nagel, | Stockham, |
| Brumbaugh, | Harkins, | O'Keefe, | Stone, |
| Burke, | Harmuth, | Ominsky, | Sumney, |
| Cannon, | Hart, | O'Neill, | Surface, |
| Caputo, | Hartman, | Panton, | Tronzo, |
| Carr, | Hefferon, | Patterson, C., | Tumelty, |
| Carson, | Hetrick, | Patterson, J. W., | Van Allsburg, |
| Chervenak, | Hindman, | Pearson, | Van Sickle, |
| Coakley, | Hirsch, | Perry, | Walker, |
| Cochran, | Holstrom, | Pfaff, | Wall, |
| Cohen, | Hoopes, | Piole, | Wasserman, |
| Coleman, | Horst, | Powers, | Weiss, |
| Condon, | Kilroy, | Reising, | Welliver, |
| Coolahan, | Kinney, | Rinn, | Welsh, |
| Cordier, | Klingler, | Roan, | Westrick, |
| Decker, | Kobelak, | Robinson, | Wickersham, |
| Dent, | LaRue, | Ruffennach, | Yourishin, |
| Diehl, | Long, | Ruth, | Zappala, |
| Dilley, | Longaker, | Sarraf, | Sarig, |
| Downey, J. J., | | | |

NAYS—37

| | | | |
|---|---|---|---|
| Altenburg, | Hoffner, | Root, | Terry, |
| Baldi, | Jones, | Simpson, | Trout, |
| Boyd, R., | Linderman, | Sloan, | Turner, |
| Brennan, | McDevitt, | Snyder, F. E., | Weidemann, |
| Conner, | McKinney, | Snyder, J. L., | White, |
| Denning, | Merrell, | Sowers, | Witkin, |
| Duffort, | Moore, | Sproul, | Wood, |
| Gates, | Muir, | Stewart, | Woodside, |
| Green, | Nothnagle, | Tahl, | Yeakel, |
| Greenstein, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 923, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax imposed by this act on the shares of stock of banks and savings institutions.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MASON. Mr. Speaker and members of the House, House Bill No. 923 proposes to amend the Act of 1897, Pamphlet Laws 292.

The original act in the past proposed a tax or laid a tax upon the capital stock of banks or savings institutions, and it is provided in the original act that the shares shall be taxed on the same basis or rate as imposed upon other money capital in the hands of individual citizens. The proposed amendment merely changes this from four mills to six mills the imposition of the tax under this act. As the members know, House Bill No. 925, which was passed by this House last week, fixes a personal property tax of six mills to be collected by the state and divided share and share alike twixt county and state. This act undoubtedly along with House Bill No. 924, which follows, is part and parcel of a trio of three bills.

I opposed the passage of House Bill No. 925 last week. I am voting against House Bill No. 923 because of the fact that it falls in line with House Bill No. 925, and changes the millage from four to six mills, and I wish to express to the House and on the record the reasons why I oppose the bill. Simply because it is one of the three bills forming the personal property and capital stock tax that changes it from four to six mills, and also if any of my colleagues should vote "no", they will have expressed upon the record the reasons for so doing.

Mr. ACHTERMAN. Mr. Speaker and members of the House, the gentleman from Luzerne is correct in stating the facts relative to this particular tax. The rate has been increased from four to six mills for the purpose of having a uniformity of tax on money capital. The entire sum realized in taxes will, of course, go to the state, and will not be divided between the county and the state. However, I might say that when the bill was originally written, or as the act was originally enforced, the four mill tax was retained by the Commonwealth. The only object, in addition to the revenue that must be raised, is for the purpose of having uniformity of taxation on money capital, and the extra sum realized, or estimated to be realized under this bill is $592,500. It is in line with the Democratic platform, and I am asking the members to vote for it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—116

| | | | |
|---|---|---|---|
| Achterman, | Diehl, | LaRue, | Ruth, |
| Alexander, | Dilley, | Long, | Sarraf, |
| Allen, | Downey, G. E., | Lovett, | Scanlon, |
| Andrews, | Downey, J. J., | Male, | Schrope, |
| Arnold, | Eberharter, | McCreary, | Schwab, |
| Aukerman, | Eroe, | McDermott, | Shaw, |
| Baine, | Falkenstein, | McElroy, | Shepard, |
| Baker, J J., | Finnerty, | McHenry, | Shugarts, |
| Barber, | Fitch, | Melchiorre, | Siegel, |
| Bradley, | Flanagan, | Mentzer, | Simon, |
| Brancato, | Flinchbaugh, | Moomaw, | Smith, J. A., |
| Brown, H. S., | Furman, | Mooney, | Smith, W. G., |
| Brown, J. E., | Gerard, | Moran, | Stank, |
| Brownfield, | Haberlen, | Moul, | Stevens, |
| Brumbaugh, | Hagerty, | Munley, | Stone, |
| Burke, | Haluska, | Murrin, | Sumney, |
| Cannon, | Hamilton, F. P., | Nagel, | Tronzo, |
| Caputo, | Harkins, | O'Keefe, | Tumelty, |
| Carr, | Harmuth, | Ominsky, | Van Sickle, |
| Carson, | Hartman, | O'Neill, | Walker, |
| Chervenak, | Hetrick, | Patterson, J. W., | Weiss, |
| Coakley, | Hindman, | Pearson, | Welliver, |
| Cochran, | Hirsch, | Pfaff, | Welsh, |
| Cohen, | Holstrom, | Piole, | Westrick, |
| Coleman, | Hoopes, | Powers, | Wilson, |
| Condon, | Kilroy, | Reising, | Yourishin, |
| Coolahan, | Kinney, | Rhys, | Zappala, |
| Decker, | Klingler, | Robinson, | Sarig, |
| Dent, | Kobelak, | Ruffennach, | |

NAYS—73

| | | | |
|---|---|---|---|
| Altenburg, | Greenstein, | Moore, | Sproul, |
| Atkins, | Habbyshaw, | Muir, | Stewart, |
| Baker, F. T., | Hamilton, R. S., | Nothnagle, | Stockham, |
| Baldi, | Hart, | Parks, | Surface, |
| Bernhard, | Hefferon, | Perry, | Tahl, |
| Blumberg, | Hermansen, | Peters, | Terry, |
| Boose, | Hoffner, | Phillips, | Trout, |
| Boyd, R., | Horst, | Reynolds, | Turner, |
| Boyer, | Jackson, | Roan, | Van Allsburg, |
| Brennan, | Jones, | Root, | Wall, |
| Castor, | Kane, | Schrock, | Wasserman, |
| Conner, | Kelder, | Shortz, | Weidemann, |
| Cordier, | Linderman, | Shreiner, | Wickersham, |
| Davies, | Longaker, | Simpson, | Witkin, |
| Denning, | Mason, | Sloan, | Wood, |
| Duffort, | McDevitt, | Snyder, F. E., | Woodside, |
| Ferko, | McKinney, | Snyder, J. L., | Yeakel, |
| Gillette, | Merrell, | Sowers, | Zimmerman, |
| Green, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 924, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection, and payment of the State tax on the stock of title insurance and trust companies.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MASON. Mr. Speaker and members of the House, House Bill No. 924 proposes to amend the act of 1907, P. L. 640. The original act of 1907 proposes a tax of five mills upon the capital stock of the various title insurance and trust companies.

In 1933, various amendments were adopted by the Legislature changing the method of computation as to the value of the capital stock tax subject to the five mills tax. Exemptions were allowed and credits given under the amendments of 1933 if any of the surplus on profits of

these companies were invested in either stock of other domestic corporations already subject to a tax, or invested in the stock of other corporations that were exempted from the tax. The present act proposes to remove those captions, and would leave the act of 1907 in practically its original form if it were adopted as the bill was first presented to the House. However, subsequent to its presentation and prior to its appearance on the floor today, the millage was changed from five to six mills. This was done, I believe, as I have stated in my argument against House Bill 923 to make it conform to House Bills 923 and 925. This is one of the three bills, that I believe are figured to bring in estimated revenue of $50,000,000.

I shall oppose by my own vote the passage of this bill, because it is one of the three bills, so-called, which we have opposed up to the present time, and because of the fact that the millage is changed from five to six mills. I do not seriously oppose the removal of the exemptions that were passed by the Legislature of 1933. I do oppose the change of millage at this time insofar as this act dovetails in with House Bill No. 925, known as the personal property tax act. I shall vote against it, and I am submitting this explanation on the record, so that my colleagues will vote against it if they have a thorough explanation placed thereon.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I wish to point out to the members of the House that this bill eliminates certain exemptions in connection with ascertaining the value of capital stock of title insurance and trust companies. The method now of ascertaining the values will be the same as the values were ascertained for stock in banks and savings institutions. Likewise the bill intends to make a levy or assessment on the same basis as that of other monied capital and would yield an estimated additional return of $700,000.

I am asking the members to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—119

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Lovett, | Ruth, |
| Alexander, | Downey, G. E., | Lynch, | Sarraf, |
| Allen, | Downey, J. J., | Male, | Scanlon, |
| Andrews, | Eberharter, | McCreary, | Schrope, |
| Arnold, | Eroe, | McDermott, | Schwab, |
| Aukerman, | Falkenstein, | McElroy, | Shaw, |
| Baine, | Finnerty, | McHenry, | Shepard |
| Baker, J. J., | Fitch, | Melchiorre, | Shugarts, |
| Barber, | Flanagan, | Mentzer, | Siegel, |
| Bradley, | Flinchbaugh, | Moomaw, | Simon, |
| Brancato, | Furman, | Mooney, | Sloan, |
| Brown, H. S., | Gerard, | Moran, | Smith, J. A., |
| Brown, J. E., | Haberlen, | Moul, | Smith, W. G., |
| Brownfield, | Hagerty, | Munley, | Stank, |
| Brumbaugh, | Haluska, | Murrin, | Stevens, |
| Burke, | Hamilton, F. P., | Nagel, | Stone, |
| Cannon, | Harkins, | O'Keefe, | Sumney, |
| Caputo, | Harmuth, | Ominsky, | Tronzo, |
| Carr, | Hartman, | O'Neill, | Tumelty, |
| Carson, | Hetrick, | Panton, | Van Sickle, |
| Chervenak, | Hindman, | Patterson, C., | Walker, |
| Coakley, | Hirsch, | Patterson, J. W., | Weiss, |
| Cochran, | Holstrom, | Pearson, | Welliver, |
| Cohen, | Hoopes, | Pfaff, | Welsh, |
| Coleman, | Kilroy, | Piole, | Westrick, |
| Condon, | Kinney, | Powers, | Wilson, |
| Coolahan, | Klingler, | Reising, | Yourishin, |
| Decker, | Kobelak, | Rinn, | Zappala, |
| Dent, | LaRue, | Robinson, | Sarig, |
| Diehl, | Long, | Ruffennach, | |

NAYS—77

| | | | |
|---|---|---|---|
| Altenburg, | Habbyshaw, | Muir, | Sproul, |
| Atkins, | Hamilton, R. S., | Nothnagle, | Stewart, |
| Baker, F. T., | Hart, | Parks, | Stockham, |
| Baldi, | Hefferon, | Perry, | Surface, |
| Bernhard, | Hermansen, | Peters, | Tahl, |
| Blumberg, | Hoffner, | Phillips, | Terry, |
| Boose, | Horst, | Reynolds, | Trout, |
| Boyd, R., | Jackson, | Rhys, | Turner, |
| Boyer, | Jones, | Roan, | Van Allsburg, |
| Brennan, | Kane, | Rooney, | Wall, |
| Castor, | Kelder, | Root, | Wasserman, |
| Conner, | Linderman, | Schrock, | Weidemann, |
| Cordier, | Longaker, | Schwartz, | White, |
| Davies, | Mallen, | Shortz, | Wickersham, |
| Denning, | Mason, | Shreiner, | Witkin, |
| Duffort, | McDevitt, | Simpson, | Wood, |
| Ferko, | McKinney, | Snyder, F. E., | Woodside, |
| Gates, | Merrell, | Snyder, J. L., | Yeakel, |
| Gillette, | Moore, | Sowers, | Zimmerman, |
| Greenstein, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 948, entitled:

An Act imposing a State excise tax on electric power and current generated, manufactured and sold within this Commonwealth; providing for the collection of the tax and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties on certain persons, associations, partnerships, corporations, and State departments; and imposing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, I hesitate to arise at this time on this measure, because of the apparent lack of interest of a great number of this House on the questions involved in any of these tax measures.

However, as we have discussed most of these tax measures from the standpoint of the general principle involved and the effect on a certain group or business or a certain division of the people of the State, this measure not only should be discussed from that standpoint but from the technical makeup of the bill.

This bill in its essential provisions is ridiculous, and I do not believe that the gentlemen on the other side of the House would support it in any degree at all were it not backed by the powerful influence of the administration as being a part of its program.

I am not going to burden you with details as to the provisions of this bill except to call your attention to two or three things which were brought out in the hearing which we had some few weeks ago, when some five or six thousand of the utility people came here to protest against a number of these measures.

One of the provisions of this bill—perhaps I should tell you this: This is a bill that provides a tax of one-half mill per kilowatt of electricity generated and sold.

Now, there is a difference between electricity generated and electricity sold, because electricity generated is that which is in the plant, and sold may be that which is at a distance of thirty or forty, or fifty miles, whatever it may

be over the wires, but this bill says there must be a meter that must tell how much electricity is sold.

There are perhaps one hundred thousand street traffic lights—more than that perhaps—as estimated by the industry in the state of Pennsylvania, and under the provisions of this bill it would be necessary to put a meter on every traffic light or place one on every group of traffic lights if there would happen to be a group at some place, for in no other way would it be possible to tell the amount of electricity that was sold. If you want to measure it as sold, you must measure it at the point of delivery.

As to street lights, street lights burn at night. You know they go on maybe around five-thirty or six o'clock in the afternoon and burn through to five-thirty in the morning, and because of the kind of current that is used and because of the conditions, there is no meter made at the present time that would measure the amount of electricity consumed and thereby sold to the consumer through those lights.

If you put a meter on every traffic light and every street light, or possibly some of them could be grouped, it would amount to a cost to the utility of fifty cents per month or six dollars a year, and if there should be one hundred thousand of them you can see that the added cost to the utilities would be six hundred thousand dollars.

I know a lot of you are going to say right away, "Why should we worry about these utilities?" But that is not the situation, my friends. The greatest fallacy that exists in the minds of a lot of people in the state of Pennsylvania and the greatest fallacy that exists in the minds, I am sorry to say, of some of my colleagues with whom I have tried to argue this point in the last couple months, is that these items come out of the pockets of the utilities. In the last analysis they come out of the pocket of the consumer, because in the electric industry of the state of Pennsylvania since 1932 there have been some rate reductions which have amounted to $45,000,000 to the people of Pennsylvania. I know as a positive fact, and you know from the reports in the newspapers that the Public Service Commission has been pressing steadily the utilities of Pennsylvania for a reduction in their rates, and that, as far as it has been possible to secure reductions, they are being secured, but if you pile the tax bills that you have put in this program on the utilities—eleven of them affecting the public utilities of Pennsylvania—you are going to add an additional tax burden upon the people of Pennsylvania in the form of a failure to receive the rate reductions which they expect and which they would expect in the very near future from some of these companies.

This bill says that the meter shall be read every day at one place. Why, you couldn't employ enough people to go around and read these meters every day; that is, if you must get a daily record of the kilowatts sold, and that would mean certainly that you would have to read the meters every day.

In another place it says they must make a report on the 15th of the month of all the electricity sold during the past month. Now, if you don't read the meters every day, if you say, "Well, we don't have to do that under the act," then if you want to find out how much had been sold during the past month, it would mean the simultaneous reading of every meter on every utility line in Pennsylvania on the last day of the month, and that is a feat that is impossible of performance, unless the utilities were to hire great armies of men that would start out at some fixed zero hour, like an army, and go all over the state and read the meters in the state of Pennsylvania.

In the third place, the act requires that returns shall be made on the 15th of the month, that a report shall be made, and that the tax shall be paid within another period of fifteen days. The period in which the utility has not had an opportunity to collect the money upon which it is expected that it shall pay the tax. That is certainly a departure from any tax law that we have in the state of Pennsylvania. Certainly any taxpayer should have the opportunity to collect before he is called upon to pay. This act discriminates between certain classes of users. It operates against companies in Pennsylvania who sell electricity or sell current in the foreign states, as well as it operates against our companies here and reduces income. There will be an effect, not only upon those who are employed in the industry, but there will also be an effect on the amount of money that is received in the treasury of the state of Pennsylvania from other sources than the utilities that you are taxing.

The reason why there has been the great reduction in utility rates has been the great increase in the sale of electric current has come through the ability to sell in large blocks to industries. If this tax goes on, it means that the low rates which are now charged to the large consumers will have to be increased, and the margin is so small that in many instances it will be the large consumer who ceases to purchase from the producer or the utility, and he will produce himself, and that has an effect upon the average consumer for this reason, that 51%, the domestic consumer, the small consumer does not pay his way, and the reason why he can get his rates so low, as I have said before, lies in the fact that the utility is able to sell its excess power at times when it does not need that much for its general peak load to industries, and it is able to sell it at a cheap rate, and this reduces the rates at which it sells its power to the domestic consumer. That is the reason they have been able to make these reductions, but when you put a tax on, that means an increase in the rate to the large manufacturer and to the large group, it means, therefore, that the small consumer cannot expect to receive the advantages to which he would be entitled.

I just want to say this to you in conclusion, that I feel that you ought to oppose this measure, first, because the persons who drew up this bill did not know anything about the electrical industry, and have made a bill that is impossible of performance, and in the second place, if there is any measure in all of these measures that will effect the small consumer of electricity and prevent him from having the expectation of rate reductions, which he can now expect, it is this measure.

Mr. WEISS. Mr Speaker and members of the House, I am an electrician by trade. Of all the mass of tax legislation introduced in this House I do not think that there is any bill that should be supported more by the members of this House than House Bill 948.

There is no fallacy in my mind, referring to the statement of the gentleman from Delaware County, about this tax.

I have some facts and figures here taken from the Public Service Commission records which appeared at length after a thorough survey and study in the Pittsburgh Press on December 21st and for five successive days following, giving an idea of the fixed assets, basically,—the

total assets, and the decreased taxes paid by one utility as an example, taken over a period of eight years in the city of Pittsburgh and in Allegheny county.

Now, the admission of some of these representatives of utility interests at the Ways and Means hearings, they admitted that the Governor is attempting an equitable tax program and that they are willing to pay their fair share of taxation. They readily admitted that, and it appears in the testimony, and I believe that the gentleman from Delaware will agree to that, but he says that you are putting a greater increase upon utility costs as compared with other costs.

I say that the attempt of the Governor has been to place a tax equitably upon those interests best able to pay.

I will now show you by facts and figures why the utility interests can afford to pay this increased burden.

At that hearing there were five or six thousand representatives; all had badges on; representatives and employes of the industry, who said that this tax is unfair, that it is discriminatory, yet when asked by a member of the committee who paid their way down here to these hearings, they said that these companies paid their way down here and later on in the evening I found not only had they paid their way, but had also paid their day's wages and had paid for their refreshments. They all had a good time.

As to these meters, there has been a slight unintentional misinterpretation by the gentleman from Delaware County. The act does not require the placing of meters.

A member of the delegation—I believe Frank M. Hunter who represented the Pennsylvania Electric Association—in his testimony said: "Does this not mean street-lighting energy and current used for traffic signals? If so, every electric street-light and traffic signal in Pennsylvania would have to have provided for it, or at least, for small groups of them, a meter and all of the facilities for installations."

Certainly you do not need a meter for every street light. And you have a meter for every municipality, for all of the street lights, so that instead of the one hundred thousand meters, six or seven thousand meters would suffice, and they are well able to pay this "burdensome" tax on meters. He says that meters would be grossly inequitable and unfair to the utility. He said that compiling a statement and furnishing it to the department by the fifteenth of each month would be unfair. Why is it unfair to have a statement like that prepared, when they have to send out statements on the fifteenth of each month? They can do the very same thing. They can have the statement prepared, because the meters are at the generating plants and the register will show the amount of kilowatt hours generated by all the companies. This is not placing any additional burden upon them.

I will take one utility and cite it as an example of this group, and that is the Duquesne Light Company of the city of Pittsburgh. At the very beginning I want to impress upon the members of this House that the Duquesne Light Company is a subsidiary, that is, held by the Philadelphia Holding Company, which in turn is held by the Standard Gas and Electric Company, a billion dollar holding company of Chicago. Practically all of the utility interests in this State are held by holding companies. The United Gas, the Associated Gas, the United Gas Improvement company are holding companies that hold all these smaller interests.

When the Standard Gas and Electric Company of Chicago took over the Duquesne Light Company in 1926—just listen to this—the assets of the Duquesne Light Company amounted to $90,667,940. This was according to the reports filed with the Public Service Commission. In 1933, these assets by a direct right-up and expansion, rose to ten hundred and seventy-two million dollars, or an increase of 89.8 per cent. Yet during this corresponding period their taxes went down 47.3 per cent. This reduction of taxes was brought about largely by the use of a consolidated Federal Income tax return, and this form of return permissible under the federal law, allowed the profits of the Duquesne Light Company to be offset with the losses of the Pittsburgh Railway Company, a subsidiary, of the Equitable Gas Company, all held by the Philadelphia Company, with the result that where they paid one million four hundred twenty-five thousand dollars in taxes to the Federal Government they only paid $13,500 in 1933, and mark you, during this period out of $44,000,000 in dividends paid to the Standard Gas & Electric Company by all these utility holdings, $36,000,000 of that sum was paid by the Duquesne Light Company.

During all this period I challenge anyone to tell me that the Public Service Commission has ever made a valuation of the Duquesne Light Company or any of the holding companies for rate making purposes. If they claim that this tax is confiscatory, then they have the opportunity to go before the Public Service Commission and say, "We can't pay this tax. We will not get our 6% return. It is confiscatory," and then for the first time the people of the Commonwealth will have an opportunity to see them go before the Public Service Commission with records to show how their properties and franchises can be increased in one year $24,000,000, and we will not have a recurrence of the Insull crash in this Commonwealth. If they prove by their facts and figures that they are not getting a fair return, certainly the Public Service Commission will give them a rate to produce a fair return.

I say to you again that they can bear this tax just as equitably and just as easily as can any other special holding interests. For instance, there are bills of the Bylesbey Engineering and Management Corporation, which offers the Duquesne Light Company certain services, for instance, management and merchandising, and so forth. This company has been paid over $2,000,000 by the Duquesne Light Company in six years for these services, in accounting form this is charged to operating cost; and naturally operating costs indirectly affect rates.

I say to the members of this House in view of the fact that the Standard Gas & Electric received 47% of all its 1933 dividends and profits from the Duquesne Light Company, a company that only has a one-sixth interest in value of their utility holdings over the twenty different states in which the Standard Gas & Electric furnishes service, and for the further reason that the income has increased over this corresponding period, according to the reports filed with the Public Service Commission. I say that they are well able to pay this tax, and I say to you that if ever there was a tax that is equitable and fair, that the members of this House should support in view of the criticism of public utility interests, especially the light companies, it is this bill because as we all know, the Duquesne Light Company is the goose that lays the

golden egg for the Philadelphia Company and the Standard Gas & Electric.

I therefore urge you to vote "aye" upon House Bill No. 948.

Mr. TURNER. Mr. Speaker and members of the House, I thought I understood the gentleman from Allegheny to say that he was reading from the records of the Public Service Commission, but as I observed him I thought he was reading from a statement from a newspaper.

I do not believe that the question as to the earnings—as a matter of fact, it is not a question of whether he believes that is a legal fact, that the question as to the earnings of the Duquesne Light or the Philadelphia Company or the Associated Gas or anything else has anything to do with the question involved here.

If the gentleman from Allegheny will read the decisions of the Supreme Court of the United States and of the Courts of Pennsylvania and the rulings of the Public Service Commission, he will know that the taxes charged are added into the cost of operation, and have nothing to do with the amount which the Commission allows the company to earn, and therefore the question of the earnings tangled up with the question of bond issues and of the valuation of properties and everything else can never be considered in a question of this kind.

To the actual cost of production there are always to be added the taxes to the rate base before you start to figure how much the utility is entitled to earn. Therefore the earnings of the Duquesne Light have nothing to do with the question. In the second place, are you going to penalize all of the people of Pennsylvania because the gentleman from Allegheny seems to have a pet hatred for the Duquesne Light Company, because I have heard him in every hearing pick upon the Duquesne Light. I do not know anything about the Duquesne Light, but I do not see why the people of Delaware and of Monroe and of Bucks and of Philadelphia and all our eastern end of the State should have to pay for any of the delinquencies of Allegheny County. If they are having any troubles, they will have to correct them themselves, because we are legislating for the whole of the State of Pennsylvania.

Mr. MOOMAW. Mr. Speaker and members of the House, I heard the gentleman from Delaware speaking of the increase of meters in power plants and painting a picture of the possibility of a large number of meters that would have to be installed. I have visited quite a number of power plants and have been engaged in the electrical industry in some shape or form, and I can say that I have never seen a power plant that was not equipped with all the necessary meters and instruments that take into consideration the readings and the reports that are called for under this act. So I cannot see where any additional expense will be placed on any power company under this act.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. TURNER. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—118

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Lovett, | Ruffennach, |
| Alexander, | Downey, G. E., | Lynch, | Ruth, |
| Allen, | Downey, J. J., | Male, | Sarraf, |
| Andrews, | Eberharter, | McCreary, | Scanlon, |
| Arnold, | Eroe, | McDermott, | Schrope, |
| Aukerman, | Falkenstein, | McElroy, | Schwab, |
| Baine, | Finnerty, | McHenry, | Shaw, |
| Baker, J J., | Fitch, | Melchiorre, | Shepard, |
| Barber, | Flanagan, | Mentzer, | Shugarts, |
| Bradley, | Flinchbaugh, | Moomaw, | Siegel, |
| Brancato, | Furman, | Mooney, | Simon, |
| Brown, H. S., | Gerard, | Moran, | Smith, J. A., |
| Brown, J. E., | Haberlen, | Moul, | Smith, W. G., |
| Brownfield, | Hagerty, | Munley, | Stank, |
| Brumbaugh, | Haluska, | Murrin, | Stevens, |
| Burke, | Hamilton, F. P., | Nagel, | Stone, |
| Cannon, | Harkins, | O'Keefe, | Sumney, |
| Caputo, | Harmuth, | Ominsky, | Tronzo, |
| Carr, | Hartman, | O'Neill, | Tumelty, |
| Carson, | Hetrick, | Panton, | Van Sickle, |
| Chervenak, | Hindman, | Patterson, C., | Walker, |
| Coakley, | Hirsch, | Patterson, J. W., | Weiss, |
| Cochran, | Holstrom, | Pearson, | Welliver, |
| Cohen, | Hoopes, | Pfaff, | Welsh, |
| Coleman, | Kilroy, | Piole, | Westrick, |
| Condon, | Kinney, | Powers, | Wilson, |
| Coolahan, | Klingler, | Reising, | Yourishin, |
| Decker, | Kobelak, | Rinn, | Zappala, |
| Dent, | LaRue, | Robinson, | Sarig, |
| Diehl, | Long, | | |

NAYS—78

| | | | |
|---|---|---|---|
| Altenburg, | Habbyshaw, | Nothnagle, | Sproul, |
| Atkins, | Hamilton, R. S., | Parks, | Stewart, |
| Baker, F. T., | Hart, | Perry, | Stockham, |
| Baldi, | Hefferon, | Peters, | Surface, |
| Bernhard, | Hermansen, | Phillips, | Tahl, |
| Boose, | Hoffner, | Reynolds, | Terry, |
| Boyd, R., | Horst, | Rhys, | Trout, |
| Boyer, | Jackson, | Roan, | Turner, |
| Brennan, | Jones, | Rooney, | Van Allsburg, |
| Castor, | Kane, | Root, | Wall, |
| Conner, | Kelder, | Schrock, | Wasserman, |
| Cordier, | Linderman, | Schwartz, | Weidemann, |
| Davies, | Longaker, | Shortz, | White, |
| Denning, | Mallen, | Shreiner, | Wickersham, |
| Duffort, | Mason, | Simpson, | Witkin, |
| Ferko, | McDevitt, | Sloan, | Wood, |
| Gates, | McKinney, | Snyder, F. E., | Woodside, |
| Gillette, | Merrell, | Snyder, J. L., | Yeakel, |
| Green, | Moore, | Sowers, | Zimmerman, |
| Greenstein, | Muir, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. PARKS. Mr. Speaker, I desire to vote "no" and file my reasons:

I interpret this bill as one that would raise the rate paid for current to municipalities. Instead we should have a rate reduction direct to the consumer where an investigation would show that the utility serving said local community could stand a reduction in rate to all consumers.

Mr. SURFACE. Mr. Speaker, I wish to vote "no" and file my reasons for so doing.

I do not favor this bill because (a) it will result in added cost to the consumer, and (b) the electricity supplied to the millions of lights of municipalities for outdoor and signal-lights cannot be measured under present known methods.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1192, entitled:

An Act to provide revenue for State purposes by imposing an excise tax on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax; conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; and providing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LONGAKER. Mr. Speaker and members of the House, as a member of the first term delegation it has been my province to stand by more or less and observe the debates on the various tax measures that have been discussed on the floor of the House. We are now coming to the close or to the end of that chain of tax measures. We might call 1192 the last or nearly the last link in this chain. I use the term "chain" because I feel confident that the people of our Commonwealth in looking over and discussing and considering this tax program, can only consider it as a chain to be carried by the peoples of our State.

House Bill 1192 which is now before us for our consideration provides for a six per cent tax on the net incomes of all corporations doing business in Pennsylvania. There are provisions in the bill whereby corporations carrying on their entire business in the state will follow the general provisos and scheme of the Federal tax on the net income of corporations. Then provisions are also made by which corporations which do their business partially in the state of Pennsylvania, will pay that proportionate part of the net income of the business which they do in the State.

There is no provision by which a corporation may claim exemption for losses which they might sustain during the past few years.

I am not going into a lengthy discussion of the bill, section by section, or part by part, because I feel confident that everyone here knows pretty well just what the bill provides for. However, there are two or three points that should be brought up for the consideration of the members of this House, and I will bring very briefly to your attention the reasons why I feel this bill should not be passed.

In the first place, I have observed that the general attitude of the membership of this House has been when the word "corporation" has been used, to feel that here is something unholy, something unclean, something that should not exist, and if it does exist, the tax should be so placed as to drive it literally out of business.

My conception of corporations does not carry out that scheme. Many others, when speaking of corporations, will necessarily think of huge businesses or holding companies. I hold no brief for them, but I am speaking of average corporations composed of average business men, and I know that there are members of this House who have worked and who have saved and who have tried hard to make one of those businesses carry on. I know that there are members here who sit around the table as members of the board of directors of other corporations, other smaller corporations, local in concept, which are financed by local capital, and which help to make the particular community in which the business is located a success. I know that during these few years they have worked hard and spent many long hours to devise ways and means by which these little corporations, these little businesses of which they are a part and of which their community is part, may be successful. Now, through this program of taxation we are finding that these little corporations, these little businesses, are being taxed to the very limit. I know and you know that throughout the State there have been sections which have been developed by men who had the vision to go forward along business lines. I know that throughout the northeastern part of the state, of which there are representatives here, that the great industries of those sections depend upon the initiative and the will of men, and then when you drop down a little further into the very active industrial sections of the Lehigh Valley, Whence, may I ask, have come the prosperous times and the prosperous businesses of those sections? True it is that just at present perhaps they are not so prosperous. But it is also true that they have the incentive and desire to go forward as men interested in their businesses and in their community.

Let me say that corporations do not mean somebody outside, some ethereal something that exists to be taxed, but corporations mean men, corporations mean the work and the livelihood of the men employed therein. And now we come again, after having listened to the debates and the votes which you have cast to tax corporations and businesses,—the average business I am speaking now speaking of—when they have through their efforts conceivably been able to make a slight profit, we now come in and say "Let us come in and take some of that away from them?" Where is personal initiative under those circumstances? Let us consider when we are voting taxes on corporations, we are voting taxes on men and on people and not on some ethereal something.

Secondly, insofar as the position of this bill happens to be near the end of this chain, to which I referred, let us consider just what this bill does in connection with the other bills. I think that too many members of this House have been voting upon bills separately, you vote on this bill and you vote on that bill and you vote on the third bill. Arguments are offered from time to time why you should or should not vote on this bill, but do you sit down and consider the accumulative effect of these taxes upon the average man and the average business in Pennsylvania. Consider, if you will, the taxes that have been passed through this body in the past few weeks, the gas tax, the tax on trucks, so that their registration fees will be increased considerably, the five cent tax on each one hundred dollars of documents.

Many corporations in the course of their business will be forced to pay out thousands of dollars because of these taxes, and those business which have gone out and expanded to some extent and are now named "chain stores," have had taxes levied on them. Then you have the gross receipts tax on utilities, being increased to eight mills. I am not defending the utilities but I am pointing out to you that these taxes are going to stifle general business conditions in this Commonwealth. Then we go on and passed a few minutes ago a half mill tax to be levied on all kilowatt hours of energy produced by electric light companies. Another kick coming to business.

There will be passed the five mill tax on corporate stock of manufacturing concerns. Again, business is taking the blunt of the blow.

We know the story of the sister state of Massachusetts. I am not going into a lengthy discussion and compare our Commonwealth with the Commonwealth of Massachusetts, but it is true that in many respects and in many instances the same problems and the same results which have occurred in the state of Massachusetts will in all probability occur here, and if business moves from our state, if small business if so stifled by taxation that it can no longer continue, or if those who perhaps have the idea or the intent to continue business, thought that they no longer can continue, then those who will remain will find that they will have to bear a greater burden and a higher percentage than they now have to endure.

In practical effect and in conclusion, we might show that the corporation after all is a human thing; it is made up of men who are working for the best advantage of their community and of their State. We can show that the duplication which is about to occur, if these tax measures are passed, will stifle and cause a demoralization, which has never as yet affected the businesses of this Commonwealth. It is unfair to the average business man to put on these additional taxes. Too many times we look to the larger corporation and say that they can well afford to pay. But let me reiterate once more that this is a tax that will affect every corporation in Pennsylvania. It will affect the small fellow more than the big fellow. The big fellow can stand it, but the little fellow, after all, is the hope of our nation for recovery.

Let me dwell on this matter of recovery. We hear it on all sides,—there has been enacted in the present administration the National Recovery Act, and the word "recovery" in that act is the word that appeals to us all. How can there be business recovery, when to all intents and purposes, businesses which attempt to go forward are being hamstrung and hampered by taxes coming at them from all sources? How can we have recovery in our own state and in the particular communities in the states if those businesses which have grown up in the community and have caused the growth and development of the community, are no longer able to go forward and provide employment for the idle who seek employment?

In conclusion, this bill is certainly the proverbial straw in a great chain of bills which are being foisted upon our business. Let me say in the way of prophecy and I don't profess to be a prophet, but any party or any group which forgets the great masses of the common people or the middle classes of the American people in their tax schemes or any other schemes are going to lose the favor of that great middle class, and, therefore, I appeal to you, members of the House, and especially my Republican colleagues, to stand by the little man, to stand by the man of the average corporation, the average business, and let us not sacrifice our birthright of economic liberty and foist upon our posterity economic slavery, which is attempted to be foisted upon the businesses of the Commonwealth by this Legislature.

Mr. EBERHARTER. Mr. Speaker and members of the House, I have listened with much interest to the remarks of the gentleman from Montgomery, Mr. Longaker, but it seems to me that he forgot to mention to the House the most important and salient feature of his measure. He talked about protecting the small fellow, he talked about the tax that we are imposing upon different corporations and he talked about how difficult it was for a corporation to do business and make a profit in this state.

He forgot to mention the fact, however, that this tax is imposed upon the net profits of a corporation. In other words a corporation is getting credit under this bill for every item of expense that they are put to for all of their operating costs, they are getting credit for the depreciation of their plant and they are getting the exemption that is given to them by the Federal Government and they pay all their wages and their salaries and out of what is left as net profit this state asks them to pay six percent of that amount to help us out of the financial condition which we are in.

There is nothing unjust about this tax whatsoever if you look at it from that standpoint. We are not taxing gross receipts, we are taxing profits. At the present time there are twenty-six other states in the Union that impose this kind of a tax. Under the proposed income tax that has been introduced corporations are exempt. In other words in the future, income taxes, or under the graduated income tax, which it is proposed to pass, corporations are not included. They are entirely exempt, so that it is only fair that we should tax them on their net profits.

Corporations have privileges to do business in this state; they have certain special rights; they have the right to perpetual existence. When there is a death in the membership or among the stockholders, or the manager or superintendent, or the owners of the stock of the corporation, the corporation goes on continuously. That does not happen when there is a death of a natural person who is doing business. A corporation is able to do a larger business because it can get more capital, and therefore, it has larger returns. There are many advantages that a corporation has that an individual does not have when they are doing business. As I said before this tax is a six per cent tax. If a corporation had a net profit of ten thousand dollars, after taking into consideration all of its depreciations, all of its operating costs and every other exemption allowed by the federal government, if their profit, as I said, was ten thousand dollars their tax would only be six hundred dollars, that is over and above all other taxes in Pennsylvania, so I don't see anything unfair about this tax.

Of course, it is easy to stand by and say that we are picking on the corporations and picking on the small fellows. I don't think that follows at all from this tax. I don't see where any small fellow is being hurt. If the small corporation is not making money this tax does not affect it at all. It is easy to find fault with every tax measure. No tax measure ever introduced in any tax levying body was popular. We are all subject to arguments from persons who are effected, but I don't know of any tax that is more fair than this. Certainly when a corporation makes a profit it ought to be willing to stand some of the expenses of government.

I have listened in vain, members of the House, for some suggestion, some hint from the minority members of the House as to what taxes can be substituted for this program of the Governor. I just heard last week from a member of the minority group, that they had studied the tax measure for the last three weeks. I don't know whether the gentleman who made that remark thinks that he should be commended, but I want to say to you that the administration has been studying these measures since November 9th and has gathered together the best brains in Pennsyl-

vania, gathered together experts on taxes, persons who had been connected with the Revenue Department of the state of Pennsylvania under the Republican administration and they devised this program as being fair and equitable and less burdensome and in view of the fact that nothing has been offered as a substitute, members of the House, I think that every person should vote for this bill. I ask your support for this measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—118

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Lovett, | Ruffennach, |
| Alexander, | Downey, G. E., | Lynch, | Ruth, |
| Allen, | Downey, J. J., | Male, | Sarraf, |
| Andrews, | Eberharter, | McCreary, | Scanlon, |
| Arnold, | Eroe, | McDermott, | Schrope, |
| Aukerman, | Falkenstein, | McElroy, | Schwab, |
| Baine, | Finnerty, | McHenry, | Shaw, |
| Baker, J. J., | Fitch, | Melchiorre, | Shepard, |
| Barber, | Flanagan, | Mentzer, | Shugarts, |
| Bradley, | Flinchbaugh, | Moomaw, | Siegel, |
| Brancato, | Furman, | Mooney, | Simon, |
| Brown, H. S., | Gerard, | Moran, | Smith, J. A., |
| Brown, J. E., | Haberlen, | Moul, | Smith, W. G., |
| Brownfield, | Hagerty, | Munley, | Stank, |
| Brumbaugh, | Haluska, | Murrin, | Stevens, |
| Burke, | Hamilton, F. P., | Nagel, | Stone, |
| Cannon, | Harkins, | O'Keefe, | Sumney, |
| Caputo, | Harmuth, | Ominsky, | Tronzo, |
| Carr, | Hartman, | O'Neill, | Tumelty, |
| Carson, | Hetrick, | Panton, | Van Sickle, |
| Chervenak, | Hindman, | Patterson, C., | Walker, |
| Coakley, | Hirsch, | Patterson, J. W., | Weiss, |
| Cochran, | Holstrom, | Pearson, | Welliver, |
| Cohen, | Hoopes, | Pfaff, | Welsh, |
| Coleman, | Kilroy, | Piole, | Westrick, |
| Condon, | Kinney | Powers, | Wilson, |
| Coolahan, | Klingler, | Reising, | Yourishin, |
| Decker, | Kobelak, | Rinn, | Zappala, |
| Dent, | LaRue, | Robinson, | Sarig, |
| Diehl, | Long, | | |

NAYS—76

| | | | |
|---|---|---|---|
| Altenburg, | Greenstein, | Moore, | Sowers, |
| Atkins, | Habbyshaw, | Muir, | Sproul, |
| Baker, F. T., | Hamilton, R. S., | Nothnagle, | Stewart, |
| Baldi, | Hart, | Parks, | Stockham, |
| Bernhard, | Hefferon, | Perry, | Surface, |
| Boose, | Hermansen, | Peters, | Tahl, |
| Boyd, R., | Hoffner, | Phillips, | Terry, |
| Boyer, | Horst, | Reynolds, | Trout, |
| Brennan, | Jackson, | Rhys, | Turner, |
| Castor, | Jones, | Roan, | Wall, |
| Conner, | Kane, | Rooney, | Wasserman, |
| Cordier, | Kelder, | Root, | Weidemann, |
| Davies, | Linderman, | Schrock, | White, |
| Denning, | Longaker, | Shortz, | Wickersham, |
| Duffort, | Mallen, | Shreiner, | Witkin, |
| Ferko, | Mason, | Simpson, | Wood, |
| Gates, | McDevitt, | Sloan, | Woodside, |
| Gillette, | McKinney, | Snyder, F. E., | Yeakel, |
| Green, | Merrell, | Snyder, J. L., | Zimmerman, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. SURFACE. Mr. Speaker, I wish to vote "no" and file my reasons for so doing.

Among other provisions of this Bill one to place an extra tax on the net incomes of Mutual Fire Insurance Companies, such Companies should have no further tax imposed upon them. If the Bill be amended to eliminate this provision. I shall be glad to support it.

The SPEAKER. The Chair wishes to call the attention of the members to the fact that on page 4, of today's calendar, House Bills 842 and 840 are companion bills. House Bill No. 840 should precede House Bill No. 842 in its consideration. If there are no objections, therefore, the Chair will take up first House Bill No. 840 on final passage. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 840, as follows:

An Act to further amend section twenty four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by imposing upon certain domestic insurance companies and associations a gross premiums tax on business for the year ending one thousand nine hundred and thirty-five and every year thereafter and requiring such companies and associations to make reports in writing to the Department of Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-four of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand and ninety-three) is hereby further amended to read as follows

Section 24 It shall be the duty of the president secretary or other proper officer of each and every insurance company association or exchange incorporated by or under any law of this Commonwealth [except] including life insurance companies and companies doing business upon the mutual plan without any capital stock and purely mutual beneficial asociations whose funds for the benefit of members their families or heirs are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon to make report in writing to the Department of Revenue on or before the fifteenth day of March in each year setting forth the entire amount of premiums premium deposits contributions or assessments received by such company association or exchange during the year ending with the thirty-first day of December preceding whether the said premiums premium deposits contributions or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere and every such company association or exchange shall pay into the State Treasury through the Department of Revenue within the time prescribed by law for the payment of State taxes settled by the Department of Revenue in addition to any other taxes to which it may be liable under the first and twenty-first sections of this act a tax of eight mills on the dollar upon the gross amount of said premiums premium deposits contributions and assessments received from business transacted within this Commonwealth

Such company association or exchange in reporting for taxation may deduct from the gross premiums premium deposits contributions and assessments all amounts returned on policies cancelled or not taken and all premiums paid for reinsurance where such reinsurances are effected in companies associations and exchanges authorized to transact business in this Commonwealth by contracts or agreements entered into or executed by all parties thereto within this Commonwealth If such contract or agreement is not entered into or executed by all parties thereto within this Commonwealth such company

association or exchange in reporting for taxation may not deduct such premiums so paid unless the tax thereon is paid when due by the company in which such reinsurance is effected and mutual companies associations exchanges and stock companies with participating features which may for any reason be required to report under this act in addition to the aforesaid deductions may deduct that portion of the advanced premiums premium deposits contributions or assessments returned in cash or credited to members or policyholders whether as dividends earnings savings or return deposits upon the expiration or termination of their contracts Provided That hereafter the annual tax upon premiums of insurance companies of other states or foreign governments shall be at the rate of two per centum upon the gross premiums of every character and description received from business done within this Commonwealth within the entire calendar year preceding The penalties for failure to make report and pay the tax as herein required shall be as provided by law

Section 2 It shall be the duty of all companies and associations required to pay the tax imposed by this amendment to pay such tax upon gross income of premiums premium deposits contributions and assessments received by such companies or associations from business transacted within this Commonwealth during the year ending the thirty-first day of December one thousand nine hundred thirty-five and every calendar year thereafter

Section 3 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 4 This act shall become effective immediately upon its final enactment

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. GREENSTEIN. Mr. Speaker and members of the House, by this time I suppose we can admit that it is almost an idle gesture to debate the various phases of this tax program. The matter has pretty nearly developed itself, with little exception, upon the basis of political partisanship, but we now have before us a bill, it is the baby bill, upon which I feel that we can depart from that spirit of partisanship, and consider the merits or demerits of this bill aside from such a consideration.

In 1889, a matter of 46 years ago, the Legislature of this State saw fit to impose a millage tax of eight mills per dollar of gross premiums received by domestic insurance companies, — insurance companies organized under the laws of this State. At that time as a matter of public policy the Legislature exempted from the provisions of that bill insurance companies which were mutual in character, and having no capital stock, and beneficial societies of practically the same character. That policy has remained uninterruptedly in force since that time, but the best brains of the State of Pennsylvania, just referred to by the gentleman from Allegheny, Mr. Eberharter, now see fit, in sponsoring this measure and in giving it to us, to depart from that time honored policy.

Now, what are mutual companies? First of all, I call to the attention of the members of this body that mutual companies, without capital, stock are non-profit companies. They are not organized as a result of capital thrown into a company for the purpose of making a profit. They consist of people banded together in a mutual company for the purpose of paying among themselves the losses or casualties incurred by all of the members during any current year. The only persons who benefit from this type of company are the executives, the employes, the clerks, and people of that character who are involved or engaged purely in the administration of such a company. The people who are the policy holders in such a company consist principally of farmers, especially in remote districts of the State, and small business men; farmers, because the stock company very rarely accepts the risk of a farm, and especially so in the remote districts of the Commonwealth, so that the result is that people living in the rural communities are forced to band themselves together in this type of company in order to protect themselves from loss from unexpected sources. In urban centers and semi-urban centers, the people who compose the policy holders are small business men who because of their inability to pay the premium in a stock company, which is almost in every case higher than that of the mutual company, or because of their inability to have their risk placed with stock companies, also band themselves together with other people of similar type in a mutual company.

You have heard a great deal said during this tax program about having the taxes imposed upon those best able to pay. I fail to see where the best brains of the state of Pennsylvania could have figured out that the small policy holder in a mutual company, the small farmer who was in a company not conducted for profit, that the small business man in a mutual company not conducted for profit are the type of individual upon whom this tax program should be placed.

This bill also provides that beneficial societies, the gross amount, the gross dues and assessments paid by the members of beneficial societies shall also be taxed at the rate of eight mills upon every dollar. Who are the people that belong to these beneficial societies? Do you think for a minute that the coupon clipper belongs to a beneficial society, do you think that the malefactor of great wealth, whom we are trying to cut down, is a member of any beneficial society? Certainly not. The people who belong to beneficial societies are mostly working people, laborers, the small business men who for some reason, whether it is fraternal or because he is interested in this type of society to which he wants to belong, joins the society in an attempt to protect his family in case of misfortune occurring to him as the result of ill health or even as a result of death. Is that the type of individual whom you are seeking to tax with this sort of taxation?

There are a few other features in this bill that also require correction. First, let me say to you, as I said at the outset, that this is the baby bill of the entire program. Well, it is. All it calls for is $750,000 out of this total program of over $200,000,000, and yet because of this mere pittance we are here deliberating whether we should set aside the time honored exemption of those little fellows that belong to the mutual companies and beneficial societies.

Another thing is that this bill makes no provision to have this tax imposed during the emergency. If the idea is that we will require $200,000,000 during the next biennium, and if this bill had to be drawn, then why were not the sponsors of this bill fair enough to have limited the taxes imposed under this act for a period of two years, instead of making it as general as it was made? I say to you, members of the Honse, that of all the bills in this entire tax program, it seems to me that this is the one

that can be most easily discarded, the one that should be defeated, and defeated badly.

Mr. McCREARY. Mr. Speaker and members of the House, many of you or all of you have noticed one peculiar thing about all of these tax bills that we have been discussing. There are, I understand, about twenty-two of them, and have you noticed the peculiar thing that none of them is assessing a tax on real estate. And have you wondered why that was so? If you have spent any time thinking about it at all, you will know that it is because the real estate well is dry, and there is no use of attaching a pump to it any longer. I have taken little or no part in these arguments. One of the reasons being that I am registered as a Republican, and they tell me that I have gone over to the Democratic side. In this tax proposition there should not be any such divisions, because when these assessments or these taxes are assessed and collected, they fall alike on the Democrat and Republican and the just and the unjust, just like the rain from Heaven.

I want to corroborate what the gentleman from Philadelphia has just said, whether you believe it or not. If you vote "yes" on this particular vote, you will vote for a tax on real estate, and that is the one thing that has been avoided all the way through these taxing bills. I know it is true about this particular bill, because for forty years I belonged to one of these small insurance companies —they call them mutual companies, and I wouldn't be able to tell you how much money the farmers and the home owners have saved in the last sixty years since it was organized, in the price they have paid for their insurance. Their agent for that insurance company was here at the hearing. He said if this tax goes on, it will cost our little company up there $1,400 a year, and every dollar of that $1,400 will be taken out of the farm owners and small home owners.

This is a tax on real estate as clearly as if it was assessed on the valuation of real estate, and I feel that it is a misnomer, this tax bill should not be in this list of twenty-two, and I believe if somebody had taken the pains to explain it to the Governor, he would not have included it as one of his tax measures, because he came out boldly all during his campaign and said that he was going to relieve real estate. Every one of you that heard him say that over the radio and through the press and by his natural voice. Nobody wishes a direct tax on real estate, members of this House, and whether I am a Democrat or Republican, it does not make a bit of difference. I am going to vote "no" on it.

Mr. CLIFF PATTERSON. Mr. Speaker and members of the House, in supporting House Bill No. 840, I feel that I should present to this body some statistics and facts that may clarify the existing thought that you have in your minds, that the poor man is going to be socked.

I might state that at the present time we have some three hundred sixty-seven insurance companies in the State of Pennsylvania, which are made up as follows: Twenty-eight stock fire companies, two hundred forty-four mutual fire companies, eight miscellaneous fire companies, eleven life companies, thirteen stock and casualty companies, eleven mutual casualty companies, sixteen title casualty companies, and thirty-six banking and trust companies doing a title insurance business partially under the supervision of the Insurance Department. Of this number two hundred fifty-seven companies are tax free. These companies are listed as mutual companies, when in reality a great number of them are really stock companies.

I really wish to call your attention to the fact that since 1879 these one hundred companies have been paying a tax into the State of Pennsylvania. These other companies have been tax free. They have been extended that privilege and courtesy on account of being mutual companies.

If we would just analyse what the burden is going to be in this taxation program we would find, assuming that the maximum premium that will be paid amounts to fifty dollars a year, at eight mills, that would mean forty cents a year additional premium to be paid. Most of you know that the average mutual fire insurance company premium amounts to about fifteen to sixteen dollars a year. So you can readily see what that would amount to—some twelve cents. In regard to the beneficial societies or companies who are paying beneficial insurance, the average on that is one dollar a month. My friends, that is less than ten cents a year in additional taxes that they would pay. It is true that this tax is going to yield a small amount, seven hundred fifty thousand dollars, but seven hundred fifty thousand dollars is a lot of money, as was stated yesterday, when we are combing every department in the State of Pennsylvania for funds. I know that you will be fair about this and say that these people who have been tax free all these years are not going to have heavy burden placed upon them, that it will not amount to over fifty cents a year for each one.

In conclusion I merely wish to say that if you will analyze the figures which I have presented to you, you will see that it will not amount to more than fifty cents per year for any one individual, and I feel that every one of them would be willing to contribute fifty cents a year to the cause to which this tax is going, that is, to take care of the poor and the distressed conditions in which the state of Pennsylvania finds itself.

Mr. TROUT. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Patterson.

The SPEAKER. Will the gentleman from Washington, Mr. Patterson, permit himself to be interrogated?

Mr. CLIFF PATTERSON. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, does this act apply to the premium notes taken by a great many mutual insurance companies?

Mr. CLIFF PATTERSON. No, it does not, Mr. Speaker.

Mr. TROUT. Mr. Speaker, on page 2 of this act, it says, "preceding whether the said premiums, premium deposits, contributions or assessments were received in money or in the form of notes, credits, or any other substitutes for money," does that apply, Mr. Speaker?

Mr. CLIFF PATTERSON. Mr. Speaker, I can answer the gentleman that when the premium is paid by a note it would include the note.

Mr. TROUT. Mr. Speaker, I do not have reference to premiums being paid by notes. I have reference to premium notes given as a guarantee of the assessment, and against which the assessment in case of loss is paid. In other words, Mr. Speaker, if this tax is placed against the premium notes, the tax would be increased by probably twenty times the eight mills. It seems to me, Mr. Speaker, that this is a very important part of this measure and that it should be thoroughly clarified before the House is asked to take action on it. Would the gentleman from Washington object to having this bill returned to committee for the purpose of clarifying that particular part of it?

Mr. CLIFF PATTERSON. Mr. Speaker, I really do not feel that there is anything to be clarified here. I think the bill is very specific and plain. I do not really understand what the gentleman means by a premium note.

Mr. TROUT. Then, Mr. Speaker, why not send it back because it is necessary to clarify it. It makes a big difference between the assessment on the loss incurred or whether the assessment is on the premium notes which are taken by some mutual companies, the amount of those notes depending upon the risk.

Mr. CLIFF PATTERSON. Mr. Speaker, I think this will answer the question. It says on page three "a tax of eight mills on the dollar upon the gross amount of said premiums, premium deposit, contributions and assessments received from business transacted," and really your collateral note is not in that category.

Mr. TROUT. Well, on the question or the subject of "premiums, premium deposit, contributions or assessments were received in money or in the form of notes, credits or any other substitutes for money," it seems to me, Mr. Speaker, that before the House should be asked to vote on this bill that that particular part of the bill should be thoroughly understood. It would make a great difference in the amount of taxation as to the interpretation, of whether or not it applies to premium notes.

Mr. BARBER. Mr. Speaker, if the gentleman will refer to section 2, on page 4, I believe that he will find "associations required to pay the tax imposed by this amendment to pay such tax upon gross income." The premium note to which the gentleman refers is not an income note in any respect and does not become part of the income of the association or company, and for that reason I believe that the gentleman's objection is adequately covered by the bill, and therefore, that our action upon this bill should not be stayed but should continue.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the, yeas and nays were taken.

Mr. WITKIN. Mr. Speaker, I ask for a verification of the roll.

The Clerk read the affirmative roll.

Mr. O'NEILL. Mr. Speaker, I was standing over in the corner of the hall when the roll was called, and I desire to be recorded as voting "aye."

Mr. WITKIN. Mr. Speaker, I desire to challenge the vote of the gentleman from Lackawanna, Mr. O'Neill, for the reason that I watched that door and Mr. O'Neill did not come into the hall of this House until after the roll was called, and I don't intend to permit the statement to be made that he was over in the corner because I distinctly saw that he was not there, but that he came in after the roll was called.

The SPEAKER. The gentleman will put his challenge in writing.

Mr. KILROY. Mr. Speaker, Mr. O'Neill was sitting over there during the roll. I was holding a conversation with him.

Mr. WITKIN. Mr. Speaker, he came in afterwards.

The SPEAKER. Does the gentleman from Philadelphia Mr. Witkin, insist on his challenge?

Mr. WITKIN. I do, Mr. Speaker.

The SPEAKER. The gentleman states that he was in the hall of the House, and the gentleman from Philadelphia, Mr. Kilroy states that he was holding a conversation with him.

Mr. WITKIN. Mr. Speaker, it is with a great deal of regret that for the first time in the ten years that I have been a member of this House, and the great number of sessions that I have attended that I have to challenge the vote of a gentleman in this House, and were it not for the fact that I am so sure that the gentleman, anything said to the contrary notwithstanding, was not in the Hall of the House, I would not stand here and challenge his vote. I know that the vote means nothing and that the bill would pass without it, and were it not for the fact that I saw the gentleman walk into the Hall of this House while the gentleman from Delaware was talking, I would not challenge his vote. He sat there after the roll had been completed talking to the gentleman from Philadelphia, Mr. Kilroy, but not while the roll was being called. I object to any man making the statement that he was in the Hall of the House when he was not, and with a great deal of regret and perhaps embarrassment to me, because I am not taking the word of the gentleman when I know that that word is improper and improperly given, I must insist upon the challenge of that vote.

## CHALLENGE TO VOTE

Mr. WITKIN filed in writing the following challenge to the vote of Mr. O'Neill:

"I challenge the vote of the gentleman from Lackawanna, Mr. O'Neill, on House Bill No. 840, for the reason he was not in the Hall of the House when his name was called and walked into the House after the roll was called."

## QUESTION OF INFORMATION

Mr. KILROY. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. KILROY. Mr. Speaker, does a member have to be in the Hall of the House during the full roll call?

The SPEAKER. A member must be in the Hall of the House when his name is called and before the result is announced.

Mr. KILROY. Mr. Speaker, he was in the Hall of the House during the calling of the roll at one time because I was holding a conversation with him.

The SPEAKER. If he was in the Hall of the House when his name was called and before the result was announced he is entitled to vote.

Mr. KILROY. Mr. Speaker, he was in the Hall of the House.

Mr. WITKIN. Mr. Speaker, do I understand the Chair to rule that if the gentleman was not in the Hall of the House when his name was called but came into the Hall of the House after the roll was called that he is still entitled to vote? Because if that is the Chair's ruling the gentleman did come into the Hall of the House after the roll was called and before the announcement was made, but as I understand the rules of this House, and all prior decisions, they are that the gentleman must be in the Hall of the House when his name was called. I bow to the Speaker's ruling as to the pressing of my challenge.

The SPEAKER. The Chair will read for the information of the House Rule No. 78:

"No member shall be permitted to vote on any question unless he be present in the House when the yeas and nays are called he be present to answer to his name."

Mr. WITKIN. Mr. Speaker, if it is conceded that the gentleman was not in the Hall of the House when his name was called, and not in the Hall of the House until the complete roll had been called but arrived thereafter, is he permitted to vote?

The SPEAKER. He is not permitted to vote if he was not within the Hall of the House when his name was called.

Mr. WITKIN. May I ask then that the Speaker request the gentleman from Lackawanna, Mr. O'Neill, to state whether or not the gentleman was in the Hall of the House after the roll had been completed and was not in the Hall of the House when his name was called, because perhaps he misunderstood the situation.

Mr. O'NEILL. Mr. Speaker, I was in the Hall of the House when the Clerk started to call the roll. I just went out into that side room. When I came in I did not hear my name called and that is why I had to wait until the roll was verified to see if my name was called. That is how I knew I was not recorded as voting. I may have missed my name while I was outside that minute. I was only outside in the next room, right at the telephone. I had gotten a telephone call.

Mr. WITKIN. Mr. Speaker, if the gentleman from Lackawanna admits that he was not in the Hall of the House when his name was called and desires to vote I will ask the members of this House to give him unanimous consent to be recorded. But if he states that he was in the Hall of the House when his name was called then I press my challenge.

Mr. O'NEILL. Mr. Speaker, I went to the telephone, I will admit that. I wanted to vote on the bill but I was not in when my name was called. I wanted to vote "aye" on the bill.

Mr. WITKIN. Mr. Speaker, I ask the unanimous consent of the House to permit the gentleman from Lackawanna, Mr. O'Neill to be recorded as voting "aye" on this bill.

The SPEAKER. There being no objection the gentleman will be recorded as voting "aye."

The roll was verified and was as follows:

YEAS—113

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Long, | Robinson, |
| Alexander, | Downey, G. E., | Lovett, | Ruffenach, |
| Andrews, | Downey, J. J., | Lynch, | Ruth, |
| Arnold, | Eberharter, | Male, | Sarraf, |
| Aukerman, | Eroe, | McDermott, | Scanlon, |
| Baine, | Falkenstein, | McElroy, | Schrope, |
| Baker, J J. | Finnerty, | McHenry, | Schwab, |
| Barber, | Fitch. | Melchiorre, | Shaw, |
| Bradley, | Flanagan, | Mentzer, | Shepard, |
| Brancato, | Flinchbaugh, | Moomaw, | Shugarts, |
| Brown, H S., | Furman, | Mooney, | Siegel, |
| Brown, J. E., | Gerard, | Moran, | Simon, |
| Brownfield, | Haberlen, | Moul, | Smith, J. A., |
| Brumbaugh, | Hagerty, | Munley, | Smith, W. G., |
| Burke, | Haluska, | Murrin, | Stank, |
| Cannon, | Hamilton, F. P., | Nagel, | Stevens, |
| Caputo, | Harkins, | O'Keefe, | Stone, |
| Carr, | Harmuth, | Ominsky, | Tronzo, |
| Carson, | Hartman, | O'Neill, | Tumelty, |
| Chervenak, | Hetrick, | Panton, | Van Sickle, |
| Coakley, | Hindman, | Patterson, C., | Walker, |
| Cochran, | Hirsch, | Patterson, J. W., | Weiss, |
| Cohen, | Holstrom, | Pearson, | Welliver, |
| Coleman, | Kilroy, | Pfaff, | Welsh, |
| Condon, | Kinney, | Piole, | Westrick, |
| Coolahan, | Klingler, | Powers, | Yourishin, |
| Decker, | Kobelak, | Reising, | Zappala, |
| Dent, | LaRue, | Rinn, | Sarig, |
| Diehl, | | | |

NAYS—79

| | | | |
|---|---|---|---|
| Atkins, | Hamilton, R. S., | Muir, | Stewart, |
| Baker, F. T., | Hart, | Nothnagle, | Stockham, |
| Baldi, | Hefferon, | Parks, | Surface, |
| Bernhard, | Hermansen, | Perry, | Tahl, |
| Boose, | Hoffner, | Peters, | Terry, |
| Boyd, R., | Hoopes, | Phillips, | Trout, |
| Boyer, | Horst, | Reynolds, | Turner, |
| Brennan, | Jackson, | Rhys, | Van Allsburg, |
| Castor, | Jones, | Roan, | Wall, |
| Conner, | Kane, | Root, | Wasserman, |
| Cordier, | Kelder, | Schrock, | Weidemann, |
| Davies, | Linderman, | Schwartz, | White, |
| Denning, | Longaker, | Shortz, | Wickersham, |
| Duffort, | Mallen, | Shreiner, | Wilson, |
| Ferko, | Mason, | Simpson, | Witkin, |
| Flynn, | McCreary, | Sloan, | Wood, |
| Gillette, | McDevitt, | Snyder, F. E., | Woodside, |
| Green, | McKinney, | Snyder, J. L., | Yeakel, |
| Greenstein, | Merrell, | Sowers, | Zimmerman, |
| Habbyshaw, | Moore, | Sproul, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. SURFACE. Mr. Speaker, I desire to vote "no" and file my reasons for so doing.

I do not vote for this bill because it contains a provision for a tax of eight mills of the gross premiums on Mutual Fire Insurance Companies. These Companies are nonprofit sharing and are hard pressed to exist and mutually take care of the losses from fires destroying the property of their members, any of them will be put out of business by such increased costs.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 842, as follows:

An Act to further amend section seven hundred and thirteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring certain domestic insurance companies and associations to make certain reports in writing to the Department of Revenue on the fifteenth day of March one thousand nine hundred and thirty-five and every year thereafter

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That section seven hundred and thirteen of an act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred and seventy-four) is hereby further amended to read as follows

Section 713 Reports by Domestic Insurance Companies It shall be the duty of the president secretary or other proper officer of each and every insurance company association or exchange incorporated by or under any law of this Commonwealth [except] including companies doing business upon the mutual plan without any capital stock and purely mutual beneficial associations whose funds for the benefit of members their families or heirs are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon to make report to the Department of Revenue on or before the fifteenth day of March in each year showing the entire amount of premiums premium deposits contributions or assessments received by such company association or exchange during the year ending with the thirty-first day of December preceding whether the said premiums premium deposits contributions or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere In such report the reporting officer shall assess the tax provided by law upon the gross amount of such premiums premium deposits and assessments received from business transacted within this Commonwealth during such year but in making such report to the Department of Revenue and assessment of tax every such company association and exchange may make the deductions permitted by law

Section 2 It shall be the duty of the president secretary or other proper officer of each and every company and association required by this amendment for the first time to make report to the Department of Revenue to make such first report on or before the fifteenth day of one thousand nine hundred thirty-six showing the entire amount of premiums premium deposits contributions or assessments received by such company or association during the year ending with the thirty-first day of December one thousand nine hundred and thirty-five whether the said premiums premium deposits contributions or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere

Section 3 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 4 This act shall become effective immediately upon its final enactment

And said bill haivng been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—131

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Lovett, | Robinson, |
| Alexander, | Downey, J. J., | Lynch, | Ruffennach |
| Allen, | Eroe, | Male, | Ruth, |
| Andrews, | Falkenstein, | Mason, | Sarraf, |
| Arnold, | Finnerty, | McCreary, | Scanlon, |
| Aukerman, | Fitch, | McDermott, | Schrope, |
| Baine, | Flanagan, | McElroy, | Schwab, |
| Baker, J J., | Flinchbaugh, | McHenry, | Shaw, |
| Barber, | Flynn, | Melchiorre, | Shepard, |
| Bernhard, | Furman, | Mentzer, | Shugarts, |
| Bradley, | Gerard, | Merrell, | Siegel, |
| Brancato, | Haberlen, | Moomaw, | Simon, |
| Brennan, | Hagerty, | Mooney, | Smith, J. A., |
| Brown, H. S., | Haluska, | Moran, | Smith, W. G., |
| Brown, J. E., | Hamilton, F. P., | Moul, | Stank, |
| Brownfield, | Harkins, | Muir, | Stevens, |
| Brumbaugh, | Harmuth, | Munley, | Stone, |
| Burke, | Hartman, | Murrin, | Terry, |
| Cannon, | Hermansen, | Nagel, | Tronzo, |
| Caputo, | Hetrick, | O'Keefe, | Tumelty, |
| Carr, | Hindman, | Ominsky, | Van Allsburg, |
| Carson, | Hirsch, | O'Neill, | Van Sickle, |
| Chervenak, | Holstrom, | Panton, | Walker, |
| Coakley, | Hoopes, | Patterson, C., | Weiss, |
| Cochran, | Jackson, | Patterson, J. W., | Welliver, |
| Cohen, | Kelder, | Pearson, | Welsh, |
| Coleman, | Kilroy, | Peters, | Westrick, |
| Condon, | Kinney, | Pfaff, | Wilson, |
| Coolahan, | Klingler, | Piole, | Yourishin, |
| Decker, | Kobelak, | Powers, | Zappala, |
| Dent, | LaRue, | Reising, | Zimmerman, |
| Diehl, | Long, | Rinn, | Sarig, |
| Dilley, | Longaker, | Roan, | |

NAYS—62

| | | | |
|---|---|---|---|
| Altenburg, | Green, | Parks, | Sproul, |
| Atkins, | Greenstein, | Perry, | Stewart, |
| Baker, F. T., | Habbyshaw, | Phillips, | Stockham, |
| Baldi, | Hamilton, R. S., | Reynolds, | Surface, |
| Boose, | Hart, | Rhys, | Tahl, |
| Boyd, R., | Hefferon, | Root, | Trout, |
| Boyer, | Hoffner, | Schrock, | Wall, |
| Castor, | Horst, | Schwartz, | Wasserman, |
| Conner, | Jones, | Shortz, | Weidemann, |
| Cordier, | Kane, | Shreiner, | White, |
| Davies, | Linderman, | Simpson, | Wickersham, |
| Denning, | Mallen, | Sloan, | Witkin, |
| Duffort, | McDevitt, | Snyder, F. E., | Wood, |
| Ferko, | McKinney, | Snyder, J. L., | Woodside, |
| Gates, | Moore, | Sowers, | Yeakel, |
| Gillette, | Nothnagle, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 977, entitled:

An Act To amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance

of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" is hereby amended to read as follows

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. SHUGARTS. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1067, as follows:

An Act To amend section twenty-five of the act approved the tenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred sixty-six) entitled "An act relative to the establishment and jurisdiction of magistrates courts in Philadelphia and creating a board of magistrates providing for a chief magistrate prescribing their powers and duties providing for clerks establishing a central administrative office imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates courts including payment of all salaries fixing salaries and restricting magistrates to duties of office and repealing certain prior acts" by changing the time of holding the election for the office of chief city magistrate and the term thereof and terminating the term of the chief magistrate now in office

Section 1 Be in enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-five of the act approved the tenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred sixty-six) entitled "An act relative to the establishment and jurisdiction of magistrates courts in Philadelphia and creating a board of magistrates providing for a chief magistrate prescribing their powers and duties providing for clerks establishing a central administrative office imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates courts including payment of all salaries fixing salaries and restricting magistrates to duties of office and repealing certain prior acts" is hereby amended to read as follows

Section 25 From and after the thirtieth day of June one thousand nine hundred and twenty-seven there shall be a board of magistrates consisting of a chief city magistrate and such other magistrates as are provided in this act [On the first day of July one thousand nine hundred and twenty-seven or as soon thereafter as practicable the magistrates shall assemble and by a majority vote of the whole body in office elect from among their number a chief city magistrate to act as such from said first day of July for the remainder of the term for which he shall have been elected or appointed as magistrate and before the expiration of said term the magistrates by a majority vote of the whole body in office shall elect from among their number a chief city magistrate to act as such in succession to him whose term as magistrate is about to expire and to hold office from and after the expiration of said term until his own term as magistrate shall expire and so on from time to time thereafter as the term of office of any magistrate who has been elected chief city magistrate shall be about to expire the magistrates by a majority vote of the whole body in office shall elect from among their number a chief city magistrate to serve until his own term as magistrate shall expire] The term of the chief magistrate in office upon the effective date of this act shall terminate on the first Monday of January one thousand nine hundred and thirty-six and on said date and annually thereafter the magistrates shall assemble and by a majority vote of the whole body in office elect from their number a chief city magistrate for the term of one year Provided however That any magistrate [upon being re-elected to office as such magistrate] shall continue eligible to re-election from time to time as chief city magistrate The chief city magistrate in addition to the exercise of all the powers of a magistrate shall be the administrative head of and have general supervision of the business of all of the courts held by magistrates as provided for in this act or as otherwise provided by law and he shall preside and be entitled to vote at all meetings of the board of magistrates Subject to the provisions of this act he shall prescribe the hours for attendance of magistrates and of clerks and employes thereat He shall establish and supervise a system for keeping the records of the magistrates courts and shall have such other powers and duties as are provided in this act or as otherwise provided by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 802 (Senate Bill No. 56), entitled:

An Act to amend clause (d) of section ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and non-resident real estate brokers and real estate salesmen and their business," as amended, by defining the powers of the courts on appeals from the Department of Public Instruction.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1161 (Senate Bill No. 108), as follows:

An Act to amend paragraph six of section thirteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pam-

phlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph six of section thirteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

6. Regulations governing the reinstatement of persons who without fault or delinquency on their part have resigned or have been separated from the service Provided That persons who have voluntarily resigned from the service shall not be reinstated within six months Provided however That the civil service commission shall not certify for appointment to the Director of Public Safety any policeman or fireman under probationary appointment or otherwise in the event of vacancies occurring in the department or any increase in the number of policemen and firemen required to be filled if there are available for appointment policemen or firemen who without fault or delinquency on their part have been separated from the service And provided further That the civil service commission shall not hold any examination for any vacancies existing as aforesaid until such list of policemen and firemen separated as aforesaid shall have been exhausted by appointment to such vacancies and further provided that any policeman or fireman who has been separated from the service without fault or delinquency on his part is hereby reinstated upon the civil service eligible list for policemen or firemen without any further examination whether physical or otherwise and further provided however that any policeman or fireman reinstated in accordance with the provisions of this act shall not be entitled to any pay or compensation for the period during which he was separated from the said service and not actively engaged in the performance of the duties of a policeman or a fireman

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## TIME EXTENDED ON BILL

Mr. SCHWARTZ. Mr. Speaker, I move that the time on House Bill No. 357, Printer's No. 278, entitled:

An Act to amend clause (b) of section eight hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by requiring front registration plates to be illuminated.

on page 9 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## BILL ON THIRD READING

Mr. McDEVITT asked and obtained unanimous consent to call up out of order House Bill No. 1485, Senate Bill No. 152, Printer's No. 124, on page 15, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McDEVITT

The House resumed the consideration on third reading of House Bill No. 1485 (Senate Bill No. 152), entitled:

An Act authorizing the exoneration of taxes assessed or levied against any property purchased for hospital uses upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. McDEVITT. Mr. Speaker, I move that this be recommitted to the Committee on Judiciary General for the purpose of amendment.

The motion was agreed to.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Agriculture will meet immediately after this session in the usual place.

The Committee on Banking will meet immediately after this session in room 323.

The Committee on Forestry will meet tomorrow morning at 9:00 o'clock in room 323.

The Committee on Boroughs and Townships will meet tomorrow morning at 9:30 o'clock instead of 10:30 o'clock in room 324.

The Committee on Federal Relations will meet tomorrow morning at 9:30 o'clock in room 325.

The Committee on Public Health and Sanitation will meet tomorrow morning at 10:00 o'clock in room 325.

The Committee on Counties will meet tomorrow morning at 10:30 o'clock in room 324.

The Committee on Building and Loan Associations will meet tomorrow morning at 10:30 o'clock in room 326.

The Committee on Mines and Mining will meet in the Conference Room to the left of the Speaker in rear of the Hall of the House immediately after today's session.

The Committee on Insurance will hold a public hearing on House Bill No. 188 at 2:00 o'clock this afternoon in room 401.

The Committee on Judiciary Special will not meet today. Notice of tomorrow's meeting will be read later.

The Committee on Law and Order will not meet tonight,

The Committee on Military Affairs will not meet tomorrow.

## ADJOURNMENT

Mr. KOBELAK. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11:00 o'clock A. M.

The motion was agreed to, and (at 2:18 o'clock P. M.) the House adjourned until Wednesday, March 27, 1935, at 11:00 o'clock A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, MARCH 27, 1935 No. 36

## SENATE

WEDNESDAY, March 27, 1935.

The Senate met at 10 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Give unto us, O God, the desire which prompted the disciples of our Master to pray, "Lord increase our faith." May our faith grow stronger as we grow older in years and richer in experience.

Grant us such confidence in Thy power and Thy care over us that we may say in every time of danger and temptation, "What time I am afraid I will trust in Thee." Then may we so increase our knowledge of Thy power to help in times of stress as to be able to say, "I will trust and not be afraid." Perfect love casteth out fear. Thy love for us is perfect; make our love for Thee as perfect as is Thine for us.

May the members of this Senate be governed in their actions by such implicit faith in God as to be able fearlessly to do their duty, trusting results with Thee.

Thus we pray in the Master's name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BUCKMAN, the further reading was dispensed with, and the Journal was approved.

### PETITIONS

#### PROTESTING AGAINST FURTHER AMENDING THE SUNDAY LAWS

Mr. GRAFF presented petitions signed by numerous residents of Armstrong County protesting against further amendments to the Sunday laws.

Which were referred to the Committee on Law and Order.

#### FAVORING AMENDMENT OF THE LIQUOR LAWS

Mr. REED (Washington) presented petitions of the Bible Class of the First Presbyterian Church of Burgettstown, Pa., and various other organizations of Washington County favoring the amendment of the liquor law.

Which were referred to the Committee on Law and Order.

#### FAVORING LEGISLATION WHICH WILL PRESERVE SABBATH LAWS

Mr. REED (Washington) presented petition from the Woman's Christian Temperance Union, Washington County, favoring all bills that will preserve the "Sanctity of the Christian Sabbath."

Which was referred to the Committee on Law and Order.

#### FAVORING LEGISLATION TO PREVENT STREAM POLLUTION

Mr. THOMPSON (Westmoreland) presented petitions signed by 17,500 citizens of central and eastern Pennsylvania, also petitions containing the names of 10,000 citizens of numerous cities and towns in western Pennsylvania, favoring the passage of Senate Bill No. 773 (House Bill No. 100), to abate stream pollution.

Which were referred to the Committee on Forests and Waters.

### REPORTS FROM COMMITTEE

Mr. CLARK, from the Committee on Appropriations reported as committed, Senate Bill No. 298, entitled:

An Act making an appropriation to the Zoar Home for Mothers, Babies and Convalescents at Allison Park, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 299, entitled:

An Act making an appropriaiton to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 364, entitled:

An Act making a deficiency appropriation to the Department of Welfare, for the Dixmont Hospital, Dixmont, Allegheny County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 367, entitled:

An Act making an appropriation to the Allegheny Valley Hospital at Tarentum, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 368, entitled:

An Act making an appropriation to the Sewickley Valley Hospital Association, Incorporated, of Allegheny County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 369, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 370, entitled:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania, at Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 371, entitled:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania, at Pittsburgh, Pennsylvania, for deficiencies.

## BILLS INTRODUCED

Mr. CHAPMAN read in his place and presented to the Chair, Senate Bill No. 728, entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by extending route 61012 in the Town of Pittsfield, Township of Pittsfield, Warren County.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 729, entitled:

An Act to establish as a State highway a certain section of public road in the Counties of Elk and Warren, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. THOMPSON (Westmoreland) read in his place and presented to the Chair, Senate Bill No. 730, entitled:

An Act to amend section one of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 218, 1933-1934), entitled "An act authorizing counties, cities, boroughs, townships, incorporated towns, poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds, and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding, and limiting any compensation payable therefor," extending said act to issues where any of the bonds thereof have matured.

Which was committed to the Committee on Municipal Government.

## SPECIAL ORDER OF BUSINESS POSTPONED

Mr. THOMSON (Centre). Mr. President I move that consideration of Senate Bill No. 660 (House Bill No. 839) which was made a Special order of business for 10:30 this morning be postponed until 11 o'clock.

Mr. BUCKMAN. Mr. President I second the motion.

The motion was agreed to.

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 731, entitled:

An Act providing for the merging of money held in certain special funds in the State Treasury with moneys in the General Fund; providing for the use of all moneys in the General Fund for the payment of appropriations and for the payment from the General Fund of moneys appropriated and dedicated for special purposes.

Which was committed to the Committee on Finance.

Mr. CLARK (by Request) read in his place and presented to the Chair, Senate Bill No. 732, entitled:

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission.

Which was committed to the Committee on Appropriations.

## RECESS

Mr. BUCKMAN. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## COMMUNICATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows,

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

If it meets with the approval of the Senate, I should like to address the Members this morning at 11:00 o'clock.

GEORGE H. EARLE.

## COMMITTEE TO ESCORT THE GOVERNOR

Mr. BATCHELOR offered the following resolution, which was twice read, considered and agreed to:

In the Senate, March 27, 1935.

Resolved, That a committee of three members of the Senate be appointed to escort His Excellency, the Governor of the Commonwealth, to the Hall of the Senate to address the members of the Senate at 11 A. M., March 27, 1935.

The PRESIDENT. On behalf of the President Pro-Tempore the Chair announces as said committee the Senator from Beaver, Mr. Batchelor, the Senator from Centre, Mr. Thompson and the Senator from Philadelphia, Mr. McCreesh.

## SPECIAL ORDER POSTPONED

Mr. BUCKMAN. Mr. President, I move that the Special Order fixed for 10:30 A. M., for the consideration of Senate Bill No. 660 (House Bill No. 839), known as the gasoline tax bill, be postponed until 11:30 this morning.

Mr. PYTKO. Mr. President, I second the motion.

The motion was agreed to.

## ADDRESS OF THE GOVERNOR

Mr. BATCHELOR. Mr. President, I have the honor to present His Excellency, the Governor of the Commonwealth.

The PRESIDENT. Members of the Senate, I have the honor to present his Excellency, the Governor of the Commonwealth.

The GOVERNOR. On February 12, 1935—six weeks ago—as Governor of the Commonwealth of Pennsylvania, I recommended to the Legislature a program of emergency taxation to meet the economic crisis now present in this Commonwealth.

After fair hearings on bills embodying the Administration's recommendations, the House of Representatives has passed the program practically in its entirety.

The Senate is scheduled to vote this morning on the first of these bills; the tax on gasoline. Before this vote is cast, I would like to make the following statement:

The Commonwealth of Pennsylvania must have cash, and must have it immediately, to prevent our hospitals, our universities and public schools from closing, and to give succor to our old people, our blind and unemployed.

My proposal to raise this immediately necessary cash is a tax on tobacco, gasoline and amusements. No one of these taxes will be a burden upon the poor. If your Honorable Body defeats these three taxes, you will be faced with the proposal of a general sales tax which will tax meat, fish, bread, milk, clothing and other necessities of life—a direct burden upon our poor, hundreds of thousands of whom are already barely able to exist. I repeat again I am unalterably opposed to this subtly vicious tax.

And let me point also that the Federal Emergency Relief Administrator, on Monday last, served notice that Pennsylvania by April 15 must meet its fair share of the present approximately $20,000,000 monthly cost of unemployment relief in Pennsylvania, by contributing $5,000,000 monthly for unemployment relief.

The question resolves itself down to this—the providing of immediate cash to meet the crisis, or the discontinuance of Federal aid.

Think well, Gentlemen of the Senate, before you replace taxes on gasoline, amusements and tobacco, which are, after all, semi-luxuries—think well, I say, before you replace these taxes by attempting to tax the absolute necessities of life.

Gentlemen of the Senate, I thank you for your consideration.

The PRESIDENT. On behalf of the Senate I express thanks and appreciation of your presence here this morning.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### MEMBER OF WORKMEN'S COMPENSATION BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

David L. Ullman, 4845 Pulaski Avenue, Philadelphia, Philadelphia County, as a member of the Workmen's Compensation Board, vice Arthur C. Dale, whose term expired, to serve until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE.

That the Senate do advise and consent to the nomination reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Huffman, | Prince, | Staudenmeier, |
| Buckman, | Hunsicker, | Pytko, | Thompson, |
| Cavalcante, | Kahle, | Rankin, | (Centre) |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Westmoreland) |
| Coyne, | Mallery, | Reed, | Trainer, |
| Ealy, | McClure, | (Washington) | Woodward, |
| Frey, | McCreesh, | Rice, | Ziesenheim, |
| Gelder, | McGinnis, | Roberts, | |
| Graff, | Miller, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. BUCKMAN. Mr. President, I move that the Executive Session do now rise.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

W. E. Shipe, 612 Pennsylvania Station, Pittsburgh.
Milton K. Susman, 527 Fifth Avenue, Pittsburgh.
Miss Ruth C. Thompson, 331 Fourth Avenue, Pittsburgh.

BUTLER COUNTY

Mrs. Estella Lerner, Cabot.

CAMBRIA COUNTY

Miss Mary K. Kearns, Johnstown.

CLEARFIELD COUNTY

Miss Margaret M. Rakestraw, DuBois

ERIE COUNTY

Miss Bertha F. Grehl, Erie.

LUZERNE COUNTY

Dominic A. Antonelli, West Hazleton.

PHILADELPHIA COUNTY

Miss Helene Nathanson, 1700 Bankers Securities Building, Philadelphia.
Dominick A. Papale, 2211 Island Road, Philadelphia.
Miss Helen L. Soncini, 711 Market Street National Bank Building.

SCHUYLKILL COUNTY

Luigi Fanelli, Pottsville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Miss Gertrude G. Curran, Duquesne, March 30, 1935.
David E. Shannon, McKees Rocks, March 31, 1935.

PHILADELPHIA COUNTY

Miss Elizabeth M. Marr, Philadelphia, April 1, 1935.

ALLEGHENY COUNTY

Cornell M. Black, Pittsburgh, April 13, 1935.
Miss Viola K. Henderson, Pittsburgh, April 13, 1935.

FAYETTE COUNTY

Edward Hay, Uniontown, April 30, 1935.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of ocnfirmation:

Ihaiah Sames, of Upper Black Eddy, Bucks County, as Justice of the Peace in the Township of Bridgeton, Bucks County, until the first Monday in January, 1936.

Cyrus E. Dunlap, of R. D. 3, Mercer County, as Justice of the Peace in the Township of Jackson, Mercer County, until the first Monday in January, 1936.

GEORGE H. EARLE.

## HOUSE MESSAGE

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 149

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, March 26, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 149, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated.

be recalled from the Governor for the purpose of amendment.

## BILL INTRODUCED

Mr. SHAPIRO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO read in place and presented to the Chair, Senate Bill No. 733, entitled:

An Act making an appropriation to the Wills Eye Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. McGINNIS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS read in place and presented to the Chair, Senate Bill No. 734, entitled:

An Act making an appropriation to the Allegheny General Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

## BILL OVER IN ORDER

Mr. HOWELL. Mr. President, I ask unanimous consent that Senate Bill No. 31, on third reading, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 141, entitled:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided and if the taxes due on such real estate for the tax year one thousand nine hundred and thirty-five are paid at the time prescribed by law for the payment of taxes

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six twenty per centum on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine

If any taxpayer availing himself of the provisions of this act shall fail to pay any instalment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for non payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HUFFMAN. Mr. President, I move to amend title, page 1, line 3 of title, by striking out the strike-out bracket before the word "except"; amend title, page 1, line 4 of title, by striking out the strike-out bracket after the word "class"; amend section 1, page 1, line 6, by striking out the strike-out brackets before the word "except" and after the word "class"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 327, entitled:

An Act making an appropriation to the Northeastern Hospital of Philadelphia, Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Harvey, | Norton, | Rodgers, |
| Baumer, | Homsher, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 352 on third reading, entitled:

An Act to reenact and amend the act approved the twenty-third of March one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four) entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases" extending said act to all courts of record

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 327, on third reading, entitled:

An Act making an appropriation to the Northeastern Hospital of Philadelphia Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 574 (House No. 1006), entitled:

An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 579, as follows:

An Act authorizing the transfer to and the acceptance by the Commonwealth of the Chester County Hospital for the Insane at Embreeville including the grounds annexed thereto and the buildings thereon providing for the development improvement and enlargement thereof for use as a State mental hospital permitting the Chester county and poor district authorities to continue to use said hospital or other buildings for certain purposes for a limited time and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the Same That the Department of Welfare with the approval of the Governor is hereby authorized to accept for and on behalf of the Commonwealth a grant and conveyance by the county of Chester without consideration of the Chester County Hospital for the Insane together with the grounds thereto annexed and other buildings connected therewith for the purpose of developing improving and enlarging such hospital grounds and buildings for use as a State mental hospital No such grant shall be made or accepted until the proper authorities of the county of Chester shall by resolution authorize and direct such transfer to be made particularly describing the grounds and buildings to be transferred and power is hereby conferred upon the proper authorities of such county to authorize such grant and conveyance Upon acceptance of such grant the Commonwealth shall improve develop and enlarge such hospital grounds and other buildings in order to make them suitable for use as a State mental hospital serving Chester County and the city and county of Philadelphia Provided That the acceptance of such grant and conveyance on behalf of the Commonwealth shall impose upon the Commonwealth the responsibility of accepting all legally committed insane patients from Chester County and Provided That the county or poor district authorities of such county as the case may be may continue to maintain in the manner provided by law mental patients in such hospital until the first day of June one thousand nine hundred and thirty-seven at which time the Commonwealth shall assume full control and operation of such premises as a State mental hospital

Section 2 The sum of one million dollars ($1,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the repair alteration and improvement of existing buildings and for the erection and construction of additional buildings on the site authorized to be acquired by the Commonwealth under this act and for the payment of the cost of necessary plans specifications advertising for bids supervision architectural and engineering fees grading and improvement of the land comprising the site of such hospital and other incidental expenses necessary for carrying out the purposes of this act

Section 3 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 580, entitled:

An Act making an appropriation to the Simon H. Barnes Memorial Hospital, of Susquehanna, Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bennett, | Howell, | Prince, | Staudenmeier, |
| Buckman, | Huffman, | Pytko, | Thompson, |
| Cavalcante, | Hunsicker, | Rankin, | (Centre) |
| Chapman, | Kahle, | Reed, | Thompson, |
| Clark, | Lanius, | (Dauphin) | (Westmoreland) |
| Coyne, | Mallery, | Reed, | Trainer, |
| Ealy, | McClure, | (Washington) | Woodward, |
| Frey, | McCreesh, | Rice, | Ziesenheim, |
| Gelder, | McGinnis, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 598, entitled:

An Act making an appropriation to the Hcme for Friendless Children in the City of Reading Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 599, entitled:

An Act making an appropriation to the Beaver Valley General Hospital at New Brighton Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows,viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

The PRESIDENT. By the action of the Senate this morning, the hour of 11:30 was fixed as a special order for the consideration of Senate Bill No. 660, House Bill No. 839, which is on the calendar (Page 1) for third reading.

## BILL ON THIRD READING AND FINAL PASSAGE

### SPECIAL ORDER

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 660 (House Bill No. 839), on third reading, special order of business, as follows:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149), entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by increasing said tax for a limited period of time and providing for the distribution thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are here amended to read as follows:

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Providing That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax an additional emergency State tax of two cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth as aforesaid for the period commencing on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred thirty-seven Provided however That the Governor may by this proclamation at any time prior to said date suspend the imposition and collection of said additional tax for the reason that the revenues therefrom are no longer needed for the purpose of unemployment relief

Distributors shal lbe liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest on bonds issued for highways and bridge purposes The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withhold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the tax collected under the provisions of this act all penalties and interest and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law

(c) The entire amount of the additional emergency tax of two cents per gallon or fractional part thereof collected under the provisions of this act shall be paid into the General Fund

Section 2 This act shall become effective the first day of the month succeeding its final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON (Centre). Mr. President, through inadvertence some minor errors have crept into this bill that should be corrected before final action. On page 3 of the bill, line 20 reads as follows: "that the Governor by this proclamation" should be corrected to read "his proclamation," and in line 21, page 5, there should be inserted before the word tax the word "permanent."

Mr. President, I move that the vote by which the bill passed second reading be reconsidered for the purpose of amendment.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, this bill has been set, reset and set again for final passage, and there is no need of further delay to pass upon this bill in the Senate, for this reason: the bill was passed by the House, sent to the Senate, was amended on the floor of the Senate this week. It will, therefore, have to go back to the House for concurrence and for amendment, and any typographical errors, or otherwise, or errors and substitutions, or otherwise, and additions, can be made in the House committee, without delaying the passage of this bill, when, as and if it is passed by the Senate; and I, therefore, say to the members of this Senate that it is time for voting on this bill, and I, for one, will oppose the offering of any amendment for this bill this morning which would cause delay by reason of requiring its reprinting.

Mr. THOMPSON (Centre). Mr. President, this bill has been juggled around on the calendar with nowise the facility that Senate Bill No. 31 has been, and I do not think it is unreasonable to request that the vote by which the bill passed second reading be reconsidered for the purpose of amendment. The fact that the House has another shot at the bill does not say that we should not correct errors that are obvious in the terms of the bill,

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON (Centre) and Mr. CAVALCANTE and were as follows, viz:

YEAS—19

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Rupp, |
| Frey, | McGinnis, | (Washington) | Thompson, |
| Huffman, | Miller, | Rice, | (Centre) |
| Kahle, | Pytko, | Roberts, | Trainer, |
| Lanius, | | | |

NAYS—26

| | | | |
|---|---|---|---|
| Batchelor, | Gelder, | McClure, | Shapiro, |
| Bennett, | Graff, | Norton, | Staudenmeier, |
| Buckman, | Harris, | Owlett, | Thompson, |
| Chapman, | Homsher, | Pierson, | (Westmoreland) |
| Clark, | Howell, | Prince, | Woodward, |
| Coyne, | Hunsicker, | Reed, | Ziesenheim, |
| Ealy, | Mallery, | (Dauphin) | |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, His Excellency, the Governor, is inconsistent in recommending a tobacco tax and a gasoline tax instead of a general sales tax, because they are intrinsically sales taxes. I hold in my hand replies from Governors of various States in reference to the general sales tax.

A national survey is being conducted by one of the large national organizations, with a membership of 2,000,000,000, to secure information on methods used in meeting the financial burden imposed by unemployment relief, old age pensions, etc. The following telegram was sent to the Governors of the various states having sales tax laws:

"We would greatly appreciate a telegram from you answering the following questions:

1. Has the sales tax been satisfactory as a revenue producer?

2. Have you experienced any serious difficulties in its administration?

3. Do you feel that there has been any serious evasion of the tax?

4. Has it been your experience that opposition to the tax soon disappears after it is put into effect and the people become accustomed to it?

5. Has this tax been effective in relieving the financial necessities of the state?

6. Has it strengthened your ability to relieve unemployment distress?"

Attached are copies of replies so far received.

Raleigh, North Carolina, March 25, 1935.

"Replying to your telegram:

1. The three per cent sales tax in our state with certain basic food exemptions will this year approximate seven and one half million dollars.

2. We have experienced no serious difficulty in administration.

3. There have been some evasions under the exemption provisions and the usual percentage of administrative difficulties attendant upon any tax collection.

4. There is less opposition than at the time of its original enactment as is evidenced by the fact that our present sitting legislature will probably reenact it without the exemptions. The House of Representatives having passed a bill to this effect yesterday.

5. The returns from this tax are turned into our general fund and they enabled the state during the last two years to take over the responsibility for a full eight months of school throughout the Commonwealth, North Carolina being perhaps the only state in the Union that kept all schools open last year for the full eight months term. The tax goes into the general fund sixty-five per cent of which supports our school program. Thus we have been able through this tax to balance our budget and meet all obligations promptly and in cash as well as reduce greatly our tremendous load of indebtedness.

(Signed)
J. C. B. EHRINGHAUS, Governor."
(Democrat.)

Springfield, Ill., March 23, 1935.

"Honorable Governor Horner has referred your wire to this department. Answering questions regarding our experience with retailers occupation tax act:

1. Our act producing approximately $39,000,000 per annum.

2. Have experienced no serious difficulties in administering act.

3. There has been no important measure of evasion.

4. After act was in force a short time practically all opposition due from retailers disappeared. Only consumer opposition due to absence of currency less than one cent. This department taking steps to provide fractional stamps in mill denominations; that should eliminate all consumer opposition.

5. Act has put Illinois on sound financial basis.

6. Act enabled state to meet extraordinary demands for money to relieve unemployment distress.

(Signed)
S. D. NUDELMAN, Assistant to Director,
Department of Finance."
(Governor-Democrat.)

Des Moines, Iowa, March 23, 1935.

"Answering telegram, sales tax does produce revenue; no serious difficulties; no evasions; opposition to the tax disappears after it is understood. I believe it to be a most fair and efficient tax.

(Signed)
CLYDE L. HERRING, Governor of Iowa."
(Democrat.)

Charleston, West Virginia, March 23, 1935.

"Consumer's sales tax satisfactory in West Virginia. Experience no serious difficulty in administration. No extensive attempt to evade. Opposition faded when necessary for tax understood by people. Tax has been effective in maintaining our free schools to which it is applied. This tax spreads the unusual Government requirements over the broadest base and I believe it is absolutely fair when placed in the background of our whole tax structure.

(Signed)
H. G. KUMP, Governor."
(Democrat.)

Indianapolis, Indiana, March 23, 1935.

"Indiana has no sales tax but gross income tax on all types income including sales. First—produces satisfactory revenue, $13,000,000 annually. Second—No serious administration difficulties. Third—Evasion probably less than on most types of tax. Fourth—Principal opposition from organized retail merchants who want consumers sales tax. Fifth—Has kept schools open, lowered property tax and balanced state and local budgets Sixth—Majority of revenue for schools and not for relief. Published material follows.

(Signed)
PAUL V. McNUTT, Governor."
(Democrat.)

Pierre, South Dakota, March 25, 1935.

"In re your letter March 22 gross income tax now operating in this state. General sales tax enacted by 1935 legislature effective July 1, 1935.

(Signed)
TOM BERRY."
(Democrat.)

Phoenix, Arizona, March 23, 1935.

"Sales tax in Arizona has been entirely satisfactory. Legislature just reenacted broadening scope of same. No serious difficulties in administration. Very small percentage of tax evasion. Opposition to this method of taxation has disappeared almost entirely. This method tax collection tremendously effective in relieving financial difficulties of state making it possible for Arizona to care for its unemployed and needy as well. Consider this one of the most effective and equitable methods of tax collections.

(Signed)
B. B. MOEUR, Governor."
(Democrat.)

Jefferson City, Mo., March 23, 1935.

"Missouri retailers occupation tax rate one half of one per cent has produced the following results:

1. Total revenue, 1934, was four and one-fourth million dollars.

2. Main difficulty in administration has been lack of field men due to small appropriation for 1934.

3. While there have been evasions, we do not consider the per cent any greater than in any other form of taxation.

4. We feel chief objection is from merchants who have been absorbing the tax, but with a pass-on feature would be very acceptable.

5. This tax has been used for school and emergency relief purposes.

6. Without it Missouri could not have met the unemployment and relief requirements. Legislature is now seriously considering a two per cent rate passed on to the user or consumer to meet requirements for old age pensions, emergency relief, schools, insane poor and also to lighten tax burden of real estate. It looks as if the two per cent rate will eventually be passed.

(Signed)
G. H. BATES, Supervisor,
Retailers Occupation Dept."
(Governor-Democrat.)

Mr. PYTKO. Mr. President, I would like to interrogate the distinguished Senator from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, with pleasure.

Mr. PYTKO. Mr. President, I heard the distinguished Senator from Philadelphia remark that the answers to his inquiries came from Democratic Governors. I would like to inquire whether the distinguished Senator from

Pennsylvania, Dr. Woodward, had addressed the same inquiry to Republican Governors, serving in states where the sales tax is in force.

Mr. WOODWARD. Mr. President, yes, there is no discrimination, but they have been more tardy in replying than the Democratic Governors.

Mr. PYTKO. Mr. President, I take it that the distinguished Senator from Philadelphia, Dr. Woodward, is opposed to the Governor's tax program.

Mr. WOODWARD. Mr. President, I am in favor of a general sales tax, instead of a piece-meal sales tax.

Mr. PYTKO. Mr. President, that is on the assumption that the tax program passed by the House will only be borne by the consumer or the general public.

Mr. WOODWARD. Mr. President, all taxes are, yes.

Mr. PYTKO. Mr. President, as I understand the Governor's program, it is intended that the tax will be borne by those who are best able to bear it.

Mr. WOODWARD. Mr. President, on the ability to pay theory, yes.

Mr. PYTKO. Mr. President, the distinguished Senator from Philadelphia, Dr. Woodward, agrees with me in that regard.

Mr. WOODWARD. Mr. President, I propose a sales tax, plus an income tax, taxing the poor and the rich. I believe in "socking the rich."

Mr. PYTKO. Mr. President, I am inclined to agree with the distinguished Senator from Philadelphia, Mr. Woodward, I believe in a sales tax on those that are best able to pay. I would like to ask the Senator from Philadelphia whether the sales tax will not be borne by the public right at the outset.

Mr. WOODWARD. Mr. President, the sales tax, what is known among the tax experts as a "regressive" tax—you know what that means—it took me three years to learn what that means— it means that it operates over a long period of time against the poor and in favor of the rich, because the rich man can stand it better than the poor man, and the tax experts call that "regressive." It is harder on the poor than on the rich.

Mr. PYTKO. Mr. President, in other words, the Senator from Philadelphia admits that a sales tax is harder on the poor than on the rich.

Mr. WOODWARD. Mr. President, I admit it.

Mr. PYTKO. Mr. President, I ask the Senator from Philadelphia whether he can reconcile himself to the idea that certain portions of the Governor's program will tax the rich, and the tax itself is borne by the poor?

Mr. WOODWARD. Mr. President, yes, but the Governor's mistake is in putting out a program of twenty-two taxes, because that is sure to get him in a mess. What I propose is two taxes, one a sales tax that hits everybody, and the other an income tax which hits the rich—two instead of twenty-two—you ought to join me.

Mr. PYTKO. Mr. President, I will be glad to join the Senator from Philadelphia, Dr. Woodward, if the Governor will join with him.

Mr. WOODWARD. Mr. President, we will get him some day, yet.

Mr. PYTKO. Mr. President, I would like to ask the Senator from Philadelphia, Dr. Woodward, whether he is consistent in asking that the Governor's tax program is going to be borne by the public, he agreed a moment ago, will be borne by the public. It is only an assumption and I do not think it is fair for us to assume that the rich man will fear the burden of the tax under the Governor's program, where the poor man will be compelled to bear it, whereas the assumption that is taken by some of our colleagues in this body appears to be that the poor man will not bear the burden of a general sales tax.

Mr. THOMPSON (Centre). Mr. President, I enjoy levity in these Senate Halls as much as anyone, but when we are discussing a matter of this importance and we see this general indulgence in laughter, I cannot help but think it is a good deal like "Nero fiddling while Rome burned."

We have had experience with a general sales tax in this Commonwealth, and we know from that experience that even though this general sales tax will be levied, that it will not be sufficient to raise the amount of revenue that is necessary under the present emergency, and I beseech the members of this State Senate to lay aside their cloak of smugness and get down to business on the tax program that will provide revenue for the State of Pennsylvania.

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON (Centre). Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Senator from Centre, Mr. Thompson, whether or not a general sales tax can be enacted into legislation unless it has the signature of the Governor of the Commonwealth.

Mr. THOMPSON (Centre). Mr. President, I believe that that is proved for in the Constitution, Senator Gelder.

Mr. GELDER. Mr. President, in that case the Governor of the Commonwealth will have to join with the members of the General Assembly if there is a sales tax for the people of Pennsylvania. Now I want to call attention to just one feature of this bill: it provides that this additional 2% tax shall be diverted from the General Motor Fund to the General Fund of the Commonwealth of Pennsylvania. The one fund which has been a worthwhile fund in Pennsylvania for unemployment relief, and which has given us the most permanent value is the Motor Fund. We are here taking this tax away from the Motor Fund of Pennsylvania and putting it into the General Fund of the general funds of the Commonwealth.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Thompson, |
| Frey, | McGinnis, | (Washington) | (Centre) |
| Huffman, | Miller, | Rice, | Trainer, |
| Kahle, | Pytko, | Roberts, | |

NAYS—28

| | | | |
|---|---|---|---|
| Aron, | Gelder, | McClure, | Rupp, |
| Batchelor, | Graff, | Norton, | Shapiro, |
| Bennett, | Harris, | Owlett, | Staudenmeier, |
| Buckman, | Homsher, | Pierson, | Thompson, |
| Chapman, | Howell, | Prince, | (Westmoreland) |
| Clark, | Hunsicker, | Reed, | Woodward, |
| Coyne, | Lanius, | (Dauphin) | Ziesenheim, |
| Ealy, | Mallery, | | |

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor THOMAS KENNEDY) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 233, entitled:

An Act to amend and re-enact the act approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," extending the provisions thereof for two years; and exempting mortgages issued under the National Housing Act.

House Bill No. 275, entitled:

An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating joint sewer improvements.

House Bill No. 276, entitled:

An Act to amend section three thousand two hundred and forty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled: "Third Class City Law," providing for and regulating joint sewer improvements.

House Bill No. 277, entitled:

An Act to amend section one thousand five hundred and forty of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," providing for and regulating joint sewer improvements.

House Bill No. 278, entitled:

An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Law," providing for and regulating joint sewer improvements.

House Bill No. 677, entitled:

An Act to amend sections three hundred eleven, three hundred eighteen and three hundred twenty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," as amended; further amplifying the powers of the retirement board in counties of the second class; increasing the contributions of such counties, county poor districts and employes; and restricting rights to retire for disability in certain cases.

House Bill No. 877, entitled:

An Act validating writs of scire facias to revive municipal claims entered by boroughs and townships of the first class, where more than five years have elapsed since the original claims were filed or a prior revival thereof made.

Whereupon,

The PRESIDENT (Lieutenant-Governor THOMAS KENNEDY) in the presence of the Senate signed the same.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 600, entitled:

An Act making an appropriation to the Rochester General Hospital of Rochester Beaver County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 601, entitled:

An Act making an appropriation to the Ellwood City Hospital Ellwood City Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Huffman, | Norton, | Rodgers, |
| Baumer, | Homsher, | Owlett, | Rupp, |
| Bennett, | Howell, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of al the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 602, entitled:

An Act making an appropriation to the Dobler Tuberculosis Hospital Girard Township Erie County

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 615, entitled:

An Act making an appropriation to the Children's Aid Society of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed | Thompson |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed | Trainer, |
| Frey, | McCreesh. | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 618, entitled:

An Act making an apropriation to the Columbia Hospital at Columbia Lancaster County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 633, entitled:

An Act making an appropriation to the Margaret Henry Children's Home New Castle Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 634, entitled:

An Act making an appropriation to the Beaver County Children's Home of New Brighton Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 635, entitled:

An Act making an appropriation to the Providence Hospital Beaver Falls Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward. |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 636, entitled:

An Act making an appropriation to the Almira Home Association New Castle Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 637, entitled:

An Act making an appropriation to the Jamison Memorial Hospital Association New Castle Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure. | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 638, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission for the maintenance upkeep improvement and restoration of the Pennsbury Memorial in Falls Township Bucks County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker. | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 654, entitled:

An Act making an appropriation to the Department of Forests and Waters for the maintenance and improvement of Fort Washington Park

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Shapiro, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Reed, | Trainer, |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. PRINCE. Mr. President I move that the Senate do now resume consideration of Senate Bill No. 198 on third reading postponed for the present, entitled:

An Act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims of the Commonwealth

Mr. HARRIS. Mr. President I second the motion.

The motion was agreed to.

And the question recurring

Will the Senate agree to the Bill?

It was agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rice, |
| Batchelor, | Harris, | Norton, | Roberts, |
| Baumer, | Homsher, | Owlett, | Rodgers, |
| Bennett, | Howell, | Pierson, | Rupp, |
| Buckman, | Huffman, | Prince, | Staudenmeier, |
| Cavalcante, | Hunsicker, | Pytko, | Thompson, |
| Chapman, | Kahle, | Rankin, | (Westmoreland) |
| Clark, | Lanius, | Reed, | Trainer, |
| Coyne, | Mallery, | (Dauphin) | Woodward, |
| Ealy, | McClure, | Reed, | Ziesenheim, |
| Frey, | McCreesh, | (Washington) | |
| Gelder, | McGinnis, | | |

NAYS—3

| | | |
|---|---|---|
| Law, | Shapiro, | Thompson, (Centre) |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 4, on second reading, entitled:

An Act to amend sections twenty-six, twenty-nine and thirty of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties." as amended; providing for the payment of claims for damages for live stock dying from or killed because of rabies.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 329, as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of the Falk Clinic of the University of Pittsburgh including instruction of the students in the School of Medicine of the University of Pittsburgh in the departments of the Falk Clinic not included in the instruction given in hospitals

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty thousand dollars ($60,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the maintenance of the Falk Clinic of the University of Pittsburgh including instruction of students in the School of Medicine of the University of Pittsburgh in the departments of the Falk Clinic not included in the instruction given in hospitals

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 402 (House Bill No. 441), entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 403 (House Bill No. 442), entitled:

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories, to secure loans from banks for cooperatives organized under the Farm Credit Act of 1933, or from Federal intermediate credit banks organized under the Agriculture Credits Act of 1923.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 418 (House Bill No. 51), entitled:

An Act to amend section eight of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and providing for the acceptance of this act by cities" by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 425 (House Bill No. 775), entitled:

An Act relating to the sale delivery weighing and importation of mature for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penatlies for the violations thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

## BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 498 (House Bill No. 332), on second reading, entitled:

An Act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (P. L. 200 1933-1934) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 516 (House Bill No. 648), entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by providing for the free licensing of certain dogs of blind persons

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 620, as follows:

An Act making an appropriation to the South Side Hospital of Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the South Side Hospital of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 621, as follows:

An Act making an appropriation to the Saint Francis Hospital of the City of Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred thousand dollars ($200,000) or so much theerof as may be necessary be and the same is hereby specifically appropriated to the Saint Francis Hospital of the City of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay. bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. GRAFF. Mr. President, I move that Senate Bill No. 693 (House Bill No. 132), on second reading entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties.

be recommitted to the Committee on Mines and Mining for further consideration.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair informs the Senator from Armstrong, Mr. Graff, that the bill originally was in the Committee on Judiciary Special.

Mr. GRAFF. Mr. President, my reason for asking it to be recommitted to the Committee on Mines and Mining, is that there have been a number of requests for a hearing, and it seems to me, that the proper committee for this bill would be the Committee on Mines and Mining, and, therefore, I made the motion as I did.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Armstrong, Mr. Graff.

The PRESIDENT. Will the Senator from Armstrong, Mr. Graff permit himself to be interrogated.

Mr. GRAFF. Mr. President, I will.

Mr. CAVALVANTE. Mr. President, I would like to know for what purpose this bill is to be recommitted.

Mr. GRAFF. Mr. President, in reply to the Senator from Fayette, Mr. Cavalcante, I will say that this bill passed the House finally on March 20th, when it first came over to the Senate, and there have been a number of requests for a hearing and for further study, and for that reason I made the motion that I did.

Mr. HARRIS. Mr. President, I desire to ask what committee reported this bill?

The PRESIDENT. The Chair informs the Senator from Allegheny, Mr. Harris, that the bill was reported from the Committee on Judiciary Special.

Mr. HARRIS. Mr. President, then, if the Senator from Armstrong, Mr. Graff, desires a hearing, it could be recommitted to the Committee on Judiciary Special, and, as a member of that Committee, I will be glad to grant a hearing.

Mr. President, as a matter of courtesy, the Chairman of the Judiciary Special Committee is not present, and I would be loathe to vote to recommit this bill to any other committee until such time as he is present. There can be no harm in having this bill recommitted to the Committee on Judiciary Special, or go over in its order until the Chairman of the Judiciary Special Committee is present.

Mr. GRAFF. Mr. President, in reply to the Senator from Allegheny, Mr. Harris, I would like to say that I have conferred with the Chairman of the Committee on Judiciary Special and it is perfectly agreeable to him to recommit it to this Committee. However, if the Senator from Allegheny, Mr. Harris, insists, I am perfectly willing to let it go over in its order.

## BILL OVER IN ORDER

Mr. HARRIS. I ask unanimous consent that Senate bill No. 693 (House Bill 132) go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 702, as follows:

An Act making an appropriation to the Reading Hospital of Reading Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and twenty-five thousand dollars ($225,000) or so much there of as may be necessary be and the same is hereby specifically appropriated to the Reading Hospital of Reading Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 703, as follows:

An Act to amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by extending the provisions thereof to license fees erroneously and inadvertently paid and making such extension retroactive for a certain period

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" are hereby amended to read as follows

An Act authorizing county commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever [hereafter] any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into a county treasury directly or indirectly any tax or taxes on real or personal property or any license fee or fees under an assumption that such taxes or license fees were due and owing when in fact such taxes or license fees or a part thereof were not due and owing to the county then in such cases the county commissioners upon due proof of any such erroneous or inadvertent tax or license fee payments are hereby authorized to draw their warrant on the county treasurer in favor of such person or corporation to make refund of such tax or taxes or license fee or fees to which the county has no valid claim out of the county funds

Section 2 The provisions of this amendment shall become effective immediately upon its final enactment and shall apply to any license fees paid at any time within two years prior to such effective date

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 708, as follows:

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven million seven hundred forty-one thousand seven hundred dollars ($7,741,700) is hereby specifically appropriated for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-five for the purpose of carrying into effect the provisions of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

Section 2 Upon the approval of this act the State Treasurer after deducting from the entire amount appropriated for salaries and office expenses and for the unorganized counties shall divide the balance into two equal parts

The one part hereinafter referred to as the second part shall be held intact for distribution on and after the first day of June one thousand nine hundred and thirty-six in the manner hereinafter provided

The other part shall upon the approval of this act be distributed among the several counties organized under the Mothers' Assistance Fund system according to a budget for each county prepared by the Secretary of Welfare after taking into consideration the following basis of distribution

(1) The number of families receiving assistance on the thirty-first day of May one thousand nine hundred and thirty-four (2) in addition provision for other eligible families which could not be aided from the funds available for the past biennium

The apportionment to each county shall be based upon the average grant per family prevailing in such county during the year ending the thirty-first day of May one thousand nine hundred and thirty-four

Section 3 On the first day of June one thousand nine hundred and thirty-six the State Treasurer shall set aside out of the second part to each county organized at the beginning of the biennium under the Mothers' Assistance System a sum equal to that apportioned to it under the preceding section by the Secretary of Welfare provided the amount so set aside to any county together with the unexpended balance of the amount apportioned to the county during the first year shall constitute the State's assistance during the second year to such county

Section 4 No county shall receive its allotment of the State appropriation available for any year under the method of distribution provided by this act unless such county has accepted the provisions of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) as amended and has placed at the disposal of the board of trustees a sum equal to the amount available from the State appropriation for such year No county shall receive any sum from the State under sections two and three of this act unless such county shall appropriate a like sum for the same purpose

Section 5 Out of the amount hereinbefore appropriated there shall be set apart for the counties not organized under the Mothers' Assistance Fund law on the first day of June one thousand nine hundred thirty-four a sum equal to the amount that would be their allocation if the amount available for Mothers' Assistance were allocated to counties on the basis of population The amount thus allocated to any unorganized county shall be divided by the State Treasurer into two equal parts and one such part shall be available for each fiscal year of the biennium Any unorganized county organizing during the first or second fiscal year of the biennium shall be required to match only such portion as would have been available for the months of the year or fiscal period remaining after such acceptance had such county been organized at the beginning of the fiscal period.

Section 6 Out of the amount hereinbefore appropriated the sum of fifty thousand dollars ($50,000) or so much

thereof as may be necessary shall be set apart and applied for the payment of the salaries of the State Supervisor of the Mothers' Assistance Fund and of such assistants clerks and other employees as may be required for the proper conduct of the work of the supervisor for the traveling hotel and other expenses of the supervisor and her assistants for the cost of making special investigations and for incidental contingent and other expenses of every kind and description necessary for the proper administration of the Mothers' Assistance System

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 710, as follows:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor is hereby authorized to appoint nine citizens who shall constitute a commission to be known as the Seventy-fifth Anniversary of the Battle of Gettysburg Commission whose duty it shall be to consider and arrange plans for a proper and fitting recognition and observance at Gettysburg during the year one thousand nine hundred and thirty-eight of the Seventy-fifth Anniversary of the Battle of Gettysburg Said commission shall have authority to invite the cooperation of the Congress of the United States and the legislatures of other states and Commonwealth The members of the commission shall serve without compensation except their actual and necessary expenses The commission shall make a report of its actions with recommendations to the next regular session of the General Assembly

Section 2 The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby specifically appropriated to pay the expenses of the commission and the members thereof in carrying into effect the provisions of this act Payment from said appropriation shall be made on requisition of the chairman of the commission in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 712, as follows:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to corporations not previously licensed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 13 (a) The provisions of this act shall not be construed as preventing the conducting of the business or profession of undertaking by a corporation heretofore licensed [or by a corporation all of the officers of which are duly licensed undertakers actively engaged in the conduct of the busines of said corporation] if such corporation is registered by and conforms with such rules and regulations as the board may prescribe with relation thereto and no branch licenses shall hereafter be granted any corporation

(b) The board shall not hereafter issue licenses to any corporation which has not already been licensed and in active operation

Section 2 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILLS INTRODUCED

Mr. HUFFMAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN read in place and presented to the Chair, Senate Bill No. 735, entitled:

An Act to amend sections nine and fifteen of the act, approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," reducing the amount required to be paid by the person redeeming lands sold at tax sale.

Which was committed to the Committee on Judiciary General.

Also read in place and presented to the Chair, Senate Bill No. 736, entitled:

An Act to amend section four of the act approved the thirteenth day of March, one thousand eight hundred and fifteen (P. L. 177), entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes, and for other purposes,' by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sales.

Which was committed to the Committee on Judiciary General.

Also read in place and presented to the Chair, Senate Bill No. 737, entitled:

An Act to amend section one of the act approved the third day of April, one thousand eight hundred and sixty-two (P. L. 228), entitled "An act supplementary to the several acts of this Commonwealth for the sale of Unseated Lands," by reducing the amount required to be paid by the person redeeming such lands under certain circumstances.

Which was committed to the Committee on Judiciary General.

Also read in place and presented to the Chair, Senate Bill No. 738, entitled:

An Act to amend section three of the act approved the ninth day of March, one thousand eight hundred and forty-seven (P. L. 279), entitled "An act supplementary to acts relating to recording of deeds," by reducing the amount required to be paid by joint tenants, tenants in common or co-partners of unseated lands in redeeming such lands sold at tax sale.

Which was committed to the Committee on Judiciary General.

## RESOLUTION GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. McCLURE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE offered the following resolution which was twice read considered and agreed to:

In the Senate, March 27, 1935.

Resolved, That the use of the Senate Chamber be granted to the Senate Committee on Finance, Monday afternoon, April 1st, at 4 o'clock for the purpose of a public hearing.

Mr. McCLURE. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

## RESOLUTION GRANTING USE OF SENATE CHAMBER FOR THE PURPOSE OF PUBLIC HEARING

Mr. McCLURE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE offered the following resolution which was twice read:

In the Senate, March 27, 1935.

Resolved, That the use of the Senate Chamber be granted to the Senate Committee on Finance, Tuesday afternoon, April 2nd, at 2 o'clock, for the purpose of public hearing.

Mr. McCLURE. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

## RESOLUTION GRANTING USE OF SENATE CHAMBER FOR A PUBLIC HEARING

Mr. ARON. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON offered the following resolution which was twice read:

In the Senate, March 27, 1935.

Resolved, that the Senate of Pennsylvania grant permission to the Committee on Municipal Government for the use of the Senate Chamber for a public hearing on the City Manager Bill for the City of Pittsburgh, on April 9, 1935, at 2:00 o'clock P. M.

Mr. ARON. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 298, entitled:

An Act making an appropriation to the Zoar Home for Mothers, Babies and Convalescents at Allison Park Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 299, entitled:

An Act making an appropriation to the Department of of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 364, entitled:

An Act making a deficiency appropriation to the Department of Welfare, for the Dixmont Hospital, Dixmont, Allegheny County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 367, entitled:

An Act making an appropriation to the Allegheny Valley Hospital at Tarentum, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 368, entitled:

An Act making an appropriation to the Sewickley Valley Hospital Association Incorporated of Allegheny County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 369, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont, Allegheny County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 370, entitled:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 371, entitled:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh, Pennsylvania for deficiencies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 12:42 P. M. until nine o'clock Monday evening, April 1, 1935.

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# HOUSE OF REPRESENTATIVES

WEDNESDAY, March 27, 1935.

The House met at 11 o'clock A. M.

The Speaker (Wilson G. Sarig) in the Chair.

## PRAYER

Rabbi David L. Silver, Kesher Israel Congregation, Harrisburg, offered the following prayer:

Unto Thee, Oh Divine, do we pray today to endow us with wisdom and foresight in guiding the destiny of our fellowmen. Though the times be difficult, with menacing clouds of distress and insecurity still on the horizon, may the lawmakers of this Commonwealth become imbued with the fortitude and vision essential to restore hope and well-being to those who dwell herein. The integrity of man is being challenged today by potent forces, social and anti-social, which have wrought havoc in many a quarter. Many indeed are they who have been engulfed in the maelstrom of economic and political crisis, helpless victims of dire misfortune. May, therefore, the laws herein devised bring true aid and comfort to the needy and may the welfare of all, and not the privilege of the few, be the sole objective of what issues forth from these chambers.

May the members of this House be blessed with happiness, and through them may the spirit of justice reign here supreme. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. CONDON the further reading was dispensed with and the Journal approved.

## SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

## BILLS INTRODUCED AND REFERRED

By Mr. JOHN J. BAKER (By request). HOUSE BILL No. 1794.

An Act to amend section two of the act approved the twenty-seventh day of May, one thousand nine hundred and nineteen (P. L. 306), entitled "An act relating to criminal procedure before aldermen, justices of the peace, and magistrates, in cases of assault and assault and battery, and providing for the assessment of costs in such cases upon the prosecutor, defendant, or county, and the commitment of the prosecutor or defendant in case of default," by preventing the imposition of costs upon the county in such cases.

Referred to the Committee on Judiciary General.

By Mr. O'NEILL. HOUSE BILL No. 1795.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lackawanna.

Referred to the Committee on Highways.

By Mr. ROOT (By request). HOUSE BILL No. 1796.

An Act voiding releases of damages for personal injuries executed and statements made within fifteen days from the date of any such injuries.

Referred to the Committee on Judiciary General.

By Mr. PERRY. HOUSE BILL No. 1797.

An Act making an appropriation to the Department of Forests and Waters to aid counties in constructing and erecting a dam in the Susquehanna River.

Referred to the Committee on Appropriations.

By Miss BRANCATO and Mr. CONDON.

HOUSE BILL No. 1798.

An Act to promote public morals, abolishing civil causes of action for alienation of affections except in certain cases, seduction, criminal conversation, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file or threaten to cause to be filed, any such action fixing a time for the commencement of such causes of action heretofore accrued, declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. ZIMMERMAN. HOUSE BILL No. 1799.

An Act to amend sections three, four, six, eight, nine, ten, twelve, thirteen and sixteen of, and to add section thirteen point one to, the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," increasing the requirements of practitioners and applicants; providing for hearings in the event of violations; increasing certain fees and providing for the disposition thereof; abolishing temporary permits; and creating an advisory board in the department.

Referred to the Committee on Education.

By Mr. MALLEN. HOUSE BILL No. 1800.

An Act providing for the payment of the two per centum tax on premiums of automobile insurance received by the Commonwealth from foreign insurance companies, to the police pension fund in cities, boroughs and townships.

Referred to the Committee on Insurance.

By Mr. RUTH. HOUSE BILL No. 1801.

An Act making it a misdemeanor to interfere with a reporter or photographer in the performance of his duty; and prescribing penalties.

Referred to the Committee on Judiciary General.

By Mr. RUTH. HOUSE BILL No. 1802.

An Act making confidential communications to editorial employes incompetent in civil and criminal proceedings in courts and in investigations by and hearings before public officers.

Referred to the Committee on Judiciary General.

By Mr. RUTH. HOUSE BILL No. 1803.

An Act defining the right of collective bargaining by employes with their employers; and prescribing penalties.

Referred to the Committee on Labor.

By Mr. AUKERMAN. HOUSE BILL No. 1804.

An Act to amend section one thousand two hundred and one of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," regulating the employment of teachers.

Referred to the Committee on Education.

By Mr. DIEHL. HOUSE BILL No. 1805.

An Act making an appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

By Mr. ACHTERMAN. HOUSE BILL No. 1806.

An Act to further amend section two hundred twenty-four of the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued.

Referred to the Committee on Fisheries.

By Mr. ACHTERMAN. HOUSE BILL No. 1807.

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws, three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidatting, and changing the law relating thereto," by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted.

Referred to the Committee on Game.

By Mr. ACHTERMAN. HOUSE BILL No. 1808.

An Act to amend clauses (c) and (d) of section eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widows' and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtailage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absenti; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and so generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by requiring all executors to file a bond with the register of wills.

Referred to the Committee on Judiciary General.

By Mr. LONG. HOUSE BILL No. 1809.

An Act to provide for the permanent registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors, and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, rooming-houses, lodging houses and hotels; and imposing penalties.

Referred to the Committee on Elections.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 233.

An Act to amend and reenact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P. L. 826) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" extending the provisions thereof for two years and exempting mortgages issued under the National Housing act

HOUSE BILL No. 275.

An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs providing for and regulating joint sewer improvements

HOUSE BILL No. 276.

An Act to amend section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating joint sewer improvements

HOUSE BILL No. 277.

An Act to amend section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements

HOUSE BILL No. 278.

An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for any regulating joint sewer improvements

HOUSE BILL No. 677.

An Act to amend sections three hundred eleven three hundred eighteen and three hundred twenty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended further amplifying the powers of the retirement board in counties of the second class increasing the contributions of such counties county poor districts and employes and restricting rights to retire for disability in certain cases

HOUSE BILL No. 877.

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made

With the information that the Senate has passed the same without amendment.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 26, 1935.

Resolved (if the the House of Representatives concur), That Senate Bill No. 149, Printer's No. 98, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

RESOLUTION No. 51

In the House of Representatives, February 13, 1935.

Whereas During each year many lynchings occur statistics revealing that twenty-five happened during the last year and more than five thousand during the last fifty years and

Whereas State government cannot put an end to this evil which reflects upon the good name of the states in which occurring and upon the United States and

Whereas A bill is pending in Congress known as the Costigan Wagner Bill to enable the Federal Government to control this evil therefore be it

Resolved (if the Senate concur) That the General Assembly hereby memorializes the Congress of the United States to pass legislation consistent with the Constitution of the United States which will enable the Federal Government to assist in the prevention of this crime and punish offenders against the Federal law

Resolved That a copy of this resolution be transmitted to the Senate and House of Representatives of the United States by the Chief Clerk of this House

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### BLUE LAWS

A petition from Pine Creek Baptist Community, Armstrong County protesting amendment to blue laws.

Referred to the Committee on Law and Order.

### LABOR LAWS

A communication from the United Mine Workers of America, Coverdale, Allegheny Co., No. 5085, urging passage of Miner's License Bill, Compensation Law Bill and Old Age Pension Bill.

Referred to the Committee on Labor.

## REPORTS FROM COMMITTEES

Mr. WESTRICK, from the Committee on Agriculture reported as committed, House Bill No. 1721, entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1933-34 Pamphlet Laws, one hundred seventy-four), entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitation the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; providing new and changing existing penalties; and making an appropriation.

Mr. SIMON, from the Committee on Education reported as committed, House Bill No. 638, entitled:

An Act to amend clauses (b) and (c) of section seven, and eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesman and their business," as amended; providing an expiration date of licenses; defining the qualifications of applicants for licensure, and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman, conferring powers and duties upon the Department of Public Instruction in connection therewith; and eliminating penalties for failure to renew.

Mr. STONE, from the Committee on Forestry reported as committed, House Bill No. 1088, entitled:

An Act to amend the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 704), entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof, to the flooding and use by holders of limited power permits of islands owned by the Commonwealth, to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits, and to the proceedings for the enforcement of this act," by adding section three and one-tenths thereto, providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund.

Mr. AUKERMAN, from the Committee on Banking reported as committed, House Bill No. 1608, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

Mr. FINNERTY, from the Committee on Building and Loan Associations reported as committed, House Bill No. 518, entitled:

An Act to amend section eight hundred and eight of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions, imposing penalties; and repealing certain acts and parts of acts," by adding a paragraph thereto permitting the Department of Banking to limit, modify or qualify its orders of segregation.

Mr. Finnerty from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1730, entitled:

An Act requiring State-aided hospitals to admit any indigent person who is seriously ill and who requires hospitalization.

Mr. SHEPARD from the Committee on Public Health and Sanitation reported as committed, House Bill No. 889, entitled:

An Act to amend sections one and six of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties;" including dining cars under the provisions of this act, and making it unlawful to sleep, or to permit persons to sleep in a room where food is prepared or served.

Miss BRANCATO, from the Committee on Education reported as committed, House Bill No. 1082, entitled:

An Act to amend section one, and sections five, six, nine, eleven and twelve as amended, of the act approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," by further defining optometry; prescribing the qualifications of schools and courses in optometry; and further regulating the practice of optometry.

Mr. PIOLE, from the Committee on Boroughs and Townships reported as committed, House Bill No. 1633, entitled:

An Act to amend section eleven of the act approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of Justices of the Peace in such consolidated boroughs.

Mr. CLIFF S. PATTERSON, from the Committee on Boroughs and Townships reported as committed, House Bill No. 1478, entitled:

An Act to amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing authority to township commissioners, by resolution, to issue certificates of indebtedness.

Mr. CLIFF S. PATTERSON, from the Committee on Counties reported as committed, House Bill No. 1026, entitled:

An Act to amend sections four and five as amended section twenty-one of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district, taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by providing for the period during which such taxes shall remain liens on real estate, and authorizing the filing of such liens in the prothonotary's office.

Mr. BRUMBAUGH, from the Committee on Forestry reported as committed, House Bill No. 1105, entitled:

A Supplement to the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof;" providing for the payment of fees for the granting of permits under the provisions of said act; regulating the collection and disposition of such fees; and limiting the time such permits are effective.

Mr. ZAPPALA, from the Committee on Counties reported as Committed, House Bill No. 1383, entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sesseions and oyer and terminer in counties of the second class.

Mr. McDERMOTT, from the Committee on Counties reported as committed, House Bill No. 1423, entitled:

An Act to further amend article five of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing therein authority for appropriations to fire companies.

Mr. GERARD, from the Committee on Boroughs and Townships reported as committed, House Bill No. 401, entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, extending the provisions of said act to townships of the first class.

Mr. BERNHARD, from the Committee on Forestry reported as committed, House Bill No. 750, entitled:

An Act to amend the title and sections one, two, three, six, nine, ten, eleven and twelve of the act approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 984), entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto," extending said act to the condemnation of lands for State park purposes; and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code.

Mr. BERNHARD, from the Committee on Forestry reported as committed, House Bill No. 1084, entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1371), entitled "A

supplement to the act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled 'An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof,' by discontinuing the necessity of securing permits for the erection of certain dams."

Mr. SURFACE, from the Committee on Forestry reported as committed, House Bill No. 676, entitled:

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property.

Mr. FINNERTY, from the Committee on Judiciary Local reported as committed, House Resolution No. 57.

Mr. STANK, from the Committee on Mines and Mining reported as committed, House Resolution No. 103.

## BILL RE-REFERRED

Mr. ROAN, returned from the Committee on Counties with the recommendation that it be re-referred to the Committee on Boroughs and Townships, House Bill No. 1615, entitled:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising, and consolidating the law relating thereto; and repealing existing laws," by providing for the assessment of seated lands divided by the boundary line between two townships.

The SPEAKER. The bill is now re-referred to the Committee on Boroughs and Townships.

## BILL ON FIRST READING

Mr. WESTRICK. Mr. Speaker, I ask unanimous consent of this House to have House Bill No. 1721, reported from Committee this morning, read for the first time.

The SPEAKER. Will the House give its unanimous consent to have the bill read for the first time? Are there objections?

## QUESTION OF INFORMATION

Mr. WITKIN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. WITKIN. Mr. Speaker, has this bill been printed?

The SPEAKER. It has been printed in pink.

Mr. WITKIN. Mr. Speaker, may in interrogate the gentleman who asked unanimous consent?

The SPEAKER. Will the gentleman from Cambria, Mr. Westrick permit himself to be interrogated?

Mr. WESTRICK. I will, Mr. Speaker.

Mr. WITKIN. Do I understand that after this bill has had first reading it is the intention of the gentleman to recommit the bill?

Mr. WESTRICK. Mr. Speaker, it was unanimously agreed in the Committee on Agriculture yesterday that the bill should have first and second reading and then be recommitted for a hearing jointly between the House and the Senate.

Mr. WITKIN. I have no objection.

The SPEAKER. The Chair hears no objection and consent is granted.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1721, entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1933-34 Pamphlet Laws, one hundred seventy-four), entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licenses to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licenses, other milk dealers and producers, and permitting with limitation the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; providing new and changing existing penalties; and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 233.

An Act to amend and reenact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" extending the provisions thereof for two years and exempting mortgages issued under the National Housing Act

HOUSE BILL No. 275.

An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating joint sewer improvements

HOUSE BILL No. 276.

An Act to amend section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating joint sewer improvements

HOUSE BILL No. 277.

An Act to amend section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements

HOUSE BILL No. 278.

An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating joint sewer improvements

HOUSE BILL No. 677.

An Act to amend sections three hundred eleven three hundred eighteen and three hundred twenty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended further amplifying the powers of the retirement board in counties of the second class increasing the contributions of such counties county poor districts and employes and restricting rights to retire for disability in certain cases

HOUSE BILL No. 877.

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made

Whereupon, The SPEAKER, in the presence of the House, signed the same.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 687, entitled:

An Act authorizing parties to equity suits to dismiss claims or counter claims and providing that claims shall remain in force as to parties not joining in the dismissal

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 751, entitled:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 934, entitled:

An Act to amend section two of the act approved the twenty-second day of April one thousand eight hundred and seventy-four (Pamphlet Laws one hundred nine) entitled "An act to provide for the submission of civil cases to the decision of the court and to dispense with trial by jury" providing that upon request of counsel the decision of the court in such cases shall state separately the facts found the answers to point submitted and the conclusions of law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 987, entitled:

An Act to amend section ten of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof judgments and executions therefor sales and mortgages of real estate for the payment thereof and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and resignation of decrees reports and other proceedings and the fees therefor appeals in certain cases and so generally dealing with the jurisdiction powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents" by changing the number of times required to advertise the granting of letters

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1024, entitled:

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the con-

struction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1461, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by extending the period of revocation of operating privilege for operating while under the influence of intoxicating liquor or narcotic or habit producing drugs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1119, entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred fifty-one) entitled "An act relating to roads highways and bridges" decreasing minimum widths of certain roads.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1114, entitled:

An Act to amend the title of and sections one and seventeen of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operations and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" extending the provisions of said act to cities of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1652, entitled:

An Act to amend section one as amended and section two of and adding section two and one-tenth to the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the qualifications and appointment of the members of the courts of inquiry and trial authorized to hear and determine charges against such police officers detectives and firemen providing that charges preferred before the effective date of this act shall be invalid and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 28, entitled:

An Act to amend article nine of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by adding a new section thereto for protecting the safety of the public by prohibiting the operation of certain commercial motor vehicles on Sundays and legal holidays between the hours of nine o'clock ante meridian and nine o'clock post meridian

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 528, entitled:

An Act to amend section seven hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles impos-

ing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the dates when registrations may be made for less than the full yearly fee

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 878, entitled:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended further regulating the sending of notice to correspondents in certain divorce actions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 883, entitled:

An Act to amend section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consoldiating the law relating thereto" providing for the annulment of void and voidable marriages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 686, entitled:

An Act in relation to the procedure in cases at law in which certain questions other than of jurisdiction over the defendant or of the cause of action are raised preliminarily

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1236, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrains and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forefeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing certain exemptions from the payment of fees providing for therein

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 178, as follows:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the Act and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose and within the meaning of this act the following definitions shall obtain

"Milk" means milk skimmed milk cream sour milk sour cream buttermilk and all other fluid derivatives of milk except condensed milk and evaporated milk

"Milk Products" means ice cream ice cream mix custard ice cream french ice cream frozen custard and other similar frozen products and all dairy products used in the manufacture thereof

"Certified Milk" means the product of dairy farms operated in accordance with the "Methods and Standards for the Production and Distribution of "Certified Milk" last adopted by the American Association of Medical Milk Commissions Incorporated and the production and handling of which shall be certified to by a Commission instituted in compliance therewith

"Secretary" means the Secretary of Health of this Commonwealth or his authorized representative

"Person" includes singular and plural masculine and feminine and any individual firm co-partnership institution association or corporation thereof

"To Sell' "for sale" or "sold" and similar terms means the selling exchanging delivering or having in possession care control or custody with intent to sell exchange or deliver or to offer or to expose for sale

"Dairy Farm" is a place or premise where one or more cows are kept and a part or all the milk from which is sold or delivered to any person

"Milk Plant" is any place or premise or establishment where milk is collected separated processed stored bottled pasteurized or prepared in any manner for sale as milk or milk products

"Approved inspector" is one who has proven to the satisfaction of the secretary to be a person of good character trained by school and experience to carry on dairy farm and milk plant inspection in a capable and efficient manner and has received a certificate of approval from the secretary Applications for certificates of approval for Approved Inspectors shall be made on forms which may be secured from the Secretary of Health and shall be accompanied by a fee of ten (10) dollars Certificates of approval shall expire on December thirty-first of each year Applications for renewal shall be made on forms satisfactory to the Secretary of Health and shall be accompanied by a registration fee of three (3) dollars and shall be returned to the Secretary of Health not later than December fifteenth of each year Certificates of Approval shall not constitute an approved inspector an official employe agent or authorized representative of the Department of Health nor shall be represent himself so to be

Certificates of Approval may be refused suspended or revoked for cause upon such notice and subject to such conditions as the secretary shall deem necessary

"Municipality" includes any city borough town or township in this Commonwealth

Section 2 Except as hereinafter provided no person shall sell milk or milk products within this Commonwealth without first having obtained a permit from the "Secretary" nor otherwise than in accordance with the requirements of this act Each person desiring a permit to sell milk or milk products shall annually make an application therefor on a form to be secured from the "Secretary" Such application shall set forth

(a) The name and address of the applicant
(b) The designations of the milk or milk products to be offered for sale
(c) The name of the municipality or municipalities in which the applicant desires to sell milk or milk products
(d) An accurate record of each milk plant owned or operated by the applicant for a permit
(e) Such other information as may be required by the "Secretary"

Permits shall be issued only to persons whose entire milk supply the farms where it is produced and the milk plants in which the milk or milk products is handled have been approved by the Secretary and in any case in which in his discretion he shall deem such action necessary for approval inspected by the Secretary Every permit shall expire annually

This section shall not apply to a person selling or delivering milk directly from a dairy farm to a milk plant

Unless the "Secretary" shall require a permit this section shall not apply to a person selling milk or milk products from a store when such milk or milk products are purchased from a person already in lawful possession of a permit to sell milk or milk products

This section shall not apply to persons in charge of hotels restaurants soda fountains boarding houses or other places where milk or milk products is served when such milk or milk products is to be consumed on the premises thereof and is purchased from one already in lawful possession of a permit to sell milk or milk products

The "Secretary" may in his discretion exempt a person selling milk from not more than one cow from such requirements of this act as he may deem in each instance to be unnecessary for the protection of the public health

Section 3 Permits may be refused suspended or revoked by the "Secretary" if in his judgment the requirements of this act and the rules and regulations made in conformity herewith are not complied with by the person making an application for a permit or to whom a permit has already been issued

Before refusal to grant a permit or before a permit is suspended or revoked the secretary shall afford the applicant or holder of the permit an opportunity to be heard and shall give at least five (5) days written notice of the hearing to the applicant or the holder of the permit by registered letter sent to the address given in the application Any person aggrieved by a decision of the secretary either refusing to re-issue a permit or revoking a permit heretofore issued may file within five (5) days thereafter in the court of common pleas of Dauphin County a bill in equity against the secretary as defendant alleging therein in brief detail the action and decision complained of and praying for relief and jurisdiction is hereby conferred upon said court for hearing and disposing of such cases

Section 4 When an application for renewal of a permit has been regularly made and no notification of a hearing as above described has been sent the applicant by the secretary the permit of the preceding year shall continue in full force until renewed or revoked in accordance with Section 2 and Section 3

Section 5 The Secretary may constitute as his agent for the purpose of issuing permits for the sale of milk or milk products a department of health board of health or health officer of any municipality and shall accept permits issued by municipalities under the terms of municipal ordinances equally as stringent as the requirements of this act and enforced by such municipalities as the only permit required for the sale of milk or milk products in such municipalities

Section 6 Every person having made an application for a permit to sell milk or milk products or holding a permit for the sale of milk or milk products shall at any time allow the "Secretary" to inspect the herds stables and dairy farms from which milk is obtained handled or prepared for sale to inspect the milk plants pasteurizing bottling and handling of milk or milk products examine books and papers wherein a record is kept of the name and address of each person from whom "milk" or "milk products" is purchased the amount of "milk" or "milk products" purchased and the date on which the "milk" or "milk products" was purchased in any manner whatsoever and to take such samples of milk or milk products as may be deemed necessary upon payment therefor at the usual market price when payment is demanded The "Secretary" shall have the power to subpoena for the purpose of any hearing all books and records of any permit holder or of any other corporation or person in any case in which records in its or his possession or over which it or he has control is reasonably necessary to the proper conduct of the affairs of the Secretary under this act

Non-compliance with the provisions of this section by a permit holder is hereby specifically declared to be a violation of this act and subject to the penal provisions hereof and shall be sufficient grounds for the revocation of the permit of such permit holder

Section 7 No person shall sell milk that does not bear prominently the designation "Certified Milk" or "Raw Milk" or "Milk for Pasteurization" or "Pasteurized Milk" Other designations may be used with the designation of "Raw Milk" or "Pasteurized Milk" provided the definition of such designation is filed with and approved by the "Secretary"

No person shall sell milk products that do not bear prominently the name and address of the processor or manufacturer the kind of milk products offered for sale and the name and location of the milk plant in which the milk products is processed or manufactured

Section 8 "Raw Milk" shall be produced and handled in the following manner

(a) "Raw Milk" shall be milk from a cow or cows determined by physical examination and tuberculin tests conducted in accordance with the rules regulation and practices of the State Department of Agriculture pertaining to the individual accredited herd plan or the modified accredited area plan to be free from communicable disease

(b) The cows shall be fed watered housed and cared for in such a manner that the milk will be clean and free from disease-producing organisms

(c) The milking process shall be carried on in a cleanly manner The milk shall be promptly cooled The milk containers utensils and equipment shall be of such material and so contructed that they may be readily cleansed The milk and the cleansed containers utensils and equipment shall be protected from flies

(d) A milk house or milk rooms which are properly constructed lighted ventilated drained and kept clean shall be provided and used exclusively for the handling of "Certified Milk" or "Raw Milk" An adequate supply of steam or hot water shall be provided and used for cleansing milk containers and dairy utensils

(e) Every applicant for or holder of a permit to sell Raw Milk desiring to purchase milk for resale as Raw Milk shall receive permission from the "Secretary" before accepting milk from any source other than that given in the application for a permit All sources of Raw Milk shall be inspected and approved by the "Secretary"

Section 9 Every applicant for or holder of a permit to sell Pasteurized Milk or Milk for Pasteurization or milk products shall keep an accurate record of the names and addresses of the owners or operators of all dairy farms from which milk is received This record shall be kept on file in the milk plant where the milk is received and shall be available at all times for the inspection of the Secretary

An accurate report of a sanitary inspection on all dairy farms from which milk is received and of the milk as delivered to the milk plant shall be kept on file in the milk plant The sanitary inspection shall be made semi-annually by an approved inspector at the expense of the applicant for or holder of a permit Such payment shall be made only by the applicant for or holder of the permit for the plant to which the milk from the farm which is inspected is or is to be delivered Such inspections may be

made by the Secretary Within thirty days after demand by the Secretary additional inspections shall be made of any or all farms and reports thereon filed in the milk plant Inspection reports shall be made upon forms satisfactory to the Secretary

No applicant for or holder of a permit to sell Pasteurized Milk or Milk for Pasteurization or milk products shall receive milk from a dairy farm until the report of the sanitary inspection made by an approved inspector shall have been placed on file in the milk plant where the milk is received for the inspection and approval of the Secretary nor shall he receive milk or milk products from any milk plant owned or operated by another person who is not in lawful possession of a permit

No milk or milk products shall be received in any milk plant for any purpose unless such milk or milk products shall have been produced on dairy farms or acquired from milk plants approved by the Secretary or unless permission for the receipt of such milk or milk products shall be obtained from the Secretary

Only milk or milk products may be prepared processed or handled in a milk plant

Section 10 "Milk for Pasteurization" shall be milk produced and handled in the following manner

(a) "Milk for Pasteurization" shall be milk from a cow or cows determined by physical examination and tuberculin tests conducted in accordance with the rules regulations and practices of the State Department of Agriculture pertaining to the individual accredited herd plan or the modified accredited area plan to be free from communicable disease

(b) The cows shall be fed watered housed and cared for in such manner that the milk will be clean

(c) The milking process shall be carried on in a cleanly manner The milk shall be promptly cooled The milk containers utensils and equipment shall be of such material and so constructed that they may be readily cleansed

(d) A milk house or milk rooms properly constructed lighted ventilated drained and clean shall be provided on the dairy farm producing milk for sale as "Milk for Pasteurization" and shall be used exclusively for the handling of such milk

Section 11 Milk containers in which "Milk for Pasteurization" is received in milk plants from dairy farms shall be thoroughly cleansed and dried before returning to the dairy farm

(a) Milk plants in which "Milk for Pasteurization" is received from dairy farms shall be properly constructed lighted ventilated drained and clean

(f) The milk plants in which "Milk for Pasteurization" is received shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "Secretary". Equipment before being installed shall likewise be approved by the Secretary

(c) "Certified Milk" or "Raw Milk" may be sold as "Milk for Pasteurization"

Section 12 "Pasteurization Milk" shall be milk produced and handled in the following manner

(a) "Pasteurization Milk" is milk heated to such a temperature and for such a length of time that all harmful organisms are destroyed

(b) "Milk for Pasteurization" shall be used in the preparation of "Pasteurized Milk"

The holder of a permit to sell "Pasteurized Milk" may purchase "Milk for Pasteurization" from a person in lawful possession of a permit to sell "Pasteurized Milk"

(c) Milk containers in which milk is received in milk plants in which milk is pasteurized shall be thoroughly cleansed and dried before returning to a dairy farm or a milk plant

(d) Apparatus for the pasteurization of milk shall be equipped with an accurate indicating thermometer and a recording thermometer of a type approved by the Secretary A true record of pasteurization as given by the recording thermometer shall be on file at the place where the milk is pasteurized

(e) Milk to be sold as "Raw Milk" may be received cooled and bottled in a building where milk is pasteurized providing all milk received in the building where milk is pasteurized meets the requirements for "Raw Milk" as set forth in this act

(f) The rooms of buildings in which milk is exposed during and after pasteurization shall be properly lighted ventilated drained and clean and shall be used for no other purpose than to provide a place for cleansed milk containers and utensils and for the handling of milk during and after pasteurization

(g) Milk during and after pasteurization and cleansed milk containers utensils and equipment shall be protected from flies

(h) Pasteurizing plants shall be provided with and use an adequate supply of steam or hot water for cleansing milk containers utensils and equipment

(i) Equipment with which milk comes in contact shall be constructed in such manner as to be easily cleansed Demountable apparatus with which milk comes in contact shall be taken apart and cleansed each day such apparatus is in use Surfaces with which milk comes in contact shall be of smooth non-corrosive material and free from open seams

(j) "Pasteurized Milk" shall be placed in the final container in the milk plant where the milk is pasteurized immediately after pasteurization

(1) The milk plants in which milk is received or pasteurized shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "Secretary" Equipment before being installed shall likewise be approved by the Secretary

Section 13 Adequate facilities shall be provided and used for furnishing clean containers free from injurious organisms in which to sell "Raw Milk" or "Pasteuried Milk" or "Milk for Pasteurization" or "Milk Products" Bottles or containers whether of glass or other material shall be filled and closed without any part of the hand coming in contact with the inner surface of the bottles or containers or in contact with bottle caps Caps shall be obtained in sanitary containers and kept therein until used

Section 14 Milk plants in which milk or milk products is handled received bottled or pasteurized shall be provided with adequate and conveniently located toilet facilities

Section 15 The water supply used in milk plants shall be sufficiently abundant for all purposes easy of access and free from contamination

Section 16 The Secretary of Health shall have the power to make requirements concerning the number and character of bacteria in milk and milk products

Bacteriological analysis of milk and milk products shall be made under the supervision of a laboratory the equipment and director of which have been approved by the Secretary of Health The bacteriological analysis of milk and milk products shall be in accordance with Standard Methods of Milk Analysis of the American Public Health Association and the Association of Official Agricultural Chemists last adopted

Section 17 "Milk Products" shall be prepared from milk produced and handled in the following manner

(a) "Milk for Pasteurization" shall be used in the preparation of "Milk Products"

(b) The "Milk for Pasteurization" used in the preparation of "Milk Products" shall be pasteurized or otherwise treated as indicated by the "Secretary" before or during the preparation of "Milk Products"

(c) Milk containers in which "Milk for Pasteurization" is received in milk plants for the preparation of "Milk Products" shall be thoroughly cleansed and dried before returning to a dairy farm or a milk plant

(d) The rooms of buildings in which "Milk Products" are exposed during and after preparation shall be properly lighted ventilated drained and clean and shall be used for no other purpose than to provide a place for cleansed containers and utensils and for the handling of "Milk Products"

(e) "Milk Products" during and after preparation and cleansed containers utensils and equipment shall be protected from flies

(f) Milk plants in which "Milk Products" are prepared shall be provided with an adequate supply of steam or hot water for cleansing containers utensils and equipment

(g) Equipment with which "Milk Products" come in contact shall be constructed in such a manner as to be

easily cleansed Demountable apparatus with which "Milk Products" come in contact shall be taken apart and cleansed each day such apparatus is in use Surfaces with which "Milk Products" Come in contact shall be of smooth non-corrosive material and free from open seams

(h) The milk plants in which "Milk Products" are prepared shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "Secretary" Equipment before being installed shall likewise be approved by the Secretary

Section 18 The provisions of this act and the regulations made thereunder shall not be taken nor deemed to repeal existing municipal ordinances nor to prevent municipalities from enacting and enforcing new ordinances for the further protection of the public health Provided That this act shall be considered as establishing uniform requirements and regulations and that nothing herein contained shall be deemed to prevent municipalities from ordaining and enforcing such additional requirements in excess of the requirements and regulations hereunder as may be deemed necessary from time to time for the preservation of public health and to require applications from and to issue permits to such persons as may be defined by local ordinances

Section 19 The advisory health board of the State Department of health is hereby authorized to adopt and promulgate rules and regulations for the proper enforcement of this act

Section 20 Any person violating any provisions of this act or rules and regulations pertaining thereto shall upon conviction thereof before any magistrate alderman or justice of the peace in the county where the offense shall have been committed be subject to a fine of not less than ten dollars ($10) and not more than fifty dollars ($50) for each offense to be collected by summary conviction as like fines are now collected by law or in case of nonpayment of the fine to undergo imprisonment in the county jail for a period not exceeding thirty days Provided That any person convicted more than twice of violating the same provisions of this act or rules and regulations pertaining thereto shall be subject to a fine of not less than fifty dollars ($50) nor more than two hundred and fifty dollars ($250) or in case of nonpayment of the fine to undergo imprisonment in the county jail for a period not less than thirty days nor more than six months

Prosecutions for violations of any of the provisions of this act and the regulations thereto shall be brought by the Secretary of Health or his agent or by any health officer of any municipality in this Commonwealth

All fines collected under this act shall be paid to the Secretary and by him into the State Treasury through the Department of Revenue

Section 21 Whenever in the opinion of the Secretary a given supply of milk or milk products is considered unsafe or a menace to public health the Secretary may seize condemn denature or destroy such milk or milk products without compensation to the owner or owners thereof

The general sanitary conditions of any place wherein milk or milk products are produced stored prepared or handled and its immediate surroundings shall be such as to insure a safe and clean supply of milk or milk products.

The Secretary shall have the right to exclude from sale any part of a milk supply which may be considered unsafe or milk or milk products which is produced on dairy farms or handled in milk plants which fail to meet the requirements of this act

A satisfactory flush closet or sanitary privy shall be provided at all dairy farms where milk is produced or handled

Section 22 The Attorney General may at the instance of the Secretary in the name of the Commonwealth institute proceedings in equity in the court of Common Pleas of Dauphin County for the purpose of enjoining any person from offering milk or milk products for sale without a permit as provided in this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 23 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part thereof the reand effect as completely as if the part held unconstitumaining provisions of the act shall be given full force tional had not been included herein

Section 24 The act of May second one thousand nine hundred and twenty-nine Pamphlet Laws one thousand two hundred twenty-nine entitled "An act to safeguard human health and life by providing for the licensing and regulation of persons and entities dealing in milk for human consumption conferring powers and imposing duties on the Secretary of Health and the Advsiory Health Board and otherwise providing for the administration of the act and imposing penalties" as amended by the acts approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred four) the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred thirty-two) and the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-one one thousand nine hundred thirty-three one thousand nine hundred thirty-four) are hereby repealed All other acts or parts of acts inconsistent herewith are hereby repealed

Section 25 This act shall become effective immediately upon approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a thirdreading.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 458, as follows:

An Act providing for the fixing by the tax levying body of counties of the first class of the salaries and number of all persons paid out of the county treasury except those whose salaries are fixed by law and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the year one thousand nine hundred and thirty-six and for each year thereafter it shall be the duty of the tax levying body of counties of the first class to fix the salaries of all officials deputies clerks and employees who are paid their salaries by warrant or otherwise out of the county treasury excepting only those whose salaries are fixed and established as to amount by Act of Assembly Said tax levying body shall also fix the number of deputies clerks and employees paid by warrant or otherwise out of the said treasury except where such number is fixed by Act of Assembly

Section 2 The following acts and parts of Acts of Assembly are hereby repealed in whole or in part as respectively indicated The repeal of the first section of an act shall not repeal the enacting clause of such act The repeal by this act of any Act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-two) entitled "An act relating to the clerk of the court of oyer and terminer and quarter sessions of the peace and municipal court of any county of this Commonwealth having a population of one million five hundred thousand or over providing for the salaries and compensation of the clerk of the court of oyer and terminer and quarter sessions of the peace and municipal court deputies clerks and employes thereof" in so far as it fixes the salaries of deputies clerks and employes

Section one of the act approved the twentieth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred forty-one) as amended by Section one of the act approved the third day of April one thousand nine hundred and twenty-nine (Pamphlet

Laws one hundred twenty-three) entitled "An act fixing the salary of the deputy coroner of counties having a population of one million five hundred thousand or over" absolutely

Section two of the act approved the eighteenth day of April one thousand eight hundred ninety-nine (Pamphlet Laws fifty-six) entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a clerk fix his compensation and prescribe the term and duties of the clerk except in counties where the clerk to the county commissioners is elected by the people" in so far as said act as amended authorizes the commissioners of counties of the first class to fix the salary of the clerk of the board of county commissioners.

Section one of the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred thirty-six) entitled "An act providing for the employment and payment of janitors firemen engineers mechanics laborers and care takers of court houses and grounds" absolutely

Section one of the act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-nine) entitled "An act to provide for the appointment of janitors in and for the various courts of counties having a population of one million two hundred thousand and over and for the compensation and payment thereof" in so far as it applies to the counties of the first class

Section three of the act approved the nineteenth day of March one thousand nine hundred and twenty-five (Pamphlet Laws fifty-nine) entitled "An act to provide for the positions of principal deputy prothonotary and second deputy prothonotary in counties of the first class prescribing their powers and duties and fixing their salaries" in so far as it fixes the salaries of said principal deputy prothonotary and second deputy prothonotary

Section one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred twenty-nine) entitled "An act fixing the salary of the clerks of the courts of common pleas in counties of the first class" absolutely

Section four of the act approved the fourth day of April one thousand eight hundred thirty-seven (Pamphlet Laws three hundred seventy-seven) entitled "An act to alter the times of holding Courts in the county of Tioga and for other purposes" absolutely

Section one of the act approved the thirtieth day of May one thousand eight hundred ninety-five (Pamphlet Laws one hundred twenty-eight) entitled "An act increasing the salaries of tip-staves in the courts of any county in this Commonwealth having a population of not less than five hundred thousand" as last amended by section one of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred) absolutely

Section five of the act approved the nineteenth day of May one thousand eight hundred and seventy-four (Pamphlet Laws two hundred six) entitled "An act relating to the organization and jurisdiction of orphans' courts and to establish a separate orphans' court in and for counties having more than one hundred and fifty thousand inhabitants and to provide for the election of judges thereof" as last amended by the act approved the eighth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand six hundred thirty-three) in so far as it fixes the salaries of clerks of the register of wills and clerk of the orphans' court of counties of the first class and also in so far as it fixes or authorizes the judges of the orphans' court in counties of the first class to fix the salaries of assistants to the register of wills and clerk of the orphans' court in said counties

Section seven of the act approved the second day of July one thousand nine hundred and one (Pamphlet Laws six hundred one) entitled "An act to establish in cities of the first and second class a house or houses of detention for delinquent dependent and neglected children and providing for the management and maintenance thereof" in so far as it authorizes the board of managers of the house of detention for juvenile offenders in cities of the first class to fix the salary or compensation to be paid to the caretakers of said house of detention

Section two of the act approved the fourteenth day of April one thousand eight hundred and thirty-five (Pamphlet Laws two hundred thirty-two) entitled "A supplement to the act entitled 'An act to provide for the erection of a new prison and a debtors' apartment within the city and county of Philadelphia and for the sale of the county prison in Walnut street in said city'" in so far as it authorizes the inspectors of prisons of counties of the first class to fix the salaries and compensation of the superintendent the matron the physician the clerk and the keeper and all other persons employed in or about said institution

Section one of the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-seven) entitled "An act fixing the salaries of real estate assessors in counties of the first class" absolutely

Section three of the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred forty-nine) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries" as amended by section one of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred thirty-one) absolutely

Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-two) entitled "An act to fix the salaries of the deputy register clerks and employes in the office of the register of wills of counties of the first class" absolutely

The act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred sixty-one) entitled "An act fixing the salaries and compensation of the officers clerks and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over" as last amended by the act of the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred seventy-nine) absolutely

Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-four) entitled "An act fixing the salary to be paid by each county of the first class to its chief deputy sheriff" absolutely

The act approved the fourth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred sixty-three) entitled "An act providing for real estate deputy sheriffs in counties of the first second and third classes and fixing their salaries payable by said counties and repealing section two of an act approved the twenty-fourth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred eighty-five) entitled 'An act authorizing the sheriffs of the several counties of this Commonwealth to appoint by deed chief deputies with power to act as sheriff in case of and during the temporary disability of the sheriff to act in person and fixing the salaries of such chief deputies in counties containing more than five hundred thousand inhabitants' and other acts general special or local so far as inconsistent herewith" in so far as it relates to counties of the first class

All other acts and parts of acts whether special local or general inconsistent herewith are also hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker and members of the House, in this bill, House Bill No. 458, I am thoroughly in accord with the principles therein contained, and would ask the members of this House to vote in favor of this bill.

I cannot help but direct your attention, however, to the fact that being in accord with the principles set forth in this bill that at the begining of the session, on January

15th of this year, I introduced a bill known as House Bill 122. I want to say, however, in fairness to the gentleman from Philadlphia, Mr. Burke, that I do not wish that statement to be construed in a manner that would indicate that which I have indicated before, to wit, that my bill was copied by him. The gentleman, Mr. Burke, advised me that before the session started, he had in contemplation such a bill and such a principle to be set into law, and I am frank to say that I took his word and, therefore, do not wish it to be imputed to him that my bill was copied. I do say, however, that the substance of the two bills is identical. I want it noted on the record that the Republican party of this Commonwealth, and the Republican representatives in this House stand in favor of the principle in this bill, and so standing in favor, introduced such a bill which we would like to have had enacted in the law.

I also wish to direct the attention of the membership of this House to the fact that a bill similar in nature and character is now in the House Committee, being the bill of Senator Shapiro, the Republican Senator from Philadelphia, Senate Bill No. 8, which is practically identical in substance with this bill.

It seems rather strange to me that we should go through the double work of passing a bill in this House and then sending it over to the Senate, when all we would have to do to cover the same subject would be to pass one bill. However, I take it that partisan politics continues to exist.

I do want to say one thing, that I regret very much that the gentleman from Philadelphia was rather consistent in defeating or causing to be defeated the amendments made by the gentleman from Philadelphia, Mr. Blumberg, so as to include the employes of the Registration Commission, but I take it there that also partisan politics had something to do with the bills that we pass, and that it depends upon whose axe is being ground and who is in control of the particular job. However, I also do not blame the gentleman from Philadelphia, Mr. Burke, for talking on this bill, and I hope that my laryngitis will not be any worse for having done so. I will ask you to vote for this bill.

Mr. BURKE. Mr. Speaker and members of the House, I am not going to ask the indulgence of the House very long on this bill. This bill is what I call a quintuplet bill. We have already passed four bills, all tending to the same end, and for me to enumerate the merits of this bill would be a matter of duplication, but the fact that I call these bills quintuplets suggests to me another wonder, which we have all witnessed today.

Last week the partition on the back of the House was removed, and today we see the partition, an invisible partition which has run down through the center aisle since the session has opened, it has vanished.

Here is a very good, a very valuable and helpful idea which I want to give to the members of this House. I hope you do not think me forward as a new member in trying to give any advice to many of you members who have been in these seats for five or six sessions, but it is a matter that has been very forcibly been brought home to me by the minority leader of this house.

You will probably recall about two weeks ago that he admonished me on the floor of this House with the remark that sometimes ghosts come back to haunt to you. I wonder if the minority leader of this House was not visited within the last few days by the ghost of the Salary Survey Commission. He put himself on record in 1927, and I think the ghost has come forward within the last few months to urge him to support legislation of this character.

Let this be a lesson to each one of us, in order that we may be reminded that these ghosts may come back at any time to haunt us. Let us recall the last line of that old story that we heard as children, "And the goblins will get you if you don't watch out."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 385, entitled:

An Act to amend section one of the act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the is-

suance of licenses to marry; prohibiting the issuance of such licenses to certain persons; regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court," by requiring three days to elapse between the application for, and the issuance of, the license.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, may I interrogate the gentleman from Berks, Mr. Ruth?

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Berks whether he has had anything to do with the introduction of this marriage bill by the lady from Philadelphia, Miss Brancato?

Mr. RUTH. Mr. Speaker, I did not.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—153

| | | | |
|---|---|---|---|
| Alexander, | Ferko, | McCreary, | Schwartz, |
| Andrews, | Finnerty, | McDermott, | Shepard, |
| Arnold, | Fitch, | McDevitt, | Shortz, |
| Baine, | Flanagan, | McElroy, | Shreiner, |
| Baker, J. J., | Flinchbaugh, | McHenry, | Siegel, |
| Baldi, | Flynn, | Melchiorre, | Simon, |
| Bernhard, | Forrest, | Mentzer, | Smith, J. A., |
| Blumberg, | Gillette, | Merrell, | Smith, W. G., |
| Boose, | Green, | Moomaw, | Snyder, F. E., |
| Boyd, R., | Greenstein, | Mooney, | Snyder, J. L., |
| Boyer, | Habbyshaw, | Moore, | Sproul, |
| Bradley, | Haberlen, | Moran, | Stank, |
| Brancato, | Hagerty, | Moul, | Stevens, |
| Brown, J. E., | Haluska, | Munley, | Stewart, |
| Brumbaugh, | Hamilton, F. P., | Murrin, | Stockham, |
| Burke, | Hamilton, R. S., | Nagel, | Stone, |
| Cannon, | Harkins, | Nothnagle, | Sumney, |
| Caputo, | Harmuth, | O'Keefe, | Surface, |
| Carr, | Hartman, | Ominsky, | Tahl, |
| Carson, | Hefferon, | O'Neill, | Terry, |
| Castor, | Hermansen, | Patterson, C., | Tronzo, |
| Chervenak, | Hindman, | Patterson, J. W., | Trout, |
| Coakley, | Hirsch, | Pearson, | Tumelty, |
| Cochran, | Hoffner, | Pfaff, | Van Sickle, |
| Cohen, | Holstrom, | Phillips, | Walker, |
| Coleman, | Hoopes, | Piole, | Wasserman, |
| Condon, | Horst, | Powers, | Weidemann, |
| Conner, | Jackson, | Reising, | Weiss, |
| Coolahan, | Kane, | Rhys, | Welliver, |
| Cordier, | Kilroy, | Rinn, | Welsh, |
| Davies, | Kinney, | Roan, | Westrick, |
| Decker, | Klingler, | Robinson, | Wilson, |
| Denning, | Kobelak, | Root, | Witkin, |
| Diehl, | LaRue, | Ruth, | Woodside, |
| Dilley, | Long, | Sarraf, | Yeakel, |
| Downey, J. J., | Longaker, | Schrock, | Zappala, |
| Duffort, | Lovett, | Schrope, | Zimmerman, |
| Eberharter, | Male, | Schwab, | Sarig, |
| Eroe, | | | |

NAYS—21

| | | | |
|---|---|---|---|
| Achterman, | Gates, | Reynolds, | Wall, |
| Allen, | Kelder, | Simpson, | White, |
| Aukerman, | Lynch, | Sloan, | Wickersham, |
| Baker, F. T., | McKinney, | Turner, | Wood, |
| Barber, | Panton, | Van Allsburg, | Yourishin, |
| Downey, G. E., | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1207, entitled:

An Act to amend clause (a) of section sixteen of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," requiring the registration commission to provide an additional registration day in each election district during the month of August, one thousand nine hundred and thirty-five.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffenmach | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |

| | | | |
|---|---|---|---|
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading consideration of House Bill No. 1421, entitled:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor abolishing the elected directors of the poor and terminating the terms of those now in office, but providing that certain directors shall continue as employes; and repealing existing laws

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Schwartz, |
| Alexander, | Falkenstein, | McCreary, | Shaw, |
| Allen, | Ferko, | McDermott, | Shepard, |
| Altenburg, | Finnerty, | McDevitt, | Shortz, |
| Andrews, | Fitch, | McElroy, | Shreiner, |
| Arnold, | Flanagan, | McHenry, | Shugarts, |
| Atkins, | Flinchbaugh, | McKinney, | Siegel, |
| Aukerman, | Flynn, | Melchiorre, | Simon, |
| Baine, | Furman, | Mentzer, | Simpson, |
| Baker, F. T., | Gates, | Merrell, | Sloan, |
| Baker, J. J., | Gerard, | Moomaw, | Smith, J. A., |
| Baldi, | Gillette, | Mooney, | Smith, W. G., |
| Barber, | Green, | Moore, | Snyder, F. E., |
| Bernhard, | Greenstein, | Moran, | Snyder, J. L., |
| Blumberg, | Habbyshaw, | Moul, | Sowers, |
| Boose, | Haberlen, | Muir, | Sproul, |
| Boyd, R., | Hagerty, | Munley, | Stank, |
| Boyer, | Haluska, | Nagel, | Stevens, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stewart, |
| Brancato, | Harkins, | O'Keefe, | Stockham, |
| Brennan, | Harmuth, | Ominsky, | Stone, |
| Brown, H. S., | Hart, | O'Neill, | Sumney, |
| Brown, J. E., | Hartman, | Panton, | Surface, |
| Brownfield, | Hefferon, | Parks, | Tahl, |
| Brumbaugh, | Hermansen, | Patterson, C., | Terry, |
| Burke, | Hetrick, | Patterson, J. W., | Tronzo, |
| Cannon, | Hindman, | Pearson, | Trout, |
| Caputo, | Hirsch, | Perry, | Tumelty, |
| Carr, | Hoffner, | Peters, | Turner, |
| Carson, | Holstrom, | Pfaff, | Van Allsburg, |
| Castor, | Hoopes, | Phillips, | Walker, |
| Chervenak, | Horst, | Piole, | Wall, |
| Coakley, | Jackson, | Powers, | Wasserman, |
| Cochran, | Jones, | Reising, | Weidemann, |
| Cohen, | Kane, | Reynolds, | Weiss, |
| Coleman, | Kelder, | Rhys, | Welliver, |
| Condon, | Kilroy, | Rinn, | Welsh, |
| Conner, | Kinney, | Roan, | Westrick, |
| Coolahan, | Klingler, | Robinson, | White, |
| Cordier, | Kobelak, | Rooney, | Wickersham, |
| Davies, | LaRue, | Root, | Wilson, |
| Decker, | Linderman, | Ruffennach, | Witkin, |
| Denning, | Long, | Ruth, | Wood, |
| Dent, | Longaker, | Sarraf, | Woodside, |
| Diehl, | Lovett, | Scanlon, | Yeakel, |
| Dilley, | Lynch, | Schrock, | Yourishin |
| Downey, G. E., | Male, | Schrope, | Zappala, |
| Duffort, | Mallen | Schwab | Sarig, |
| Eberharter, | | | |

NAYS—3

| | | |
|---|---|---|
| Forrest, | Hamilton, R. S. | Zimmerman, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 945, entitled:

An Act relating to the imposition of costs of commitment and maintenance where the court of quarter session commits poor or mentally defective persons to an almshouse home or hosptial of a poor district where such person has no legal settlement.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1265, entitled:

An Act to repeal the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred fifty-one) entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Schwartz, |
| Alexander, | Falkenstein, | Mason, | Shaw, |
| Allen, | Ferko, | McCreary, | Shepard, |
| Altenburg, | Finnerty, | McDermott, | Shortz, |
| Andrews, | Fitch, | McDevitt, | Shreiner, |
| Arnold, | Flanagan, | McElroy, | Shugarts, |
| Atkins, | Flinchbaugh, | McHenry, | Siegel, |
| Aukerman, | Flynn, | McKinney, | Simon, |
| Baine, | Forrest, | Melchiorre, | Simpson, |
| Baker, F. T., | Furman, | Mentzer, | Sloan, |
| Baker, J. J., | Gates, | Merrell, | Smith, J. A., |
| Baldi, | Gerard, | Moomaw, | Smith, W. G., |
| Barber, | Gillette, | Mooney, | Snyder, F. E., |
| Bernhard, | Green, | Moore, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moran, | Sowers, |
| Boose, | Habbyshaw, | Moul, | Sproul, |
| Boyd, R., | Haberlen, | Muir, | Stank, |
| Boyer, | Hagerty, | Munley, | Stevens, |
| Bradley, | Haluska, | Murrin, | Stewart, |
| Brancato, | Hamilton, F. P. | Nagel, | Stockham, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Stone, |
| Brown, H. S., | Harkins, | O'Keefe, | Sumney, |
| Brown, J. E., | Harmuth, | Ominsky, | Surface, |
| Brownfield, | Hart, | O'Neill, | Tahl, |
| Brumbaugh, | Hartman, | Panton, | Terry, |
| Burke, | Hefferon, | Parks, | Tronzo, |
| Cannon, | Hermansen, | Patterson, C., | Trout, |
| Caputo, | Hetrick, | Patterson, J. W., | Tumelty, |
| Carr, | Hindman, | Pearson, | Turner, |
| Carson, | Hirsch, | Perry, | Van Allsburg, |
| Castor, | Hoffner, | Peters, | Van Sickle, |
| Chervenak, | Holstrom, | Pfaff, | Walker, |
| Coakley, | Hoopes, | Phillips, | Wall, |
| Cochran, | Horst, | Piole, | Wasserman, |
| Cohen, | Jackson, | Powers, | Weidemann, |
| Coleman, | Jones, | Reising, | Weiss, |
| Condon, | Kane, | Reynolds, | Welliver, |
| Conner, | Kelder, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Roan, | White, |
| Davies, | Klingler, | Robinson, | Wickersham, |
| Decker, | Kobelak, | Rooney, | Wilson, |
| Denning, | LaRue, | Root, | Witkin, |
| Dent, | Linderman, | Ruffennach, | Wood, |
| Diehl, | Long, | Ruth, | Woodside, |
| Dilley, | Longaker, | Sarraf, | Yeakel, |
| Downey, G. E., | Lovett, | Scanlon, | Yourishin, |
| Downey, J. J., | Lynch, | Schrock, | Zappala, |
| Duffort, | Male, | Schrope, | Zimmerman, |
| Eberharter, | | Schwab, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL ON THIRD READING

Mr. JOHN E. BROWN. Mr. Speaker, I desire to call up at this time House Bill No. 179, Printer's No. 293, on page 16 of to-day's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. JOHN E. BROWN.

The House resumed the consideration on third reading of House Bill No. 179, entitled:

An Act to repeal section eight of the act approved the ninth day of June, one thousand nine hundred and thirty-one (P. L. 401), entitled "An act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto,' by further regulating the affairs of such counties; imposing penalties for certain violations of said act, as amended; and repealing certain existing laws."

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I say that this bill only concerns the fourth class counties, and not them unless the recorder has appointed a solicitor. This repeals Section 8 of the Act of 1931—I believe it is—where the recorders of the fourth class counties may appoint a solicitor. It leaves this matter entirely in the hands of the recorder. He may appoint him if he wishes. In Washington County we have an attorney for the recorder, and he draws a salary of $550 a year; not very much, but a great principle is involved, as the solicitor, the members of the Bar claim, is entirely unnecessary. I don't think that many of the fourth class counties have a solicitor. We wish to dispense with ours in Washington County.

Mr. VanSICKLE. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. John E. Brown.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. JOHN E. BROWN. I will, Mr. Speaker.

Mr. VanSICKLE. Mr. Speaker, do I understand the gentleman from Washington to say that this would do away with the solicitor for the recorder of deeds in all fourth class counties?

Mr. JOHN E. BROWN. Mr. Speaker, yes; the act refers to all counties of the fourth class. The recorder of deeds may appoint one person as his solicitor. The said solicitor shall advise the recorder of deeds upon all legal matters that may be submitted to him, and so fourth.

Mr. VanSICKLE. Mr. Speaker, where will the recorders of deeds in these fourth class counties secure their legal information as to the recording of foreign papers, the validity of acknowledgments in foreign countries and advice upon the indexing system in the office, and various other matters pertaining to that office?

Mr. JOHN E. BROWN. Mr. Speaker, he could secure his information from the county solicitor. We have different solicitors in the Court Houses.

Mr. VanSICKLE. Mr. Speaker, doesn't the gentleman from Washington know that it is not the duty of the county solicitor to furnish information to all the officers of the county, and that he cannot be compelled to furnish such information to the recorder of deed's office?

Mr. JOHN E. BROWN. Mr. Speaker, I have been informed by members of the Bar that the solicitor for the

recorder has never been called upon; that his services are not necessary.

Mr. VanSICKLE. Mr. Speaker and members of the House, I believe that this office of solicitor for the recorder of deeds is necessary in many counties, particularly in those counties having a large percentage of foreign population, for the reason that many papers are placed upon record coming from foreign countries. It is necessary for the solicitor to know whether those papers are in proper shape to be recorded, and to know whether they conform to the requirements of the law of the state of Pennsylvania. For the further reason that in many counties, to my knowledge, that have a solicitor, vast savings can be effected through the recommendations of that solicitor as to the recording systems of the counties, and as to the supervision of the work in the recorder of deed's office.

You will note, members of the House, that this act says, "may retain a solicitor." If a solicitor is not necessary, the recorder should not retain a solicitor, and it is the fault of the people of that particular community that they put into office a recorder who retains unnecessary help, but I think it is only right and proper that where a solicitor is required, that the man at the head of that office should be permitted to retain a solicitor. That is all this act does, and yet if you repeal the act, you will say to every recorder of a fourth class county in the state of Pennsylvania that "You may not have a solicitor, although you may require one." You will further say to him, "You can get no advice upon the affairs of your office for the reason that the county solicitor is not compelled to give you such advice." I think it is only fair to these gentlemen in office to let them have a solicitor if one is needed, and to depend upon the judgment of those officials that no solicitor is appointed if he is not needed, and if an official transcend the trust that is put in him, it is the duty of the people of that community to see that he is not returned to office. I, therefore, ask the members of this House to vote "no" on this bill.

Mr. McCREARY. Mr. Speaker and members of the House, I want to say to you I am also a member from a fourth class county, and I have some information regarding this very matter that I think might help you when you come to vote.

Four years ago our recorder appointed an attorney at a thousand dollars a year, which the law allows and permits. The first time that the Salary Board members came down to her office, they told her, "Now, we don't need a solicitor, an attorney. We haven't got $15 worth of legal advice, and you can easily get that from any attorney in the city." Her reply was, "The law gives me the right to appoint an attorney, and I am going to appoint him," and she did. The next time they came down, the Salary Board told her the same thing, and she said, "I am still going to appoint an attorney, but I will reduce his salary to $900 a year." That is an authentic case, and I can prove every word of it. This recorder required the attorney's information to about $15 a year, and the taxpayers paid a thousand dollars for two or three years, and now they are paying $900, and that appointment was made just on political influence. Why should the taxpayers be required to pay a thousand dollars a year for what the recorder can buy from any attorney in the city. He doesn't have to be a district attorney. There are a dozen young attorneys that would be glad to answer any question that the recorder would bring up for fifteen or twenty-five dollars.

Vote "no" on this bill and save the taxpayers of the fourth class counties five hundred to a thousand dollars a year.

Mr. VanSICKLE. Mr. Speaker and members of the House, I also happen to come from a fourth class county, and for the reasons previously stated, a solicitor is needed. However, in my county we pay him the sum of three hundred dollars per year.

Now, it would not be proper to make a remark, perhaps, that if they had a Democratic recorder the rates would be less, and it is not the fault of the county if a Republican recorder sees fit to pay nine hundred dollars, but I will not make that remark, because I am asking my Republican friends to vote against this bill.

Mr. JOHN E. BROWN. Mr. Speaker, may I interrogate the gentleman from Northampton, Mr. Van Sickle?

The Speaker. Will the gentleman from Northampton permit himself to be interrogated?

Mr. VanSICKLE. I will, Mr. Speaker.

Mr. JOHN E. BROWN. Mr. Speaker, I would like just to inquire as to the gentleman's business?

Mr. VanSICKLE. An attorney, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Andrews, | Chervenak, | McCreary, | Schwab, |
| Atkins, | Downey, G. E., | McElroy, | Smith, J. A., |
| Baine, | Habbyshaw, | Moomaw, | Smith, W. G., |
| Baker, F. T., | Harmuth, | Moran, | Stone, |
| Boyer, | Hermansen, | Moul, | Surface, |
| Brown, J. E., | Long, | Scanlon, | Tumelty, |
| Carson, | Lynch, | Schrock, | Welliver, |

NAYS—137

| | | | |
|---|---|---|---|
| Achterman, | Fitch, | McDevitt, | Shortz, |
| Alexander, | Flanagan, | McHenry, | Shreiner, |
| Arnold, | Flinchbaugh, | McKinney, | Shugarts, |
| Aukerman, | Flynn, | Mentzer, | Snyder, F. E., |
| Baker, J. J., | Forrest, | Merrell, | Snyder, J. L., |
| Baldi, | Furman, | Mooney, | Sowers, |
| Barber, | Gates, | Moore, | Sproul, |
| Bernhard, | Gerard, | Muir, | Stank, |
| Blumberg, | Gillette, | Munley, | Stevens, |
| Boose, | Green, | Ominsky, | Stewart, |
| Boyd, R., | Greenstein, | O'Neill, | Stockham, |
| Bradley, | Haberlen, | Panton, | Tahl, |
| Brumbaugh, | Hagerty, | Parks, | Tronzo, |
| Cannon, | Hamilton, R. S., | Patterson, C., | Trout, |
| Caputo, | Harkins, | Patterson, J. W., | Van Allsburg, |
| Castor, | Hart, | Pearson, | Van Sickle, |
| Coakley, | Hartman, | Perry, | Walker, |
| Cochran, | Hefferon, | Pfaff, | Wall, |
| Cohen, | Hetrick, | Phillips, | Wasserman, |
| Coleman, | Hoffner, | Piole, | Weidemann, |
| Condon, | Holstrom, | Powers, | Weiss, |
| Conner, | Hoopes, | Reising, | Welsh, |
| Coolahan, | Horst, | Reynolds, | Westrick, |
| Cordier, | Jackson, | Rhys, | White, |
| Davies, | Kane, | Rinn, | Wickersham, |
| Denning, | Kelder, | Roan, | Wilson, |
| Dent, | Kilroy, | Robinson, | Witkin, |
| Diehl, | Kinney, | Root, | Wood, |
| Dilley, | Klingler, | Ruffennach, | Woodside, |
| Downey, J. J., | Kobelak, | Ruth, | Yeakel, |
| Duffort, | LaRue, | Sarraf, | Yourishin, |
| Eberharter, | Longaker, | Schwartz, | Zappala, |
| Eroe, | Male, | Shaw, | Zimmerman, |
| Ferko, | McDermott, | Shepard, | Sarig, |
| Finnerty, | | | |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

STATEMENT BY MR. ANDREWS

Mr. ANDREWS asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I desire to call the attention of this House to the fact that after having voted $215,000,000 in new taxes, the House places itself almost unanimously in opposition to the first economy measure presented to the membership; the first opportunity to reduce the burden upon the local taxpayer.

Mr. McCREARY asked, but did not obtain unanimous consent to make a statement to the House.

BILL ON THIRD READING

Mr. JOHN J. BAKER. Mr. Speaker, I desire at this time to call up House Bill No. 1156, Printer's No. 386, on page 17 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. JOHN J. BAKER.

The House resumed the consideration on third reading of House Bill No. 1156, entitled:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsh, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. McDEVITT. Mr. Speaker, I desire at this time to call up House Bill No. 631, Printer's No. 303, on page 16 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McDEVITT.

The House resumed the consideration on third reading of House Bill No. 631, entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing additional powers for a sequestrator of property appointed by court under the provisions of the act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |

| | | | |
|---|---|---|---|
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## TIME EXTENDED ON BILL

Mr. NAGEL. Mr. Speaker, I move that the time on House Bill No. 749, Printer's No. 316, entitled:

An Act to amend section two hundred and fifty-six of the act apporved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended reducing the number of assistant district attorneys in counties of the fifth and sixth class

On page 10 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## BILLS ON THIRD READING

Mr. GEORGE E. DOWNEY. Mr. Speaker. The gentleman from Allegheny, Mr. Harmuth was required to leave the hall of the House for a short conference, and he requested that House Bill No. 734, Printer's No. 363 be passed over for the present until he returns.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1311 as follows:

An Act to amend section one thousand five hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added authorizing school districts to provide for the treatment of diseased tonsils of pupils and to furnish glasses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand five hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added by the act approved the seventeenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand thirty-two) is hereby amended to read as follows

Section 1511 Any school district may With the consent of parents guardian or person standing in loco parentis provide for the care and treatment of defective eyes [and] teeth and treatment or removal of diseased tonsils or adenoids of pupils of its public schools and may furnish glasses to pupils at the expense of the school district

Mr. WOODSIDE. Mr. Speaker, I feel that there is a certain amount of merit in this bill. However, I think that there are some matters that have not been fully considered. I cannot divulge to the House what went on in Committee, but I can say this, that until the bill was placed on the calendar I was very much in favor of it, and I can further state that I have taken the matter up with school directors and physicions, and I feel that under all the circumstances this bill should be recommitted to the Committee on Education.

Therefore, Mr. Speaker, I make a motion at this time that this bill be recommitted to the Committee on Education, and I want further to state, Mr. Speaker, that I make the motion before it has been read for the third time, in order that it can be considered, and probably or possibly amended in the Committee on Education.

On the question,

Will the House agree to the motion?

Mr. FLANAGAN. Mr. Speaker, I object to this bill being recommitted.

Mr. WESTRICK. Mr. Speaker, in the course of the confusion we were unable to hear the remarks of either of the gentlemen, and we just don't know where we are.

The SPEAKER. The purpose of the motion is to recommit the bill to the Committee on Education for the purpose of amendment.

Mr. EBERHARTER. Mr. Speaker, are we to understand that the sponsor of this bill has no objection to its being recommitted?

The SPEAKER. The sponsor has objected.

Mr. WOODSIDE. Mr. Speaker, and members of the House, in order that my position may be clear on this matter, I will repeat what I did say, and possibly add a little to the reasons why I think this bill should be recommitted to the Committee on Education. I stated, in the first place, that I cannot divulge what took place in the Committee, but I can state to this House that until

this bill was placed on the calendar, and even after it was on the calendar, I was very much in favor of it. There was considerable sentiment at the time for amendment of this bill.

I have taken the matter up with physicians. I was very much surprised that they had certain objections to it, which appear more or less valid to me. I also took the matter up with several school directors, and they are very much opposed to it, and I think there are certain things in reference to this bill to be further considered.

We are putting an additional burden on the school boards, and we have to be careful along that line. There is another question involved in this bill, and that is the question of how far the school board owes an obligation to the students to give them medical attention, and I understand that a State organization of physicians is working up a program with the assistance of the Federal Administration, with which this bill may be to some extent interfere. That program, as I understand it, is to get money from the State Government for the purpose, at least in certain districts, of examining all of the children and giving them the medical attention which is necessary. We are now providing in this bill that the school board will have authority to give attention along certain medical lines to certain of the population. This is putting a burden on the school board, and there are certain reasons in connection with it, which I think should receive further conisideration by the Committee.

I did not want to get on the floor to oppose the bill, and I am not on the floor for that purpose, but if the bill is not recommitted I will have to propose it, and in fairness to the sponsor, I thought it was proper to move to recommit before it was read the third time, because if there are any amendments to go in, they can be put in by the Committee at that time. Therefore, I ask you to vote for this motion.

Mr. WEISS. Mr. Speaker, on behalf of the sponsor of this bill, I wish to state that the suggestion of the gentleman from Dauphin is agreeable, namely, to recommit House Bill No. 1311, Printer's No. 395, to the Committee on Education.

Mr. BROWNFIELD. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. BROWNFIELD. Mr. Speaker, may I ask the gentleman the purposing in moving to recommit the bill—for what purpose?

Mr. WOODSIDE. Mr. Speaker, for the purpose of further study and amendment.

Mr. BROWNFIELD. Mr. Speaker and members of the House, I see no reason why the bill should be recommitted. The Committee studied the bill and reported it out, and the bill is merely a bill that gives school boards the option of giving medical attention to tonsils in certain cases. The law at the present time, I believe, gives them that right for the care of the teeth and the eyes.

As this bill is not mandatory, I do not see how it is going to bring or put an added obligation on the school boards.

As Chairman of the Committee on Education, I am opposing this motion to recommit, unless it is the view of certain physicians among our membership that it should be done. They should have a store of information on this subject, and I think we should have their advice. So I would like to ask the various physicians among our membership, and especially the two physicians upon the Committee, just what their reaction might be at this time as to the bill. We have Doctor Merrell and Doctor Hindman on that Committee. I would like to hear from those physicians.

Mr. HERMANSEN. Mr. Speaker, I desire to talk on the merits of this bill.

The Speaker. The merits of the bill are not debatable at this time. The question now before the House is the motion to recommit.

Mr. WOODSIDE. Mr. Speaker and members of the House, I do not like to prolong this debate, but since the sponsor has agreed to recommit it and the Chairman of the Committee on Education has on this floor expressed his favoritism for the bill, I think it would certainly receive fair treatment in the committee. There is no indication that there is any desire to pickle the bill, and I don't see why the House should not vote "aye" on this motion.

Mr. BROWNFIELD. Mr. Speaker, since the sponsor of the bill has stated that it is agreeable to him that the bill should be recommitted, I will withdraw my objection.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1170 (Senate Bill No. 242), entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SCHROPE. Mr. Speaker, a question of information. I would like to know if there is any member of the House who can explain this bill?

The SPEAKER. Is there any member in this House who will volunteer to explain the provisions of this bill to the gentleman from Schuylkill?

Mr. FERKO. Mr. Speaker and members of the House, my profession is a pharmacist in the city of Philadelphia, and the other day a member of the State Board of Pharmacy got in touch with me and asked me to kindly support this bill, that they are satisfied with it.

Mr. SCHROPE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ferko.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FERKO. I will, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, may I ask the gentleman from Philadelphia if this bill prevents anybody but a pharmacist from selling chemicals and poison?

Mr. FERKO. Mr. Speaker, to be truthful, I didn't look into that matter myself, but I believe that the bill is to prevent anyone but pharmacists, especially to put up prescriptions and to run a drug store. That is what I believe.

Mr. SCHROPE. Mr. Speaker and members of the House, my purpose in inquiring into this bill was to ascertain whether farmers would be compelled according to page three, line twenty-six of the bill, to go to a drug store to buy chemicals for their purposes. I am still of the opinion that according to this bill probably it would compel a farmer to go to a drug store to purchase his chemicals—according to page three, line twenty-six of the bill.

Mr. WITKIN. Mr. Speaker and members of the House, I have just looked at this bill. I have no particular interest in it, except all it appears to do is to change the qualifications of the applicant for examination in order to be a pharmacist, and that it does not change any regulation with respect to who can or cannot sell. In addition to that, all it does is to say that any violation of the act shall be a summary conviction punishable by a fine of twenty-five dollars in lieu of a misdemeanor and indictable. Outside of those two things, without going into a discussion as to what the qualifications of the applicant are, I see that the bill does not change any particular law with respect to who or who can not sell certain articles.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shepard, |
| Alexander, | Eroe, | McCreary, | Shortz, |
| Allen, | Falkenstein, | McDermott, | Shreiner, |
| Altenburg, | Ferko, | McDevitt, | Shugarts, |
| Andrews, | Finnerty, | McElroy, | Siegel, |
| Arnold, | Fitch, | McHenry, | Simon, |
| Atkins, | Flanagan, | McKinney, | Simpson, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sloan, |
| Baine, | Flynn, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Forrest, | Merrell, | Smith, W. G., |
| Baker, J J., | Furman, | Moomaw, | Snyder, F. E., |
| Baldi, | Gates, | Mooney, | Snyder, J. L., |
| Barber, | Gerard, | Moore, | Sowers, |
| Bernhard, | Gillette, | Moran, | Sproul, |
| Blumberg, | Green, | Moul, | Stank, |
| Boose, | Greenstein, | Muir, | Stevens, |
| Boyd, R., | Haberlen, | Munley, | Stewart, |
| Boyer, | Hagerty, | Murrin, | Stockham, |
| Bradley, | Haluska, | Nagel, | Stone, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Sumney, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Surface, |
| Brown, H. S., | Harkins, | Ominsky, | Tahl, |
| Brown, J. E., | Harmuth, | O'Neill, | Terry, |
| Brownfield, | Hart, | Panton, | Tronzo, |
| Brumbaugh, | Hartman, | Parks, | Trout, |
| Burke, | Hefferon, | Patterson, C., | Tumelty, |
| Cannon, | Hermansen, | Patterson, J. W., | Turner, |
| Caputo, | Hetrick, | Pearson, | Van Allsburg, |
| Carr, | Hindman, | Perry, | Van Sickle, |
| Carson, | Hoffner, | Peters, | Walker, |
| Castor, | Holstrom, | Pfaff, | Wall, |
| Chervenak, | Hoopes, | Phillips, | Wasserman, |
| Coakley, | Horst, | Piole, | Weidemann, |
| Cochran, | Jackson, | Powers, | Weiss, |
| Cohen, | Jones, | Reising, | Welliver, |
| Coleman, | Kane, | Reynolds, | Welsh, |
| Condon, | Kelder, | Rhys, | Westrick, |
| Conner, | Kilroy, | Rinn, | White, |
| Coolahan, | Kinney, | Roan, | Wickersham, |
| Cordier, | Klingler, | Robinson, | Wilson, |
| Davies, | Kobelak, | Rooney, | Witkin, |
| Decker, | LaRue, | Root, | Wood, |
| Denning, | Linderman, | Ruffennach, | Woodside, |
| Dent, | Long, | Ruth, | Yeakel, |
| Diehl, | Longaker, | Sarraf, | Yourishin, |
| Dilley, | Lovett, | Scanlon, | Zappala, |
| Downey, G. E., | Lynch, | Schwab, | Zimmerman, |
| Downey, J. J., | Male, | Schwartz, | Sarig, |
| Duffort, | Mallen, | Shaw, | |

NAYS—4

| | | | |
|---|---|---|---|
| Habbyshaw, | Hirsch, | Schrock, | Schrope, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

## SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

## BILL ON THIRD READING

Mr. HARMUTH. Mr. Speaker, I desire to call up House Bill No. 734, Printer's No. 363, on page 13 of today's calendar, bills on third reading which was passed over during my absence.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 734, entitled:

An Act to amend clause forty-six of sections one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing the erection of memorials

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker and members of the House, this is the sort of bill that no member likes to oppose, but it seems to me that it is going a little too far.

As I understood it, it not only authorizes boroughs to give speaking rooms to veterans, posts, and camps, the veterans of various wars, but also to furnish them with free utility service from municipally owned utilites, and furthermore authorizes them to erect memorials at a cost of not to exceed one thousand dollars. As I understand it, under the wording of this act it would be possible for a borough to put up a memorial each year at an expense of a thousand dollars.

I haven't any particular objection to the people of a borough getting together and putting up memorials if they want to, but I do think there is a serious objection to putting such authority in the hands of councils, because you know there can be a lot of pressure brought upon

those councils to erect such memorials and I think it would be greatly abused.

I think that a measure of this kind should not be passed by this House.

Mr. HARMUTH. Mr. Speaker and members of the House, this bill is not mandatory, it is optional as to whether the boroughs really want to build a memorial for the soldiers of the late war, and the cities and counties have that permission already. Therefore, I think it is a good bill. The boys who served in this last war ought to have a memorial if the boroughs desire to put one up. It just gives them permission, it is not mandatory, therefore I think the bill is all right. I hope the members will give that much consideration to the soldier boys.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Mallen, | Schwab, |
| Alexander, | Eberharter, | Mason, | Schwartz, |
| Allen, | Falkenstein, | McCreary, | Shaw, |
| Altenburg, | Ferko, | McDermott, | Shepard, |
| Andrews, | Finnerty, | McDevitt, | Shortz, |
| Arnold, | Fitch, | McElroy, | Shreiner, |
| Atkins, | Flanagan, | McHenry, | Shugarts, |
| Aukerman, | Flinchbaugh, | McKinney, | Siegel, |
| Baine, | Flynn, | Melchiorre, | Simon, |
| Baker, F. T., | Forrest, | Mentzer, | Simpson, |
| Baker, J J., | Furman, | Merrell, | Smith, J. A., |
| Baldi, | Gates, | Moomaw, | Smith, W. G., |
| Barber, | Gerard, | Mooney, | Snyder, F. E., |
| Bernhard, | Gillette, | Moore, | Snyder, J. L., |
| Blumberg, | Green, | Moran, | Sowers, |
| Boose, | Greenstein, | Moul, | Sproul, |
| Boyd, R., | Habbyshaw, | Munley, | Stank, |
| Boyer, | Haberlen, | Murrin, | Stevens, |
| Bradley, | Hagerty, | Nagel, | Stewart, |
| Brancato, | Haluska, | Nothnagle, | Stockham, |
| Brennan, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brown, H. S., | Hamilton, R. S., | Ominsky, | Sumney, |
| Brown, J. E., | Harkins, | O'Neill, | Surface, |
| Brownfield, | Harmuth, | Panton, | Tahl, |
| Brumbaugh, | Hart, | Parks, | Terry, |
| Burke, | Hartman, | Patterson, C., | Trout, |
| Cannon, | Hefferon, | Patterson, J. W., | Tumelty, |
| Caputo, | Hermansen, | Pearson, | Turner, |
| Carr, | Hetrick, | Perry, | Van Sickle, |
| Carson, | Hindman, | Peters, | Walker, |
| Castor, | Hirsch, | Pfaff, | Wall, |
| Chervenak, | Hoffner, | Phillips, | Wasserman, |
| Coakley, | Holstrom, | Piole, | Weidemann, |
| Cochran, | Horst, | Powers, | Weiss, |
| Cohen, | Jackson, | Reising, | Welliver, |
| Coleman, | Jones, | Reynolds, | Welsh, |
| Condon, | Kelder, | Rhys, | Westrick, |
| Conner, | Kilroy, | Rinn, | White, |
| Coolahan, | Kinney, | Roan, | Wickersham, |
| Cordier, | Klingler, | Robinson, | Witkin, |
| Davies, | Kobelak, | Rooney, | Wood, |
| Decker, | LaRue, | Root, | Woodside, |
| Denning, | Linderman, | Ruffennach, | Yeakel, |
| Dent, | Long, | Ruth, | Yourishin, |
| Diehl, | Longaker, | Sarraf, | Zappala, |
| Dilley, | Lovett, | Scanlon, | Zimmerman, |
| Downey, G. E., | Lynch, | Schrock, | Sarig, |
| Downey, J. J., | Male, | Schrope, | |

NAYS—8

| | | | |
|---|---|---|---|
| Eroe, | Kane, | Sloan, | Van Allsburg, |
| Hoopes, | Muir, | Tronzo, | Wilson, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 169, entitled:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDermott, | Shepard, |
| Alexander, | Finnerty, | McDevitt, | Shortz, |
| Allen, | Fitch, | McElroy, | Shreiner, |
| Altenburg, | Flanagan, | McHenry, | Shugarts, |
| Andrews, | Flinchbaugh, | McKinney, | Siegel, |
| Arnold, | Flynn, | Melchiorre, | Simon, |
| Atkins, | Forrest, | Mentzer, | Simpson, |
| Aukerman, | Furman, | Merrell, | Sloan, |
| Baker, F. T., | Gates, | Moomaw, | Smith, J. A., |
| Baker, J J., | Gerard, | Mooney, | Smith, W. G., |
| Baldi, | Gillette, | Moore, | Snyder, F. E., |
| Barber, | Green, | Moran, | Snyder, J. L., |
| Bernhard, | Greenstein, | Moul, | Sowers, |
| Blumberg, | Habbyshaw, | Muir, | Sproul, |
| Boose, | Haberlen, | Munley, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stockham, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stone, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brownfield, | Hart, | Panton, | Tahl, |
| Brumbaugh, | Hartman, | Parks, | Terry, |
| Burke, | Hefferon, | Patterson, C., | Tronzo, |
| Cannon, | Hermansen, | Patterson, J. W., | Trout, |
| Caputo, | Hetrick, | Pearson, | Tumelty, |
| Carr, | Hindman, | Perry, | Turner, |
| Carson, | Hirsch, | Peters, | Van Allsburg, |
| Castor, | Hoffner, | Pfaff, | Van Sickle, |
| Chervenak, | Holstrom, | Phillips, | Walker, |
| Coakley, | Hoopes, | Piole, | Wall, |
| Cochran, | Horst, | Powers, | Wasserman, |
| Cohen, | Jackson, | Reising, | Weidemann, |
| Coleman, | Jones, | Reynolds, | Weiss, |
| Condon, | Kane, | Rhys, | Welliver, |
| Conner, | Kelder, | Rinn, | Welsh, |
| Coolahan, | Kilroy, | Roan, | Westrick, |
| Cordier, | Kinney, | Robinson, | Wheeler, |
| Davies, | Klingler, | Rooney, | White, |
| Decker, | Kobelak, | Root, | Wickersham, |
| Denning, | LaRue, | Ruffennach, | Wilson, |
| Dent, | Linderman, | Ruth, | Witkin, |
| Diehl, | Long, | Sarraf, | Wood, |
| Dilley, | Longaker, | Scanlon, | Woodside, |
| Downey, G. E., | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mallen, | Schwartz, | Zimmerman, |
| Eroe, | Mason, | Shaw, | Sarig, |
| Falkenstein, | McCreary, | | |

NAYS—2

| | |
|---|---|
| Baine, | Brown, J. E., |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1093 as follows:

An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added changing the licensure year for motor boats

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added thereto by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred twenty-two) is hereby amended to read as follows

Section 5 Dealers' and owners' license plates shall be valid from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license in the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses issued for the calendar year one thousand nine hundred and thirty-five shall be valid until the [thirty-first day of December] thirty-first day of [next following the [date] of their issuance and] May one thousand nine hundred and thirty-six and the license year thereafter shall be from the first day of June to the thirty-first day of May Licenses may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1614, entitled:

An Act to further amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |

| | | | |
|---|---|---|---|
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Van Allsburg, |
| Carr, | Hindman, | Perry, | Van Sickle, |
| Carson, | Hirsch, | Peters, | Walker, |
| Castor, | Hoffner, | Pfaff, | Wall, |
| Chervenak, | Holstrom, | Phillips, | Wasserman, |
| Coakley, | Hoopes, | Piole, | Weidemann, |
| Cochran, | Horst, | Powers, | Weiss, |
| Cohen, | Jackson, | Reising, | Welliver, |
| Coleman, | Jones, | Reynolds, | Welsh, |
| Condon, | Kane, | Rhys, | Westrick, |
| Conner, | Kelder, | Rinn, | Wheeler, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1067, entitled:

An Act to amend section twenty-five of the act approved the tenth day of May, one thousand nine hundred and twenty-seven (P. L. 866), entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a board of magistrates; providing for a chief magistrate; prescribing their powers and duties; providing for clerks; establishing a central administrative office; imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; and repealing certain prior acts," by changing the time of holding the election for the office of chief city magistrate and the term thereof, and terminating the term of the chief magistrate now in office.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PFAFF. Mr. Speaker and members of the House, the purpose of the bill before you is very clear and very fair. It provides for the election of a chief city magistrate by the board of magistrates in the city of Philadelphia, by the duly elected members of that particular board. Under the present act the chief city magistrate in the city of Philadelphia is elected for his term of office as magistrate. The present chief magistrate's term of office for the city of Philadelphia as magistrate will expire at the end of this year.

The purpose of this bill is to provide an election of the chief magistrate in the city of Philadelphia by the duly elected members of that board and to eliminate any lame ducks having a voice in the election of this important office.

I claim that it is not a partisan measure and I ask the members on both sides of this House to support this bill.

Mr. TAHL. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Pfaff?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Pfaff, permit himself to be interrogated?

Mr. PFAFF. I will, Mr. Speaker.

Mr. TAHL. Mr. Speaker, may I ask if there is any demand for a change in the election of the chief magistrate by the magistrates of Philadelphia?

Mr. PFAFF. Mr. Speaker, I might answer that by saying, yes.

Mr. TAHL. Mr. Speaker, will the gentleman kindly name those magistrates?

Mr. PFAFF. Well, Mr. Speaker, I can't specifically name them but I do know that in the last election of the chief magistrate in Philadelphia, there were certain duly elected magistrates in the last municipal elections that had no part in the election of the present chief magistrate in Philadelphia.

Mr. TAHL. In other words, the gentleman can not name a single magistrate in the city of Philadelphia who is in favor of this bill and that includes both Republican and Democratic magistrates?

Mr. PFAFF. Mr. Speaker, I have spoken to several of them, and I don't know that I should have to mention their names, but I do know that there is opposition to the present method of electing the chief magistrate in Philadelphia.

Mr. TAHL. Mr. Speaker, the gentleman can't mention one?

Mr. PFAFF. Mr. Speaker, I don't care to.

## POINT OF ORDER

Mr. TUMELTY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. TUMELTY. Mr. Speaker, the gentleman has answered the same question three times.

The SPEAKER. The gentleman will proceed.

Mr. TAHL. Mr. Speaker, do I understand correctly from the gentleman's remarks that the purpose of this bill is to prevent what we call "lame ducks" from voting for a chief magistrate?

Mr. PFAFF. Yes, Mr. Speaker.

Mr. TAHL. Then, Mr. Speaker, why not change the day of the month or the time for electing the chief magistrate instead of changing the term of the magistrate?

Mr. PFAFF. Mr. Speaker, I think the provisions of my bill are equitable and fair.

Mr. TAHL. Mr. Speaker, the gentleman is not answering my question. I asked him if the purpose of it is to eliminate those magistrates who have been defeated for reelection from choosing the chief magistrate, and if so, why not merely change the time when election that should take place?

Mr. PFAFF. Mr. Speaker, the bill specifically regulates or suggests the time for the election of the chief magistrate.

Mr. TAHL. Mr. Speaker, would it be satisfactory to the gentleman if the bill was merely amended to change the time when the election should take place instead of the term of the chief magistrate?

Mr. PFAFF. No, Mr. Speaker, it would not.

Mr. TAHL. Mr. Speaker, when the gentleman has stated to the House that the purpose is merely to eliminate those magistrates, who were defeated, for voting for a chief magistrate, that is not the chief purpose of this bill, is it?

Mr. PFAFF. That is one of the chief purposes, Mr. Speaker; yes.

Mr. TAHL. May I ask the gentleman, Mr. Speaker, how many purposes he has in advocating this bill?

Mr. PFAFF. Mr. Speaker, I might say that all of the purposes that I have stated in my answers to the interrogations were in the interest of a fair and proper selection of a chief magistrate of the city of Philadelphia.

Mr. TAHL. Mr. Speaker, and members of the House I am opposed to this bill, because I know that there is no necessity for the changing of the term for which the chief magistrate is elected. If the magistrates of Philadelphia, Republicans or Democrats had requested that it be changed, I would have no objection to this bill, but there is not a single magistrate in the city of Philadelphia, and my friend on the other side has been unable to mention one, who is in favor of this bill and I want to ask you to defeat this bill, because there is no necessity for it.

Mr. PFAFF. Mr. Speaker, and members of the House I do know that there are many magistrates in the City of Philadelphia that do object to the present method, of electing the Chief Magistrate in the city of Philadelphia. I do not know whether it is ethical or not for me to name those particular men or whether there is any necessity for me to name them, but I do know that there is considerable objection to the present method of selecting or electing a Chief Magistrate by the Board of Magistrates in the city of Philadelphia.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—98

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Sarraf, |
| Alexander, | Eroe, | McCreary, | Scanlon, |
| Allen, | Falkenstein, | McDermott, | Schrope, |
| Andrews, | Finnerty, | McElroy, | Schwab, |
| Arnold, | Fitch, | Mooney, | Shaw, |
| Aukerman, | Flanagan, | Moran, | Shepard, |
| Baine, | Flinchbaugh, | Moul, | Shugarts, |
| Baker, J J., | Furman, | Munley, | Siegel, |
| Bradley, | Haberlen, | Murrin, | Simon, |
| Brancato, | Hagerty, | Nagel, | Smith, J. A., |
| Brown, H. S., | Harkins, | O'Keefe, | Smith, W. G., |
| Brown, J. E., | Harmuth, | Ominsky, | Stank, |
| Brownfield, | Hartman, | O'Neill, | Stevens, |
| Brumbaugh, | Hetrick, | Panton, | Sumney, |
| Burke, | Hindman, | Patterson, C., | Tronzo, |
| Cannon, | Hirsch, | Patterson, J. W., | Van Sickle, |
| Caputo, | Holstrom, | Pearson, | Walker, |
| Chervenak, | Kilroy, | Pfaff, | Weiss, |
| Coakley, | Kinney, | Piole, | Welliver, |
| Cochran, | Klingler, | Powers, | Welsh, |
| Coleman, | Kobelak, | Reising, | Westrick, |
| Coolahan, | LaRue, | Robinson, | Yourishin, |
| Dent, | Long, | Ruffennach, | Zappala, |
| Dilley, | Lovett, | Ruth, | Sarig, |
| Downey, G. E., | Lynch, | | |

NAYS—58

| | | | |
|---|---|---|---|
| Altenburg, | Ferko, | Muir, | Stockham, |
| Atkins, | Forrest, | Nothnagle, | Tahl, |
| Barber, | Gates, | Perry, | Terry, |
| Bernhard, | Green, | Peters, | Trout, |
| Blumberg, | Habbyshaw, | Phillips, | Tumelty, |
| Boose, | Hamilton, R. S., | Reynolds, | Turner, |
| Boyd, R., | Hart, | Roan, | Wall, |
| Boyer, | Hoffner, | Root, | Wasserman, |
| Castor, | Horst, | Schrock, | White, |
| Condon, | Jackson, | Simpson, | Witkin, |
| Conner, | Kelder, | Sloan, | Wood, |
| Cordier, | Longaker, | Snyder, F. E., | Woodside, |
| Davies, | McDevitt, | Snyder, J. L., | Yeakel, |
| Denning, | McKinney, | Stewart, | Zimmerman, |
| Duffort, | Moore, | | |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

## USE OF HALL OF HOUSE GRANTED COMMITTEE ON LABOR

Mr. YOURISHIN. I move, Mr. Speaker, that in view of the fact that at the public hearing yesterday of the Committee on Labor on House Bill No. 1199, through no fault of that Committee and over which they had no control, a delay was caused and in view of the fact that the opponents of the bill took the arbitrary action of refusing to speak before the committe, claiming that they had not had sufficient time and leaving the impression with the public that the Committee on Labor was unfair in its tactics, I move that this House grant the Committee on Labor the privilege of using the hall of this House on Tuesday of next week from two to five to have a public hearing on House Bill No. 1199, so as to give the opponents of this bill a chance to be heard before the Committee of Labor.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 802 (Senate Bill No. 56), entitled:

An Act to amend clause (d) of section ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business" as amended by defining the powers of the courts on appeals from the Department of Public Instruction

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Schwartz, |
| Alexander, | Falkenstein, | Mason, | Shaw, |
| Allen, | Ferko, | McCreary, | Shepard, |
| Altenburg, | Finnerty, | McDermott, | Shortz, |
| Andrews, | Fitch, | McDevitt, | Shreiner, |
| Arnold, | Flanagan, | McElroy, | Shugarts, |
| Atkins, | Flinchbaugh, | McHenry, | Siegel, |
| Aukerman, | Flynn, | McKinney, | Simon, |
| Baine, | Forrest, | Melchiorre, | Simpson, |
| Baker, F. T., | Furman, | Mentzer, | Sloan, |
| Baker, J. J., | Gates, | Merrell, | Smith, J. A., |
| Baldi, | Gerard, | Moomaw, | Smith, W. G., |
| Barber, | Gillette, | Mooney, | Snyder, F. E., |
| Bernhard, | Green, | Moore, | Snyder, J. L., |
| Blumberg, | Greenstein, | Moran, | Sowers, |
| Boose, | Habbyshaw, | Moul, | Sproul, |
| Boyd, R., | Haberlen, | Muir, | Stank, |
| Boyer, | Hagerty, | Munley, | Stevens, |
| Bradley, | Haluska, | Murrin, | Stewart, |
| Brancato, | Hamilton, F. P., | Nagel, | Stockham, |
| Brennan, | Hamilton, R. S., | Nothnagle, | Stone, |
| Brown, H. S., | Harkins, | O'Keefe, | Sumney, |
| Brown, J. E., | Harmuth, | Ominsky, | Surface, |
| Brownfield, | Hart, | O'Neill, | Tahl, |

| | | | |
|---|---|---|---|
| Brumbaugh, | Hartman, | Panton, | Terry, |
| Burke, | Hefferon, | Parks, | Tronzo, |
| Cannon, | Hermansen, | Patterson, C., | Trout, |
| Caputo, | Hetrick, | Patterson, J. W., | Tumelty, |
| Carr, | Hindman, | Pearson, | Turner, |
| Carson, | Hirsch, | Perry, | Van Allsburg, |
| Castor, | Hoffner, | Peters, | Van Sickle, |
| Chervenak, | Holstrom, | Pfaff, | Walker, |
| Coakley, | Hoopes, | Phillips, | Wall, |
| Cochran, | Horst, | Piole, | Wasserman, |
| Cohen, | Jackson, | Powers, | Weidemann, |
| Coleman, | Jones, | Reising, | Weiss, |
| Condon, | Kane, | Reynolds, | Welliver, |
| Conner, | Kelder, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Roan, | White, |
| Davies, | Klingler, | Robinson, | Wickersham, |
| Decker, | Kobelak, | Rooney, | Wilson, |
| Denning, | LaRue, | Root, | Witkin, |
| Dent, | Linderman, | Ruffennach, | Wood, |
| Diehl, | Long, | Ruth, | Woodside, |
| Dilley, | Longaker, | Sarraf, | Yeakel, |
| Downey, G. E., | Lovett, | Scanlon, | Yourishin, |
| Downey, J. J., | Lynch, | Schrock, | Zappala, |
| Duffort, | Male, | Schrope, | Zimmerman, |
| Eberharter, | | Schwab, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1161 (Senate Bill No. 108), entitled:

An Act to amend paragraph six section thirteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Bernhard, | Green, | Moran, | Sowers, |
| Blumberg, | Greenstein, | Moul, | Sproul, |
| Boose, | Habbyshaw, | Muir, | Stank, |
| Boyd, R., | Haberlen, | Munley, | Stevens, |
| Boyer, | Hagerty, | Murrin, | Stewart, |
| Bradley, | Haluska, | Nagel, | Stockham, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brown, H. S., | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brownfield, | Hart, | Panton, | Terry, |
| Brumbaugh, | Hartman, | Parks, | Tronzo, |
| Burke, | Hefferon, | Patterson, C., | Trout, |
| Cannon, | Hermansen, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pearson, | Turner, |
| Carr, | Hindman, | Perry, | Van Allsburg, |
| Carson, | Hirsch, | Peters, | Van Sickle, |
| Castor, | Hoffner, | Pfaff, | Walker, |
| Chervenak, | Holstrom, | Phillips, | Wall, |
| Coakley, | Hoopes, | Piole, | Wasserman, |
| Cochran, | Horst, | Powers, | Weidemann, |
| Cohen, | Jackson, | Reising, | Weiss, |
| Coleman, | Jones, | Reynolds, | Welliver, |
| Condon, | Kane, | Rhys, | Welsh, |
| Conner, | Kelder, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Roan, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

RESOLUTION NO. 103

Mr. KANE asked and obtained unanimous consent to call up House Resolution No. 103.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 21st, 1935.

Whereas, It is the opinion of the Committee on Mines and Mining of the House of Representatives that a great part of the market for Pennsylvania anthracite coal has been lost by reason of high frieght rates and the depreciation of foreign currencies, which make possible low price labor in those countries and lower cost of water transportation; and

Whereas, Railroads and other carriers involved would be largely compensated for any reduction in rates by the increased volume of anthracite coal which would be shipped as a result of restored markets for this commodity; and

Whereas, The House of Representatives has made every endeavor to uphold standards of working conditions and wages of the mining industry of Pennsylvania, which must inevitably suffer if the serious reductions of the anthracite market should continue and increase; and

Whereas, The Committee on Mines and Mining of the House of Representatives has unanimously agreed to recommend the adoption of the following resolutions; therefore be it

Resolved, That the Speaker of the House of Representatives appoint seven members of the House of Representatives to constitute a committee, as non-political as possible, whose duty it shall be to investigate the cost of transportation from the anthracite producing regions of Pennsylvania to consumption points in maritime Canada and New England, and the seaports of New York, New Jersey and Pennsylvania, and that if said committee find that high rates have materially reduced or will materially reduce the market for Pennsylvania anthracite coal in competition with coal produced in Great Britain or other foreign countries or in competition with fuel oil selling at unreasonably low prices due to world-wide overproduction of cheap grades of crude oil to endeavor to secure lower freight rates to the markets above mentioned by negotiation with carriers involved and if necessary by requesting the Interstate Commerce Commission to revise and reduce such transportation rates as are within their jurisdiction; and be it further

Resolved, That said committee make its report to the House of Representatives at the present session of the Legislature; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

On the question,

Will the House adopt the resolution?

It was adopted.

## COMMITTEE APPOINTED TO INVESTIGATE TRANSPORTATION COST OF COAL

The SPEAKER. The Chair appoints at this time the following committee to investigate the transportation cost of anthracite coal in accordance with House Resolution No. 103, Messrs. Kane, Baldi, John J. Downey, Roan, Hirsch, Stank and Bradley.

## BILL ON SECOND READING

Mr. WEISS asked and obtained unanimous consent to call up out of order, House Bill No. 1209, Printer's No. 410, on page 9 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1209, as follows:

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

The first, second, third and fourth sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That DEFINITION The following words and terms as used in this act shall be construed as defined in this section

(a) The term "collection agency" shall mean a person other than an attorney at law duly admitted to practice in any court of record in this Commonwealth who as a business enforces collects settles adjusts or compromises claims or holds himself out or offers as a business to enforce collect settle adjust or compromise claims

(b) The word "person" means and includes an individual partnership association or corporation and any employe agent director or officer thereof

(c) The word "claim" means and includes any claim demand account note or any other chose in action or liability of any kind whatsoever

(d) The word "debtor" means and includes any person against whom a claim is asserted and

(e) The word "creditor" means and includes a person having or asserting such a claim

Section 2 REPRESENTING CREDITOR IN PROCEEDING It shall be unlawful for a collection agency to appear for or represent a creditor or other person in any proceeding or in any action or proceeding for or growing out of the appointment of a receiver or trustee or in connection with an assignment for the benefit of creditors or to present any claim or to vote on behalf of a creditor whether an assignee or transferee of such claim or by virtue of a proxy or otherwise or to represent any creditor in any action or proceeding in any court or before any alderman or justice of the peace in this Commonwealth or to solicit from any creditor any claim for any of the purposes forbidden by this section

Section 3 TAKING AN ASSIGNMENT FROM A CREDITOR It shall be unlawful for a collection agency for the purpose of collecting or enforcing the payment thereof directly or indirectly to buy take an assignment of or to become in any manner interested in the buying or taking of an assignment of any such claim

Section 4 FURNISHING OR OFFERING TO FURNISH LEGAL SERVICES It shall be unlawful for a collection agency to furnish or offer to furnish legal services directly or indirectly or to offer to render or furnish such services within or without this Commonwealth provided however that the forwarding of a claim by a collection agency to an attorney or attorneys at law for the purpose of collection shall not be construed as furnishing legal service

The fifth section was read as follows:

Section 5 SERVICES IN CONNECTION WITH SETTLEMENT OR ADJUSTMENT OF A DEPOSITOR'S AFFAIRS It shall be unlawful for a collection agency to act for represent or undertake to render services for any debtor with regard to the proposed settlement or adjustment of the affairs to such debtor whether such compromise settlement or adjustment be made through legal proceedings or otherwise or to demand ask for or receive any compensation for services in connection with the settlement or collection of any claim except from the creditor for whom it has rendered lawful services

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

. Amend Section 5, page 3, line 12, after the word "A" strike out the word "Depositor's" and insert the word "debtor's"

On the question,

Will the House agree to the amendments?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section was read and agreed to as follows:

Section 6 SOLICITING EMPLOYMENT FOR ATTORNEYS AT LAW It shall be unlawful for a collection agency to solicit employment for any attorney at law or firm or group of attorneys at law whether practicing in this Commonwealth or elsewhere or to receive from or divide with such attorney or attorneys at law any portion of any fee received by such attorney or attorneys at law but the established custom of sharing commissions at a commonly accepted rate upon collection of claims between a collection agency and an attorney or attorneys at law is not prohibited hereby

The seventh section was read as follows:

Section 7 THREATENING LEGAL PROCEEDINGS It shall be unlawful for a collection agency to coerce or intimidate any debtor by delivering or mailing any paper or document simulating or intending to stimulate a summons warrant writ or court process as a means for the collection of a claim or to threaten legal proceedings against any debtor Provided however That nothing contained herein shall prohibit a collection agency from informing a debtor that if a claim is not paid it will be referred to an attorney or attorneys-at-law for such action as he or they may deem necessary without naming a specific attorney or attorneys

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 7, page 4, line 18, by inserting after the part word "torneys" the following: "Provided, further, That nothing herein contained shall be construed to prohibit an alderman or justice of the peace from sending out notices to debtors before the institution of suit"

On the question,

Will the House agree to the amendments?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth, ninth and tenth sections and the title was separately read and agreed to as follows:

Section 8 PENALTIES Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo an imprisonment of not more than one year or both at the discretion of the court

Section 9 CONSTITUTIONALITY The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act

Section 10 EFFECTIVE DATE The provisions of this act shall become effective immediately upon final enactment

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transscribed for a third reading.

## REPORT FROM COMMITTEE

Mr. JAMES L. SNYDER, from the Committee on Boroughs and Townships reported as amended House Bill No. 1070, entitled:

An Act to amend sections five hundred and four, seven hundred and one, and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" requiring one years residence in the ward for the commissioner elected from such ward; regulating the terms of office of certain commission officers; and providing for a special tax on fire districts.

## SENATE MESSAGE

### HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned a bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1006.

An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth

With the information that the Senate has passed the same without amendment.

## RESIGNATION FROM COMMITTEE TO INVESTIGATE UNIVERSITY OF PITTSBURGH

The SPEAKER laid before the House the following communication which was read by the Clerk:

House of Representatives, Harrisburg, Pa.

March 20, 1935.

Honorable Wilson G. Sarig,
Speaker, House of Representatives,
Harrisburg, Pennsylvania.

Dear Mr. Sarig:

Being unable to accept the appointment on the Committee to investigate the University of Pittsburgh, I ask you to appoint another member in my stead.

Very truly yours,

(Signed) Jacob B. Schrock.

JBS-MS

The SPEAKER. The Chair appoints the gentleman from Erie, Mr. Barber, to serve on the Committee created by the passage of Resolution No. 61, to investigate conditions at the University of Pittsburgh vice Jacob B. Schrock.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair has a very important matter to bring before the House at this time.

The Chair has received a number of requests this morning asking that we have no session tomorrow.

The Chair wishes to lay before the House the situation as it is. If we have no session tomorrow we will have a very small calendar for Monday evening. We passed fifteen bills on first reading this morning, and if we have a session tomorrow we will have those fifteen bills on third reading, on Monday evening, they will be passed on second reading tomorrow. It so happens that this morning a majority of the bills on the second reading calendar were not called up consequently if we have no session tomorrow we will have a very slim calendar for Monday night.

The experience of the Chair in past years has been that the months of March and April reach the high tide of every legislative session. When the warm weather comes in about the first of May, the members will begin to think of going home; that has been the experience in every session, and the Chair feels that we should work with full steam ahead during the months of March and April. If, however, the members feel that they would rather stay a little longer or prolong the session, it is up to the members of the House themselves—the House is its own boss. The Chair is only the servant of the House. The Chair will leave it to the House to decide whether they want to stay here and have the committees work tomorrow and also advance the bills on second reading so as to have a calendar Monday night or whether they wish to adjourn today and come back next Monday night. However, in case you wish to adjourn today, we would have to have a four o'clock session this afternoon. In case we decide to stay over until tomorrow, we can dispense with the four o'clock session this afternoon and do the rest of the work tomorrow morning.

Mr. TURNER. Mr. Speaker, I inject myself at this time to make a few remarks in reference to our staying here tomorrow, with the condition of the calendar. I think that the Chair is failing to take into consideration the fact that

we have started with Thursday sessions possibly earlier than we have in many former sessions. We have been working along here four days a week pretty steadily. It makes it pretty difficult for a great many of us to get the Fridays and Saturdays at home. If I thought that we could, by working Thursdays now cut down the length of this session, I would certainly concur in the Speaker's opinion, but in view of the fact that there are many functions yet to be performed by the Legislature that have not as yet come along on the program, and that we cannot speed up by being here now, it seems to me that you ought to give us all the opportunity you can to be at home at this time, because a little bit later on, as I see it, we are going to have heavy calendars anyway, and we are going to stay here at that time to perform the duties that are absolutely necessary to be performed before the Legislature can adjourn. I do not think that it is necessary to have a heavy calendar at any time. That presupposes that the thing to do is to pass bills. I think that the people would be very glad if we failed to pass bills rather than passing a lot of bills, and if we have a light calendar it may make it a little easier on Monday night. I, therefore, will urge upon the Speaker that if he has the opportunity as it now presents itself to give us a short session this week, that the Speaker do so.

The SPEAKER. The Chair wants to get the sentiment of the House.

Mr. MORAN. Mr. Speaker and members of the House, I believe that every representative here was elected to come down here and work. If we were elected to do this job, let us stay here and do it. There are a lot of men here that are in business that want to handle two jobs at one time. If you can't handle your business and also handle this job, give one or the other up. You were elected to come down here and represent the people. Let us stay here and do what we were elected to do.

Mr. McCREARY. Mr. Speaker and members of the House, I am wondering what the people up in Erie County will think. I am trying to represent them, I am willing and anxious to put in all of the time that is necessary. If I had not been, I would not have campaigned for this office. I am wondering why people or representatives will campaign for an office when they haven't the time to fulfill the duties of that office. I simply want to corroborate what the gentleman from Allegheny County says, that if you can't handle two jobs, give up this one and attend to your own, but when you agree with the people in your district that you will come to Harrisburg and represent them and try to make wise and beneficent laws, why don't you attend to your job.

Mr. HOMER S. BROWN. Mr. Speaker, may I make a motion?

The SPEAKER. What is the character of the motion?

Mr. HOMER S. BROWN. Mr. Speaker, a motion on the question we are debating now.

The SPEAKER. The Chair will be glad to have a motion so as to bring the matter to a test before the House, and in order to get the sentiment of the House.

Mr. HOMER S. BROWN. Mr. Speaker, I move this House have an afternoon session beginning at 4 o'clock, and that after the afternoon session, we adjourn until next Monday night at 9 o'clock.

On the question,

Will the House agree to the motion?

It was agreed to.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Judiciary Special will meet immediately after this morning's session in the Conference Room in the rear of the House.

The Committee on Judiciary Local will meet immediately after this morning's session in Room 325.

The Committee on Municipal Corporations will meet immediately atfer this morning's session in Room 324.

The Committee on Agriculture will meet this afternoon at 3:00 o'clock in Room 324.

The Committee on Printing will meet this afternoon at 3:00 o'clock P. M. in Room 323.

The Committee on Corporations will not meet today.

The Committee on Public Utilities will hold a public hearing on House Bill No. 207, one half hour after this morning's session in the Hall of the House.

The Committee on Counties will hold a public hearing on House Bill No. 1373, on Wednesday, April 3, 1935, at 2:30 o'clock P. M. in the Hall of the House.

The SPEAKER. There will be a meeting of the Interstate Cooperation Committee in the Speaker's Office for a few minutes at 3:45 o'clock P. M. today. The members of the Committee are Messrs. Simon, Ruth, Turner, Flinchbaugh and the Speaker.

## RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:00 o'clock this afternoon. Are there objections? The Chair hears none and declares a recess until 4:00 o'clock P. M.

## AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The SPEAKER. The time of recess having expired the House will be in order.

## BILLS INTRODUCED AND REFERRED

By Mr. KANE. HOUSE BILL No. 1813.

An Act to amend sections two, three, five, seven and thirty-five of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," removing from office the members of the registration commission and providing that the county commissioners shall act as a registration commission.

Referred to the Committee on Elections.

By Mr. RUFFENNACH. HOUSE BILL No. 1814.

An Act to amend section one thousand and six of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended; dispensing with the advertising of ordinances establishing the grades of streets, highways and alleys.

Referred to the Committee on Boroughs and Townships.

By Mr. DENT. HOUSE BILL No. 1815.

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material.

Referred to the Committee on Public Health and Sanitation.

By Mr. JAMES W. PATTERSON.
HOUSE BILL No. 1816.

An Act empowering cities of the first and second classes to levy, assess and collect, or to provide for the levying, assessment and collection, of an excise tax against electric light, heat and power companies, natural gas companies, artificial gas companies, water companies, telephone companies, steam heating companies, and taxicab companies, and certain individuals operating taxicabs.

Referred to the Committee on Cities.

By Mr. HOOPES. HOUSE BILL No. 1817.

An Act to limit the power of courts in equity in issuing, restraining orders or temporary or permanent injunctions.

Referred to the Committee on Judiciary General.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 1818.

An Act making an appropriation to the Indiana Hospital, of Indiana County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HIRSCH. HOUSE BILL No. 1819.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. HIRSCH. HOUSE BILL No. 1820.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 1821.

An Act to amend sections four hundred and twenty-one, four hundred and twenty-two, and four hundred and twenty-three as amended, section four hundred and twenty-four, section four hundred and twenty-six as amended, section four hundred and twenty-eight, section four hundred thirty-two as amended, and section four hundred and thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, four, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto;" by clarifying the term "Deceased service men," specifying the form and contents of applications for county contributions; stipulating the material for markers; permitting contributions for lettering alone, permitting the removal of worn flags, requiring the appointment of grave registrars and providing a penalty.

Referred to the Committee on Military Affairs.

By Mr. SCANLON. HOUSE BILL No. 1822.

An Act creating in counties of the first class a commission of fiscal and budgetary supervision giving each such commission advisory supervision over budgets, tax rates, capital expenditures and borrowings of the county and all cities, school districts and other local governments and governmental authorities wholly or partly within the area of the county for which it was created; requiring officers, employes, agencies and other authorities of the county and of all cities, school districts and other local governments and governmental authorities to submit fiscal estimates, proposals and programs to such commission; providing for representation on such commission of each council, board, commission or other local authority levying taxes in excess of five hundred thousand dollars per annum, and requiring each such council, board, commission or other authority to provide proportionately for the expenses of the commission.

Referred to the Committee on Cities.

By Mr. ALEXANDER. HOUSE BILL No. 1823.

An Act establishing a certain section of public road as a State highway, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. FLANAGAN. HOUSE BILL No. 1824.

An Act making an appropriation to the Conwell Out-Patient Dispensaries of the Temple University Hosiptal, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. BOOSE. HOUSE BILL No. 1825.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restructions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Somerset.

Referred to the Committee on Highways.

By Mr. VanSICKLE. HOUSE BILL No. 1826.

An Act to amend section four hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees.

Referred to the Committee on Counties.

By Mr. SHUGARTS. HOUSE BILL No. 1827.

An Act to amend section five hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by requiring townships to pay the premium on any fidelity bond given by any employe.

Referred to the Committee on Boroughs and Townships.

By Mr. SHUGARTS. HOUSE BILL No. 1828.

An Act to amend route 17022 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 1829.

An Act to amend section one of the act approved the twenty-third day of April, one thousand nine hundred and nine (P. L. 159), entitled "An act prohibiting the buying, having, or receiving of stolen property, in the Commonwealth of Pennsylvania, and providing for the punishment thereof," rendering actual knowledge unnecessary to constitute the crime.

Referred to the Committee on Judiciary General.

By Mr. TURNER. HOUSE BILL No. 1830.

An Act providing for one additional law judge of the court of common pleas of the Thirty-second Judicial District.

Referred to the Committee on Judiciary General.

By Mr. ACHTERMAN. HOUSE BILL No. 1831.

An Act to further amend section one of the act approved the seventh day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, eight hundred fifty-nine), entitled "A supplement to the act approved the twentieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred and twenty-one), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein; to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by requiring executors, administrators, and certain persons to file with the register of wills a copy of every return filed with the Federal Government for Federal estate tax purposes.

Referred to the Committee on Ways and Means.

By Mr. ACHTERMAN. HOUSE BILL No. 1832.

An Act to further amend section thirty-six of the act approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by requiring all fines collected under the provisions of this act to be paid into the State Treasury through the Department of Revenue by the magistrate alderman, or justice of the peace collecting such fines.

Referred to the Committee on Agriculture.

By Mr. SCHROCK. HOUSE BILL No. 1833.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Somerset.

Referred to the Committee on Highways.

By Mr. SCHROPE. HOUSE BILL No. 1834.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Somerset.

Referred to the Committee on Highways.

By Mr. SCHROPE. HOUSE BILL No. 1835.

An Act relating to the assessment of real property for taxation purposes in counties other than those of the first and second class; providing for the revision of assessments by assessors and communities appointed by local taxing districts; defining the powers and duties of county commissions, boards for the assessment and revision of taxes, and boards of revisions with respect thereto, and providing for the collection of real estate sale data and its use by counties and the Department of Public Instruction and for the appointment and compensation of persons to collect such data.

Referred to the Committee on Counties.

By Mr. COOLAHAN. HOUSE BILL No. 1836.

An Act authorizing boroughs to construct, reconstruct and repair sidewalks, gutters, curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough.

Referred to the Committee on Boroughs and Townships.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1837.

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes.

Referred to the Committee on Highways.

By Mr. JOHN J. BAKER. HOUSE BILL No. 1838.

An Act requiring cities to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year, except in emergency cases.

Referred to the Committee on Cities.

By Mr. FALKENSTEIN. HOUSE BILL No. 1839.

An Act requiring State-aided institutions rendering free dental services, to give preference to those cases referred to them by the welfare unit of their respective political subdivision.

Referred to the Committee on Public Health and Sanitation.

By Mr. RUFFENNACH. HOUSE BILL No. 1840.

An Act requiring all courts of record and appeal to take judicial notice of public statutes, and judicial decisions by courts of record, of other states and territories of the United States, and the District of Columbia.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 1841.

An Act to amend section twenty-five of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by reducing the number of days the machines must be locked following a fall primary.

Referred to the Committee on Elections.

By Mr. OMINSKY. HOUSE BILL No. 1842.

An Act to amend section fourteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended; by limiting the time in which final computation of the returns must be made following any fall primary.

Referred to the Committee on Elections.

By Mr. DIEHL. HOUSE BILL No. 1861.

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; further regulating the compensation of and contracts with teachers.

Referred to the Committee on Education.

By Mr. DIEHL. HOUSE BILL No. 1862.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Blair.

Referred to the Committee on Highways.

By Mr. MOOMAW. HOUSE BILL No. 1863.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highway; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highway; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Franklin.

Referred to the Committee on Highways.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 71. (HOUSE BILL No. 1810.)

An Act to amend section forty-two of and to add section thirty-five A to the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors and changing certain penalties.

Referred to the Committee on Elections.

SENATE BILL No. 96. (HOUSE BILL No. 1811.)

An Act to amend section four of the act approved the twentieth day of March one thousand eight hundred and ten (Pamphlet Laws two hundred eight) entitled "An act to amend and consolidate with its supplements the act entitled 'An act for the recovery of debts and demands not exceeding one hundred dollars before a Justice of the Peace and for the election of Constables and for other purposes'" by prescribing the time within which transcripts must be filed on appeals from judgments of justices of the peace in civil cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 269. (HOUSE BILL No. 1812.)

An Act relating to writs of execution other than attachments on goods and chattels where Sheriffs' Sales are delayed or plaintiffs fail to advance the cost for same and providing that such writs including any in the hands of Sheriffs when this act becomes effective may be returned as stayed for want of prosecution unless the property levied upon be advertised for sale within three months after the levy thereon exclusive of the duration of any stay of proceedings by order of court or operation of law preserving the lien of such levy.

Referred to the Committee on Judiciary General.

SENATE BILL No. 327. (HOUSE BILL No. 1843.)

An Act making an apropriation to the Northeastern Hospital of Philadelphia Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 579. (HOUSE BILL No. 1844.)

An Act authorizing the transfer to and the acceptance by the Commonwealth of the Chester County Hospital for the Insane at Embreeville including the grounds annexed thereto and the buildings thereon providing for the development improvement and enlargement thereof for use as a State mental hospital permitting the Chester County and poor district authorities to continue to use said hospital or other buildings for certain purposes for a limited time and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 580. (HOUSE BILL No. 1845.)

An Act making an appropriation to the Simon H. Barnes Memorial Hospital of Susquehanna Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 598. (HOUSE BILL No. 1846.)

An Act making an appropriation to the Home for Friendless Children in the city of Reading Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 599. (HOUSE BILL No. 1847.)

An Act making an appropriation to the Beaver Valley General Hospital at New Brighton Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 600. (HOUSE BILL No. 1848.)

An Act making an appropriation to the Rochester General Hospital of Rochester Beaver County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 601. (HOUSE BILL No. 1849.)

An Act making an appropriation to the Ellwood City Hospital Ellwood City Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 602. (HOUSE BILL No. 1850.)

An Act making an appropriation to the Dobler Tuberculosis Hospital Girard Township Erie County.

Referred to the Committee on Appropriations.

SENATE BILL No. 615. (HOUSE BILL No. 1851.)

An Act making an appropriation to the Children's Aid Society of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 618. (HOUSE BILL No. 1852.)

An Act making an appropriation to the Columbia Hospital at Columbia Lancaster County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 633. (HOUSE BILL No. 1853.)

An Act making an appropriation to the Margaret Henry Children's Home New Castle Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 634. (HOUSE BILL No. 1854.)

An Act making an appropriation to the Beaver County Children's Home of New Brighton Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 635. (HOUSE BILL No. 1855.)

An Act making an appropriation to the Providence Hospital Beaver Falls Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 636. (HOUSE BILL No. 1856.)

An Act making an appropriation to the Almira Home Association New Castle Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 637. (HOUSE BILL No. 1857.)

An Act making an appropriation to the Jamison Memorial Hospital Association New Castle Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 638. (HOUSE BILL No. 1858.)

An Act making an appropriation to the Pennsylvania Historical Commission for the maintenance upkeep improvement and restoration of the Pennsbury Memorial in Falls Township Bucks County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 654. (HOUSE BILL No. 1859.)

An Act making an appropriation to the Department of Forests and Waters for the maintenance and improvement of Fort Washington Park.

Referred to the Committee on Appropriations.

SENATE BILL No. 198. (HOUSE BILL No. 1860.)

An Act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims of the Commonwealth.

Referred to the Committee on Appropriations.

## RESOLUTION INTRODUCED AND REFERRED

By MESSRS. McDERMOTT, HOLSTROM and RINN. RESOLUTION No. 107.

In the House of Representatives, March 27, 1935.

Whereas, The State Emergency Relief Board has created a Lehigh County Relief Board to administer the relief funds made available for said county; and

Whereas, The Department of Labor and Industry has established a State employment office in the City of Allentown, Lehigh County; and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in the Lehigh County Relief Board and in the State employment office at Allentown, and it is reported that certain groups and individuals have been discriminaed against; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of three Members of the House of Representatives, whose duty it shall be to make a rigid investigation of the conduct and operation of the Lehigh County Relief Board and of the Allentown State employment office, and to investigate such facts and circumstances surrounding the conduct of such board and office as it deems necessary for the information of the House of Representatives;

Resolved, That said committee shall make a report to the House of Representatives during this session as early as possible;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Judiciary General.

## BILL SIGNED BY THE SPEAKER

Bill numered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles was publicly read as follows:

HOUSE BILL No. 1006.

An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF HOUSE BILL NO. 433.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 433, Printer's No. 30, entitled, "An Act making an appropriation to the City of Philadelphia for monies advanced by said City to the Delaware River Bridge Commission jointly with the Commonwealth of Pennsylvania with interest which monies including the monies so advanced by the City of Philadelphia were repaid to the Commonwealth of Pennsylvania by the Delaware River Bridge Commission."

GEORGE H. EARLE.

## RESOLUTION NO. 57

Mr. SHEPARD asked and obtained unanimous consent to call up House Resolution No. 57.

The Resolution was read by the Clerk as follows:

In the House of Representatives, February 18, 1935.

Whereas, Organizations of colored citizens are endeavoring to have the Postmaster General of the United States issue an emancipation progress stamp commemorating the progress of the colored people of the United States since their emancipation January first, one thousand eight hundred and sixty-three; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania commend the efforts of the colored citizens of this country in their endeavor to have an emancipation progress stamp issued as an evidence of the progress of the colored people of the United States since the date when their liberties were granted and full citizenship accorded to them.

On the question,

Will the House adopt the resolution?

Mr. SHEPARD. Mr. Speaker and members of the House, the reason for asking this privilege at this time is because of the fact that a delegation of colored citizens from Pennsylvania will await upon the Postmaster General tomorrow, and ask his interest and aid in this respect, and we feel that the support and good will of the members of this House will greatly facilitate that meeting and help us to get this stamp commemorating emancipation.

Therefore, I ask the members of the House to vote "aye" on this resolution.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

## REPORTS FROM COMMITTEES

Mr. HOOPES, from the Committee on Boroughs and Townships reported as amended, House Bill No. 1462, entitled:

An Act to amend sections one thousand three hundred and fourteen, one thousand three hundred and fifteen, and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," increasing the penalty for failure to register the transfer of real estate, and prohibiting the recording of instruments in such cases; and extending the right to execute insurance contracts.

Mr. TURNER, from the Committee on Inter State Co-operation reported as committed, House Resolution No. 74.

Mr. SPROUL, from the Committee on Judiciary Special reported as committed, House Resolution No. 97.

Mr. LONGAKER, from the Committee on Judiciary Special reported as committed, House Resolution No. 96.

## BILL RE-REFERRED

Mr. ROAN returned from the Committee on Judiciary Special with the recommendation that it be re-referred to the Committee on Labor, House Bill No. 1604, entitled:

A Supplement to the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation, and providing procedure for th determination of liability and compensation thereunder," providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases.

The SPEAKER. The bill is now re-referred to the Committee on Labor.

## REPORT OF COMMITTEE ON COMMITTEES

Mr. O'KEEFE offered the following report from the Committee on Committees which was read by the Clerk.

Ralph E. Kelder, member from Pike County, has been appointed to membership on the following committees: Banking, Boroughs and Townships, Fisheries, Game and Labor.

On the question,
Will the House adopt the report?
It was adopted.

## BILL ON SECOND READING

Mr. HALUSKA asked and obtained unanimous consent to call up out of order House Bill No. 371, Printer's No. 359, on page 8 of today's calendar, bills on second reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with
The House proceeded to the second reading and consideration of House Bill No. 371, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to [work] farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

On the question,
Will the House agree to the section?

Mr. KANE. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 26, by inserting after the word "farming" the following: "nor to household servants in residence at the home of their employer."

On the question,
Will the House agree to the amendment?

Mr. KANE. Mr. Speaker and members of the House, I am offering this amendment as a supporter of this bill. I endeavored to negotiate with the sponsor of the bill for the inclusion of this amendment, and I may say that I don't believe the sponsor of the bill is sincerely and heartily opposed to the amendment, but he did not wish to make the amendment before the bill was drawn up. The purpose of this amendment is to exempt from the provisions of this act the solitary cook, nurse maid, which she frequently is in a private home, who stays, resides with the family, and whose hours of labor are almost impossible to compute. It seems to me that this applies to practically every member of this Legislature, and if you are going to be subject to possible prosecution every time there is a disagreement as to the hours of labor of the woman who takes care of your baby, or something of that sort, this bill would become intolerable. I am speaking as a friend of this bill. This bill is a good measure, it is to protect the class of people who have no protection,

who have no organization, who are scattered in small units throughout the commonwealth, who do not have an organization that can brow beat and threaten for them. It is for a class of people for whom collective bargaining is a joke without any protection of this Legislature. As a friend of this bill, if you want this bill to become a law, do not make it impossible and intolerable so that it will never go through the Senate, and if it should become a law, it would be repealed. I merely want exemption from the provisions of this bill for the class of people whom we have always regarded as a member of the family, and whose hours of labor are impossible to compute.

Mr. HOOPES. Mr. Speaker and members of the House, I arise to oppose this amendment also. The sponsor of the amendment very well says that under the present conditions the hours of this type of labor are almost impossible to compute. I know of one case where they are working eighty and ninety hours a week—absolutely intolerable. If you are trying to put in this amendment you might as well put in the words "domestic service" and be done with it because about eighty per cent of the domestic servants at the present time "sleep in," and if you are going to put this bill into effect with that amendment added, why, then, they will all be compelled to sleep in the home of their employers, because they will insist upon it and they won't permit them to go out because it will mean the difference between being regulated and not regulated. If you want to protect the domestic servants then you want to defeat this amendment but if you want to protect the domestic servants then be honest about it and exempt domestic service the way it has been under the laws as it has been heretofore. I ask you to vote against this amendment.

Mr. SHEPARD. Mr. Speaker and members of the House, it seems that we are all in favor, and that we are all in favor, and that we are all perfectly friendly with labor and with working people until it hits our pocket book. We have this provision in here for protecting people in the homes. It is true that our homes are our castles, but we have no right to make a sweat-shop out of our homes when they involve other people. This amendment is going to affect a large number of people that work in private homes. I have worked in private homes as a man and I know it is hard work and it means long hours and many of these people do not earn much money. They work all day long and then serve parties at night and even have to get up, they are on call practically all of the time. It seems that it is only fair if we are interested in labor at all that we protect these people that are the most exploited and at least give them an opportunity to get out and enjoy God's air and sunshine because they usually get so little money that they ought to at least have time enough to do that.

On the question recurring,
Will the House agree to the amendment

## AMENDMENT LAID ON THE TABLE

Mr. EROE. Mr. Speaker, I move that this amendment be laid upon the table.

On the question,
Will the House agree to the motion?
The SPEAKER declared the "ayes" appeared to have it.
Whereupon, a division was called for, seventy-nine members having voted in the affirmative and twenty-six in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House agree to the section?
It was agreed to.

The second section was read as follows:

Section 2 That section three of the said act as amended by the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred nine) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided in this section no female shall be employed or permitted to work in or in connection with any establishment for more than six days in any one week or more than [fifty-four] forty hours in any one week or more than [ten] eight hours in any one day Provided That during weeks in which a legal holiday occurs and is observed by an establishment any female may be employed by such an establishment during three days of such week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during any one of such three days nor more than the maximum hours per week specified in this act

(b) Females employed in establishments other than industrial establishments and in employments other than those hereinafter specifically provided for shall not be employed or permitted to work in or in connection with any such establishments for more than six days in any one week or more than forty-four hours in any one week or more than eight hours in any one day including any overtime as specified in sub-section (a) Provided That female telephone and telegraph operators over the age of eighteen years may be employed for a total of two hours overtime on any one day in emergency cases when necessary for the continuous operation of a telephone exchange or a telegraph office but no such operator shall be permitted to work for more than forty-four hours in any one week

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the [Commissioner] Secretary of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act [Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding-houses and in charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section]

(c) Females employed in the canning of perishable fruits and vegetables may be permitted to work for not longer than ten hours in any one day including any overtime as specified in subsection (a) Provided That no female so employed may in any case be employed or permitted to work for more than forty hours in any one week or for more than six days in any one week

(d) No female shall be employed or permitted to work in domestic service more than fifty-four hours in any one week

[(b)] (e) Whenever any female shall be employed or permitted to work in or in connection with more than one

establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such [establishment] establishments shall not exceed the number of hours prescribed in this section for such females in any one week or any one day

(f) The provisions of this section shall not apply to the work of nurses in hospitals nor to the work of females over twenty-one years of age earning at least thirty-five dollars a week in any of the following occupations (1) bona fide executive position (2) learned professions or (3) court stenographers

On the question,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Section 2, page 4, line 16, by inserting after the word "persons" and before the word "at" the following: "and the working of such females whether for one or more employers"

On the question,

Will the House agree to the amendment?

Mr. SOWERS. Mr. Speaker and members of the House, the object of this bill is to divide employment so as to employ unemployed. The amendment has that object in view. The amendment provides for the abolition of what is as two-job employes. The bill itself provides that the male employes dare not work more than a certain number of hours, some forty hours, some forty-four, and so on. Nothing in the act prohibits one employe obtaining employment with one employer and working with that employer forty hours a week, and at the same time obtaining employment with another employer and working thirty or forty hours a week for the other employer, so that the bill asks for the shortening or lessening of the hours, and really makes it possible for the over energetic employe to hold two jobs. This amendment would prohibit the female from taking two jobs, and I ask this House to vote in favor of the amendment, and thereby increase the probability of employment for those out of employment.

Mr. HALUSKA. Mr. Speaker and members of the House, this amendment, as the gentleman has stated, is with regard to a girl having two jobs. This act calls for a penalty and penalizes the employer who would work a girl more than forty or forty-four hours a week. This amendment penalizes the employe, and for that reason I ask the members of this House to vote "no" on the amendment.

Mr. SOWERS. Mr. Speaker and members of the House, my friend has put his finger right on the point that the amendment seeks to rectify. The act puts penalties on the employer, but the act puts no penalties on the employe. I submit to you that it is just as bad for the employe to be a chisler as it is for the employer to be a chisler, and I submit to you that the employes should be willing so to divide their work so as to help the unemployed, and that the entire burden should not be on the employer. The employe ought to be willing to stop and let the other girl have a job.

Mr. YOURISHIN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Sowers.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SOWERS. I will, Mr. Speaker.

Mr. YOURISHIN. Mr. Speaker, under the proposed amendment as offered by the gentleman, who and how are they are going to determine whether a girl has two jobs and is violating this law.

Mr. SOWERS. Mr. Speaker, my friend has asked me how a two-job girl can be discovered. The answer is the same. There is no doubt in my mind but that the employes of an establishment will soon inform on the employe who is working in two different places, and the chiseling employe would be discovered the same as the chiseling boss would be discovered.

Mr. YOURISHIN. Mr. Speaker, after the employes of an establishment discover that some girl is working some other place other than where the girls discover she is working, what provisions have you in this amendment to penalize such an employe?

Mr. SOWERS. Mr. Speaker, I really think that the gentleman should clarify that question. It is a little confusing to me.

Mr. HOOPES. Mr. Speaker and members of the House, I think that this amendment is an obvious attempt to muddy the water. I ask the members of the House to vote it down.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. SOWERS and Mr. WITKIN and were as follows:

YEAS—65

| | | | |
|---|---|---|---|
| Achterman, | Green, | Parks, | Sowers, |
| Allen, | Hamilton, R. S., | Perry, | Sproul, |
| Altenburg, | Hart, | Peters, | Stewart, |
| Atkins, | Hefferon, | Phillips, | Stockham, |
| Baker, F. T., | Hoffner, | Reynolds, | Trout, |
| Baldi, | Horst, | Rhys, | Turner, |
| Blumberg, | Jackson, | Roan, | Van Allsburg, |
| Boose, | Kane, | Root, | Wall, |
| Boyer, | Linderman, | Schrock, | Wasserman, |
| Brennan, | Longaker, | Shortz, | Weidemann, |
| Condon, | Mason, | Shreiner, | Wickersham, |
| Cordier, | McKinney, | Simpson, | Witkin, |
| Davies, | Moomaw, | Sloan, | Wood, |
| Denning, | Moore, | Smith, W. G., | Woodside, |
| Duffort, | Muir, | Snyder, F. E., | Yeakel, |
| Ferko, | Nothnagle, | Snyder, J. L., | Zimmerman, |
| Forrest, | | | |

NAYS—96

| | | | |
|---|---|---|---|
| Alexander, | Downey, J. J., | LaRue, | Ruffennach, |
| Andrews, | Eberharter, | Long, | Ruth, |
| Arnold, | Eroe, | Lovett, | Sarraf, |
| Aukerman, | Finnerty, | Male, | Scanlon, |
| Baine, | Fitch, | McCreary, | Schrope, |
| Baker, J J., | Flanagan, | McDermott, | Shaw, |
| Bradley, | Flinchbaugh, | McElroy, | Shepard, |
| Brancato, | Furman, | Mentzer, | Shugarts, |
| Brown, H. S., | Gates, | Mooney, | Siegel, |
| Brumbaugh, | Gerard, | Moran, | Simon, |
| Burke, | Haberlen, | Moul, | Smith, J. A., |
| Cannon, | Hagerty, | Munley, | Stank, |
| Caputo, | Haluska, | Murrin, | Stevens, |
| Carson, | Harkins, | Nagel, | Tronzo, |
| Chervenak, | Hartman, | O'Keefe, | Tumelty, |
| Coakley, | Hermansen, | Ominsky, | Van Sickle, |
| Cochran, | Hetrick, | Patterson, C., | Walker, |
| Cohen, | Hirsch, | Patterson, J. W., | Weiss, |
| Coleman, | Holstrom, | Pearson, | Welliver, |
| Coolahan, | Hoopes, | Pfaff, | Welsh, |
| Decker, | Kilroy, | Piole, | Westrick, |
| Dent, | Kinney, | Powers, | Wilson, |
| Diehl, | Klingler, | Rinn, | Yourishin, |
| Dilley, | Kobelak, | Robinson, | Sarig. |

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 2, page 6, line 8, by adding after the word "stenographers" the following: "secretaries"

Amend Section 2, page 6, Line 8, by adding after the word "stenographers" the following: "State employees"

Amend Section 2, page 6, Line 8, by adding after the word "stenographers" the following: "detectives"

On the question,

Will the House agree to the amendments?

Mr. SOWERS. Mr. Speaker, the amendments that are now before you were discussed in conference this morning. I think the discussion established the fact that it is absolutely impossible to apply a forty hour rule or a forty-four hour rule even to our own stenographers in this House. They are working much longer than forty hours. The general thought is that you can not apply forty hours with state employes when there is a rush season, or if there are other occasions when employes must work more than forty hours.

Now the proposition as to the detectives, it is absolutely impossible to engage a female detective and send her out on a case and have her work forty hours on that case and then drop it. You might as well not employ a female detective in the first place. There are cases where it is necessary to employ a female detective and to restrict her to forty hours is to render her services useless. I say to you that the true intent and purpose of this bill is to regulate the employment of females in industrial establishments and the effort being made to pass it over to mercantile establishments and the professions makes it almost impossible of enforcement. I would ask the membres to vote in favor of this amendments.

Mr. HALUSKA. Mr. Speaker ,for the information of the gentleman from Philadelphia, Mr. Sowers I want to inform him that I have an amendment that will take care of detectives, also one that will take care of state employes, but only during the time of the session.

Referring to the word "secretary," you will find that we have made provision in this act to take care of any executives receiving thirty-five dollars per week or more. The secretary can work for as low as five dollars per week and still she would be exempt under the amendments of Mr. Sowers. We have made all the provisions that are needed. We have had seven weeks to discuss this bill and I ask the members of this House to vote "no" on the amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amendment Section 2, page 6, Lines 5, and 6 by striking out the words: "earning at least thirty-five dollars a week."

On the question,

Will the House agree to the amendments?

Mr. SOWERS. Mr. Speaker and members of the House, the amendment now before you strikes out the words "thirty-five dollars a week." For Philadelphia, thirty-five dollars a week is O. K., but for the balance of the country I doubt whether it is O. K. It provides for a sliding scale varying with the population for the cities. The scale runs as low as twenty-five dollars and sometimes runs higher than thirty-five dollars, I believe. Therefore, if the law would say thirty-five dollars, it would be almost impossible for an attorney practicing in the country to employ a secretary, because many of the attorneys, I am informed, that practice in the country do not make thirty-five dollars a week clear themselves, and there are plenty that don't make it in the cities also. I submit that it is a mistake to specify in this act the salary that a secretary should receive; that it is a mistake because wages vary in different parts of the state.

Mr. HOOPES. Mr. Speaker, I rise to oppose this amendment. As an attorney in another part of the state, I do not want the protection that the gentlemen from Philadelphia, Mr. Sowers, so kindly offers. I am very certain that attorneys can so arrange their work that they will not have to employ their secretaries, whom they pay less than thirty-five dollars a week, more hours than this bill already will permit. If we are going to pass a bill here which is to help shorten the hours of women, we do not want to put in so many exceptions so that it will not mean anything at all. These amendments have been carefully considered by your Committees on Labor and everybody interested has proposed amendments—they have all been carefully discussed. The bill has been before the House on several occasions. If you adopt this sort of amendment, you had better throw the bill in the waste basket now and not pretend to be passing a forty hour week for women, because it will not be that when you get through with it.

I ask you to vote against this amendment.

Mr. HALUSKA. Mr. Speaker and members of the House, if this amendment goes through it will destroy the purpose of this bill entirely. Thirty-five dollars a week was granted at the public hearing, and that seemed to be the wish of all department heads and all industry throughout our state, so I ask the members to vote "no" on this amendment.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

Will the House agree to the section?

On the question recurring,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 2, Page 6, Line 8, by inserting a subdivision namely: "(h) females may be employed or permitted to work in mercantile establishments during the two weeks prior to December 25th of each and every year not more than forty-eight hours in any one week."

Amend Section 2, Page 6, Line 8, by inserting a subsection namely: "(g) No female shall be employed or permitted to work in boarding houses, boarding schools, hotels, charitable, educational and religious institutions for more than fifty-four hours in any one week."

On the question,
Will the House agree to the amendments?

Mr. SOWERS. Mr. Speaker and members of the House, the amendments, which now have before you provide that during the peak season in mercantile establishments, namely, the two weeks before Christmas, female help may be employed forty-eight hours in any one week, that is, for the two weeks prior to Christmas.

The other amendment provides that female help may be employed in boarding houses, boarding schools, charitable and educational and religious institutions for fifty-four hours in any one week.

Now we have in the bill the provision that domestics may work fifty-four hours a week in the home. A boarding house is a home, a boarding school is a home, and if it is proper for domestics to work fifty-four hours a week in a home, it seems to me to be proper for domestics to work fifty-four hours a week in such boarding houses. It seems to me that we should not hinder the Christmas rush; we ought to encourage it. It is the time when the products of labor and of factories are sold and disposed of and to hinder the disposition of the products of labor at that time is to hinder industry, and I ask you to vote "aye" on the amendments.

Mr. HALUSKA. Mr. Speaker and members of the House, the gentleman from Philadelphia, Mr. Sowers, has forgotten the main purpose of this bill. He should bear in mind that the purpose of it is to increase employment. Permitting these girls to work ten, twelve and fourteen hours in any peak week just means that other girls that are not working will have to stay at home. I believe that today throughout all parts of our state we have hundreds upon hundreds of girls who have been laid off and who would be glad to accept one or two hours of work at any time of the year, whether it be Christmas or any other time of the year. Maybe a few girls find it impossible to find work and they would be only too glad to get work. I ask the members to vote "no" on these amendments.

On the question recurring,
Will the House agree to the amendments?
They were not agreed to.

On the question recurring,
Will the House agree to the section?

Mr. MASON. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 2, sub-section (b), page 4, line 9, by inserting the following: After the word "(a)" "Provided, however, that for a period not to exceed two weeks during the first six months of the calendar year and for a period not to exceed three weeks during the second six months of the calendar year such female employes may be permitted to work six hours per week more than their normal basic work week."

On the question,
Will the House agree to the amendment?

Mr. MASON. Mr. Speaker and members of the House, before explaining the purpose of these amendments, I wish to state that the sole reason that they are being presented now on second reading is due to the fact that there is a difference of opinion between the sponsor of the bill and myself as to the necessity for the amendments.

I might state that during the seven weeks that this bill has been before the House, either in committee or upon the floor the sponsor of the bill has cooperated in every way insofar as giving us an opportunity to express our demands is concerned. However, the difference of opinion is still there, and I feel that this amendment should be submitted to the House so that the members themselves may decide which opinion concerning this amendment is correct.

This merely applies to the peak period before Christmas and to the peak period so-called, inventory period, during the first six months of the calendar year. The amendment is not as drastic as the provision in the retail code applying to the same periods.

On page five of the retail code, section four, sub-section (d) provides for a peak period of not to exceed two weeks in the first six months of the calendar year and not to exceed three weeks in the last six months of the calendar year and it provides for an additional eight hours a week for each employe during those so-called peak periods.

I am not submitting this amendment for myself alone, because the distributive trades and the retail trades feel that they should have some protection during those periods. The retail trades, as you know, cover the retail stores, grocery stores, and the distributive trade include both the retail trade and the wholesale distributors. For that reason I urge the members to consider carefully the effect on the smaller towns and other sections of the state and the third class cities where you have the smaller stores and where the same possibility of extra help and of extra profits, can not be offered the same as they can in Philadelphia and the larger cities.

Mr. HALUSKA. Mr. Speaker and members of the House, I appreciate the sincerity of the gentleman from Luzerne, Mr. Mason, but we have no scarcity of female help, and at any time when the occasion might call for additional help, we have found it is quite easy to get it and for that reason I ask this House to vote "no" on this amendment.

Mr. HOOPES. Mr. Speaker and members of the House, I wish to call your attention to the fact that this bill has already been amended to permit forty-four hours per week throughout the year in mercantile establishments such as will be effected by the amendment. If this amendment is now going to be added to it, you will extend the hours of the workers in those establishments for those particular weeks for fifty hours a week, which is only four hours less time than the present law allows.

Down in Washington they are seriously considering a measure providing for thirty hours a week for men and women. Are we now going to vote for fifty hours a week for women?

I ask you to vote against these amendments?

On the question recurring,
Will the House agree to the amendment?
It was not agreed to.

On the question recurring,
Will the House agree to the section?

Mr. MASON. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, sub-section (f), page 6, line 6, by striking out the words "thirty-five dollars a week" and inserting in lieu thereof the following:

"twenty-five dollars a week if engaged in employment in cities under 25,000 population, twenty-seven dollars and fifty cents a week is engaged in employment in cities of 25,000 to 100,000 population, thirty dollars a week if engaged in employment in cities of 100,000 to 500,000 population, and thirty-five dollars a week if engaged in employment in cities of over 500,000 population."

On the question,

Will the House agree to the amendment?

Mr. MASON. Mr. Speaker and members of the House, in presenting this amendment I followed exactly the retail code in reference to this type or work. Section four (c) covering the exact salary scale and the exact population scale that I have placed in this amendment. I feel that this amendment is fair for the small establishments in the smaller counties and cities of our State and that is the sole reason and the sole purpose of my presenting the graduated scale rather than the maximum scale used under the retail code as it now is in the bill.

Mr. HALUSKA. Mr. Speaker and members of the House, I cannot see why any female should be paid differently for working in a small community and doing the same work as if she was working in a large city. She is still doing the same type of work and she should receive the same pay for her work. There is no reason for such an amendment, and I therefore ask the members to vote "no" on this amendment.

Mr. SPROUL. Mr. Speaker in order to vote intelligently on these amendments, may I interrogate the gentleman from Cambria, Mr. Haluska?

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. HALUSKA. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker in the mail that I have received I have had nothing but protests from the female people who work at peak hours. I would like to ask the gentleman from Cambria just as a point of information, why it is their idea to change these from the code as it is now written. I believe they have considered the employment situation in the country.

Mr. HALUSKA. Mr. Speaker I will say that at a public hearing we discussed this problem with all the representatives throughout the state and it was their request that we make the exemptions on the thirty-five dollars a week, that that would meet with their approval and for that reason we inserted the thirty-five dollars per week.

Mr. SPROUL. Mr. Speaker may I ask why that was not in the national code, because I believe labor is represented in these code meetings, is it not?

Mr. HALUSKA. Mr. Speaker I did not write the code, so I cannot answer that question.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. MASON and Mr. ROAN and were as follows:

YEAS—75

| | | | |
|---|---|---|---|
| Achterman, | Gerard, | Moul, | Snyder, J. L., |
| Allen, | Green, | Muir, | Sowers, |
| Altenburg, | Hamilton, R. S., | Nothnagle, | Sproul, |
| Andrews, | Hart, | Parks, | Stewart, |
| Atkins, | Hoffner, | Perry, | Stockham, |
| Aukerman, | Horst, | Peters, | Surface, |
| Baker, F. T., | Jackson, | Rhys, | Terry, |
| Baldi, | Kane, | Roan, | Turner, |
| Bernhard, | Kelder, | Root, | Van Allsburg, |
| Blumberg, | LaRue, | Schrock, | Wall, |
| Boose, | Linderman, | Schrope, | Wasserman, |
| Boyer, | Longaker, | Shortz, | Weidemann, |
| Brennan, | Mason, | Shreiner, | Wickersham, |
| Carson, | McCreary, | Siegel, | Witkin, |
| Condon, | McDevitt, | Simon, | Wood, |
| Denning, | McKinney, | Simpson, | Woodside, |
| Duffort, | Merrell, | Sloan, | Yeakel, |
| Ferko, | Moomaw, | Smith, W. G., | Zimmerman, |
| Forrest, | Moore, | Snyder, F. E., | |

NAYS—73

| | | | |
|---|---|---|---|
| Alexander, | Finnerty, | Lovett, | Robinson, |
| Arnold, | Fitch, | Lynch, | Ruth, |
| Baine, | Flanagan, | Male, | Sarraf, |
| Baker, J. J., | Gates, | McDermott, | Shepard, |
| Bradley, | Haberlen, | McElroy, | Shugarts, |
| Brown, H. S., | Hagerty, | Mentzer, | Stank, |
| Burke, | Haluska, | Mooney, | Stevens, |
| Cannon, | Harkins, | Moran, | Tronzo, |
| Caputo, | Hartman, | Nagel, | Tumelty, |
| Cohen, | Hermansen, | O'Keefe, | Van Sickle, |
| Coleman, | Hetrick, | Ominsky, | Walker, |
| Coolahan, | Hirsch, | Patterson, C., | Weiss, |
| Decker, | Holstrom, | Patterson, J. W., | Welliver, |
| Dent, | Hoopes, | Pearson, | Welsh, |
| Diehl, | Kilroy, | Pfaff, | Westrick, |
| Dilley, | Kinney, | Piole, | Wilson, |
| Downey, J. J., | Klingler, | Powers, | Yourishin, |
| Eberharter, | Long, | Reising, | Sarig, |
| Eroe, | | | |

So the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 6, by adding after line 8, the following paragraph: "(g) Females employed in hotels and boarding houses may be permitted to work not more than six days in one week, nor more than fifty-four hours in one week, nor more than ten hours in any one day."

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker and members of the House the amendment just read was offered for the purpose of protecting a business not an industry, if you please, that is threatened by extinction if the act now laid before you is passed by this Assembly.

Many of the hotels and boarding houses throughout our State are small. I am speaking particularly of the average boarding house in that portion of the state whence I come. In that section we cater to small summer resorts interests, and if you please many of those places have as their guests only six or eight or ten people and it becomes a physical impossibility for them to hire more than one person in their hotel or boarding house. The character of the service that these individuals who are employed by them render is domestic in its nature alone. I call the attention of the members in this House to section two sub-paragraph (d) which provides that no female shall explain why he differentiates as between domestic service more than fifty-four hours in any one week, and I defy the sponsor of this bill to get up before this House and explain why he differentiates as between domestic service in the house and domestic service in the small hotel. I am saying to the members of this House that if you wish to pass laws, they must be sane, they must be sensible, they must be workable and they must be enforceable, and when we pass an amendment that is going to treat

all domestic service alike, we fail to do that very thing, and what you will do is, you will drive out of existence the little fellow and you will make it possible for only the large hotels to exist. It is for that reason that I am asking the members of this House to vote for the amendment.

Mr. DENT. Mr. Speaker and members of the House, during the past few years it has become quite the vogue for lawmakers to step in and regulate not because they like the job of regulating or imposing regulations, but simply because there arises the necessity for so doing. This necessity arises from the fact that some of you lawyers can't realize or can't hope to know anything about—and doctors and the rest of the professional men. It is a fact that we have had a shrinkage in employment due to the increased use of machinery, and to stop the increased use of machinery means to deaden our progress. Therefore, there is need for employment to stretch into the service fields, and it is an absolute falsehood to state that any service of this kind, which is rendering service to the traveling public, or rendering service to any sort of people will go out of business if any regulation is put on that particular service industry, such as small hotels. Service resorts only grow up in the communities where that service is demanded, and if any person believes that because one person shuts down a small hotel that there is not going to be another one, if the business so demands, then they are wrong. We have to regulate every one of the hotel service plants. There is no difference between a chambermaid in a small hotel and a chambermaid in a large hotel. There is just as great a percentage of unemployment in the small rural communities as there is in the larger communities. We sit up here and impose taxes to take care of unemployment. The best way to take care of unemployment is to find employment for it. The increased taxation on these small so-called hotels and tourists camps which we have got to impose either in this term or the next term to take care of the unemployment is going to be far greater than the increase they will have to spend in moneys for new help or added help.

I ask you to vote "no" on this amendment, because there is absolutely no need for a greater number of hours in the small hotel than there is in any other hotel. The time has come when we have got to face an issue of creating employment, and we are trying to do it with this bill, and if every man steps in and tries to take his own community out of the bill—we all represent different communities, we all have different problems—we might as well scrap the whole works.

Mr. HOOPES. Mr. Speaker and members of the House, I arise to oppose this amendment, also. This was a labor bill, but it certainly won't be if you put more amendments like this into it.

I am authorized to say that if you continue to amend it organized labor is going to oppose it; you can not pass a measure and then butcher it up the way you are doing this one and then go out before the public and say that you have just passed a labor bill.

If you are for the workers of Pennsylvania, if you really want to protect them, whether you be Republicans or Democrats, if you want to pass a bill that is going to help them do it and not one that has so many amendments to it that it does not mean anything at all.

I can only repeat what I have said that down at Washington the administration is seriously considering a thirty hour week for men and women, and here we are in Harrisburg with an administration which is supposed to be in sympathy with the one in Washington seriously considering an amendment to a women's labor bill that will extend the hours to fifty-four and beyond.

It has been well said, one of the purposes behind measures such as this is to increase employment. There is certainly plenty of unemployment throughout Pennsylvania today, and for any employer to come in here and say that he can't get the help is certainly contrary to the evidence that you can get from any employment agency, public or private, throughout the Commonwealth.

There is a difference between employment in hotels and in private homes but far as that is concerned I don't like to see it extended so much, even for domestic servants in private homes, but certainly we don't want to extend it to the hotels, the stores, and everything else all the way down the line, because if you do you might as well scrap the bill right now because it will not serve the purpose for which it was supposed to be introduced. Members of the House I ask you to vote "No" on these amendments; Mr. Speaker, I ask for a roll call.

Mr. ACHTERMAN. Mr. Speaker and members of the House, might I state in reply to the remarks of the gentleman from Berks, Mr. Hoopes, that had they confined this bill to what it was intended to apply to, and that was industry, and not to all the other various phases of our life, they would not have run into the opposition that they are now meeting, because in making it cover the entire scope of industry and business, they are endeavoring to legislate on a scale that is impossible, and, consequently, they are meeting the opposition that they now have.

Mr. ANDREWS. Mr. Speaker and members of the House, notwithstanding what the gentleman from Berks has said about labor's club I oppose this amendment. People work outside of factories. I have favored amendments to this bill which applied generally to industry, which affected the whole broad public, but I am opposed to amendments designed in favor of special interests, and God knows, Mr. Speaker, if there is any class of people in this world that needs protection, it is people that work in the hotels of this Commonwealth.

I hope that this amendment is defeated.

The yeas and nays were required by Mr. HOOPES and Mrs. WILSON.

Mr. HOOPES. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—58

| | | | |
|---|---|---|---|
| Achterman, | Flinchbaugh, | Moore, | Snyder, F. E., |
| Allen, | Green, | Muir, | Snyder, J. L., |
| Altenburg, | Hamilton, R. S., | Nothnagle, | Sowers, |
| Atkins, | Hetrick, | Parks, | Sproul, |
| Baker, F. T., | Hoffner, | Peters, | Stockham, |
| Baldi, | Horst, | Powers, | Turner, |
| Bernhard, | Linderman, | Roan, | Wall, |
| Blumberg, | Longaker, | Shortz, | Weidemann, |
| Boose, | Lynch, | Shreiner, | Wickersham, |
| Boyer, | Male, | Simon, | Witkin, |
| Brennan, | Mason, | Simpson, | Wood, |
| Denning, | McCreary, | Sloan, | Woodside, |
| Dilley, | McKinney, | Smith, J. A., | Yeakel, |
| Duffort, | Merrell, | Smith, W. G., | Zimmerman, |
| Ferko, | Moomaw, | | |

NAYS—95

| | | | |
|---|---|---|---|
| Alexander, | Dent, | Kinney, | Robinson, |
| Andrews, | Diehl, | Klingler, | Ruth, |
| Arnold, | Downey, J. J., | Kobelak, | Sarraf, |
| Aukerman, | Eberharter, | LaRue, | Scanlon, |
| Baine, | Eroe, | Long, | Schrope, |

| | | | |
|---|---|---|---|
| Baker, J. J., | Falkenstein, | Lovett, | Shaw, |
| Bradley, | Finnerty, | McDermott, | Shepard, |
| Brancato, | Fitch, | McElroy, | Shugarts, |
| Brown, H. S., | Flanagan, | Mentzer, | Siegel, |
| Brown, J. E., | Forrest, | Mooney, | Stank, |
| Brownfield, | Haberlen, | Moran, | Stevens, |
| Brumbaugh, | Hagerty, | Moul, | Surface, |
| Burke, | Haluska, | O'Keefe, | Tronzo, |
| Cannon, | Harkins, | Ominsky, | Tumelty, |
| Caputo, | Hart, | O'Neill, | Van Allsburg, |
| Carzon, | Hartman, | Patterson, C., | Walker, |
| Chervenak, | Hermansen, | Patterson, J. W., | Weiss, |
| Coakley, | Hindman, | Pearson, | Welliver, |
| Cochran, | Hirsch, | Perry, | Welsh, |
| Cohen, | Holstrom, | Pfaff, | Westrick, |
| Coleman, | Hoopes, | Piole, | Wilson, |
| Condon, | Jackson, | Reising, | Yourishin, |
| Coolahan, | Kane, | Reynolds, | Sarig, |
| Decker, | Kilroy, | Rhys, | |

So the question was determined in the negative and the amendment was not agreed to.

On the question,

Will the House agree to the section?

Mr. HALUSKA. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments wer read by the Clerk as follows:

Amend section 2, page 5, line 19 by striking out at the end of the line after the word "work" the following: "[for more than forty hours in any one]"

Amend section 2, page 5, line 20 by striking out at the beginning at the line before the word "for" the words: "[week or]"

Amend section 2, page 5, line 20 by inserting at the end of the line after the word "week" the following: "or for more than forty hours in any one week and provided further that the maximum hours of work permitted in any one week between the fifteenth day of August and the fifteenth day of October may be extended by the Industrial Board of the Department of Labor and Industry upon application by the employer and upon the submission of proof of the existence of special conditions."

On the question,

Will the House agree to the amendments?

Mr. HALUSKA. Mr. Speaker and members of the House, the amendment that you have just heard applies only to the canners in this State.

After many conferences with the canners, we found out that the canners must have a greater extension than provided for by our act—44 hours. They may apply to the Department of Labor and Industry, the Industrial Board, and upon submission of proof in special cases only have an extension of time at their own discretion, or at the discretion of the Board, only in the period from August 15 to October 15. I feel that this amendment is very fair, and I ask the members of this House to support it.

Mr. SOWERS. Mr. Speaker and members of the House. I do not know how we could be more inconsistent. This amendment permits the canners from August 15 to October 15 to work all day and all night practically. I submit that if it is improper to work a few hours longer two weeks at Christmas time in department stores, it is just as highly improper to work all hours from August 15 to October 15 in any industry, and I ask the House to vote down the amendment.

Mr. HOOPES. Mr. Speaker and members of the House I arise to oppose this amendment also. I understood there was some agreement on a canners' amendment which would have permitted an extension to 54 hours a week with the permission of the Industrial Board, but I have been informed definitely that there was no agreement to support an amendment which gives the Industrial Board authority to extend hours without limit, and that is what this proposed amendment does. I want to say that we are opposed to this amendment in this form. I ask the members of this House to vote against it.

Mr. DENT. Mr. Speaker, and members of the House, I arise also to oppose the amendment and ask the members of the House to vote against the amendment. The very nature of the amendment concedes the fact that some regulation is necessary, and yet it also says that by the discretion of the Department of Labor and Industry or the Industrial Board, special concessions can be granted to certain canners. It don't use the word "certain," that word is understood. As has been stated, we all recognize the fact that the canning industry has an acute problem during these two months, and an amendment was provided by which they could receive the benefits of a 54 hour week during those two months. At a public hearing through their representatives, they stated that the crops were gathered in the early part of the week and rushed to them toward the latter part of the week, which caused the necessity of having at least two or three days in a week in which they had to work longer hours. Taking a 54 hour week and working an 8 hour day for three days would still allow them three days of 10 hours each, or four days of 8 hours.

They objected to the 10 hour limit on the day's work, and we removed that, but it seems that they insult the intelligence of the inventive genius of American minds by saying that anything that can be foreseen can't be forestalled. They admit that every year the same condition has arisen in the canning industry, and they also admit they have never done anything to cure it. They ask exemption for only the two months that they work, and you exempt them for the whole year, although they work just the two months.

I ask you to vote "no" because it is a special distinction, special class legislation for them alone.

Mr. MOUL. Mr. Speaker and members of the House I had nothing to do with the preparation of this amendment. However, there was an understanding between the members who represent the districts where the canning industry thrive and the committee that there would be offered an amendment that would be satisfactory. I did not know what that amendment was going to be until we met here at four o'clock.

About a week ago, I had an amendment prepared that did call for fifty-four hours. It does not make much difference to us whether it is this amendment or the fifty-four hours, but I do want to emphasize the fact again of what we tried to put across about three weeks ago when this matter was referred back to committee, and that is, if we are going to eliminate this amendment and all other amendments pertaining to this particular field, we are going to say that the canning industry must work under a forty hour week as far as women labor is concerned. I want to read to you an article, it is not my article but an article sent out by the Department of Agriculture of our own state and published in one of our newspaper in York county under date of March 26. It states "Value of Canned Foods $25.000.000" That is the head line "Recent estimates place this amount as annual value of Pennsylvania products. High quality foods."

"Harrisburg, March 26.—The importance of commercial

canning as an outlet for Pennsylvania cash crops is emphasized in a report of the bureau of markets, state Department of Agriculture."

"Recent estimates place the annual value of Pennsylvania canned foods at approximately $25,000,000, a large proportion of which is returned to local farmers soon after the raw stock is delivered to the canneries."

"Only three states outrank this Commonwealth in the value of canned foods produced. They are California, New York and New Jersey. The Commonwealth also has an enviable reputation for the production of high quality canned foods, due to emphasis on the quality of the raw stock going into the cans."

The article goes on to say, relating further to this marvelous business that has grown up in the state of Pennsylvania and it has been returning, if you please, $25,000,000 to business and the farmers of Pennsylvania.

You will also note in that article, which was turned out by our own Department of Agriculture in Harrisburg, that our competitors in this field are in the states of New York and New Jersey. They are our neighbors, the one on the north, the other on the east. They are today working under a condition similar to the conditions which we ask from the members of this House. If we are going to penalize our canners in Pennsylvania by placing them on a forty-hour basis we might as well fold up our canneries. I am speaking of the smaller canneries, not necessarily of the large canneries in Pennsylvania. We spoke of the large canneries the other day, but there is only one large cannery in Pennsylvania. The rest are small ones. Your very large cannery is just across the river in the state of New Jersey. If we are going to take away the privilege that we offered to this new industry in the state of Pennsylvania and penalize them in favor of our neighboring canneries of New York and New Jersey, we are going to injure our state to the extent of probably, I would say, one-fourth of that cash crop.

I explained three weeks ago that it was the tomato season that is most important and that some provision should be made for that particular season. I might remind you also that among the canning crops which are listed in Pennsylvania, the tomato crop is the big crop. True enough the other crops are also included, but tomato growing is the big problem of our farmers and produces the biggest income.

I want to beg of you members of the House that you save the farmers of this state of Pennsylvania from the destruction that is bound to follow in this particular market if we are going to limit them to forty hours for female labor.

I could go on and repeat what I said on the previous occasion, but I am sure that our members are all sufficiently clear at this time, and that you will remember the arguments that were put up at that time.

I am particularly interested in whether we are going to save the canners as such, but I am vitally interested in that we shall take care of the farmers in York County and neighboring counties in southeastern Pennsylvania that are reaping this benefit of twenty-five million dollars a year.

I repeat that I had nothing to do with the writing of that amendment, but I did have an understanding with the Committee that we would have an amendment that would be satisfactory to us.

I urge you to support this amendment.

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentle from Cambria, Mr. Haluska.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. HALUSKA. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, under the provisions of this amendment an emergency must exist; is that correct?

Mr. HALUSKA. That is right, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, must this emergency be anticipated, or must it exist?

Mr. HALUSKA. Mr. Speaker, it must be a special condition.

Mr. TUMELTY. Mr. Speaker, in other words, then the canners cannot anticipate how much crops they are going to get from the farmers?

Mr. HALUSKA. I should say not, Mr. Speaker.

Mr. TUMELTY. The condition must actually exist, Mr. Speaker.

Mr. HALUSKA. That is correct, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker and members of the House, I cannot see where it is going to help the canners.

Mr. ANDREWS. Mr. Speaker and members of the House, notwithstanding the eloquence of my friend to the right, the issue here is not ripe tomatoes, and the issue here is not the quality of Pennsylvania fruit. The issue here is whether or not this House desires to place itself on record in favor of unlimited working hours for working women subject to the discretion of an appointive Board.

I want to point out another peculiar fact in connection with this whole controversy: that the canners came in here asking for 12 hours or 14 hours, and they are defeated on that, and they came before the House not for 12 hours or 14 hours, but unlimted hours. This is a vicious situation.

Mr. MOUL. Mr. Speaker and members of the House, I am sorry that on this particular issue I must differ with my good friend, the gentleman from Cambria. This is an economic issue, and it is necessarily an economic issue, unless some provision is made that will protect the farmers, it is going to be a mighty vital issue, I would say to the tune of one-fourth of the total income which might run between five and seven million dollars.

Mr. HOOPES. Mr. Speaker and members of the House, I want to call the attention of the members of the House that those who are interested in this bill were willing to agree to an amendment for the canners. We put in one. We were willing to go even further, but they insisted upon an unrestricted limit, and to that we certainly cannot agree, Mr. Speaker.

Mr. SOWERS. Mr. Speaker, and members of the House, I only want to say a few words in reply: Let the canners, like the others, part with some of their money, and hire more help.

The yeas and nays were required by Mr. HOOPES and Mrs. WILSON and were as follows:

YEAS—30

| | | | |
|---|---|---|---|
| Allen, | Gates, | Longaker, | Pearson, |
| Altenburg, | Haluska, | Lynch, | Peters, |
| Arnold, | Hindman, | Mason, | Powers, |
| Carson, | Horst, | McCreary, | Simon, |
| Condon, | Kane, | McHenry, | Smith, W. G., |
| Eroe, | Kinney, | Moomaw, | Weiss, |
| Flinchbaugh, | Kobelak, | Moul, | Westrick, |
| Furman, | LaRue, | | |

NAYS—108

| | | | |
|---|---|---|---|
| Achterman, | Diehl, | McKinney, | Shortz, |
| Alexander, | Duffort, | Mentzer, | Shreiner, |
| Andrews, | Eberharter, | Merrell, | Shugarts, |
| Aukerman, | Falkenstein, | Mooney, | Siegel, |
| Baine, | Ferko, | Moore, | Sloan, |
| Baker, F. T., | Finnerty, | Moran, | Smith, J. A., |
| Baker, J J., | Fitch, | Muir, | Snyder, F. E., |
| Baldi, | Forrest, | Nagel, | Snyder, J. L., |
| Bernhard, | Green, | Nothnagle, | Sowers, |
| Boose, | Haberlen, | O'Keefe, | Stank, |
| Boyd, R., | Hagerty, | Ominsky, | Stevens, |
| Boyer, | Hamilton, R. S., | Parks, | Tronzo, |
| Bradley, | Harkins, | Patterson, J. W., | Tumelty, |
| Brancato, | Hart, | Perry, | Turner, |
| Brennan, | Hermansen, | Pfaff, | Van Sickle, |
| Brown, H. S., | Hirsch, | Piole, | Wall, |
| Brown, J. E., | Holstrom, | Reising, | Walker, |
| Brownfield, | Hoopes, | Reynolds, | Weidemann, |
| Brumbaugh, | Jackson, | Rhys, | Welsh, |
| Burke, | Kilroy, | Roan, | Wickersham, |
| Cannon, | Klingler, | Robinson, | Wilson, |
| Caputo, | Linderman, | Sarraf, | Witkin, |
| Chervenak, | Long, | Scanlon, | Wood, |
| Cochran, | Lovett, | Schrock, | Woodside, |
| Coolahan, | Male, | Schrope, | Yourishin, |
| Denning, | McDermott, | Shaw, | Sarig, |
| Dent, | McElroy, | Shepard, | |

So the question was determined in the negative and the amendments were not agreed to.

MOTION TO ADJOURN

Mr. WITKIN. Mr. Speaker, I move that this House do now adjourn until Monday at nine o'clock P. M.

On the question,

Will the House agree to the motion?

Mr. RUTH. Mr. Speaker, there is important business—

The SPEAKER. The Chair wishes to inform the gentleman from Berks that the motion is not debatable. The question is on the motion.

Mr. O'KEEFE. Mr. Speaker, I ask for a roll call.

Mr. SHAW. Mr. Speaker, I second the request for a roll call.

Mr. WITKIN. Mr. Speaker, noting the consternation that has been caused in the ranks of the Democrats I want to withdraw my motion, and I want to say that I merely made it because we would like to get the seven thirty-six train.

The SPEAKER. The Chair wishes to inform the gentleman from Philadelphia that the Chair has done everything in his power to try and speed up action, but the Chair can not cut dov n the debate if the members insist on it.

The gentleman from Philadelphia withdraws his motion to adjourn.

On the question recurring,

Will the House agree to the section?

Mr. HALUSKA. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 6, line 7 by inserting after the word "fide" and before the word "executive" the words: "secretarial or"

Amend section 2, page 6, line 8, by striking out after the syllable "fessions" and before "(3)" the word: "[or]"

Amend section 2, page 6, line 8 by inserting at the end of the line after the word "stenographers" the following: "(4) State employes during legislative sessions or (5) detectives."

On the question,

Will the House agree to the amendments?

Mr. HOOPES. Mr. Speaker and members of the House, I have no desire to keep this House here any longer than is necessary and I would like to go home right away, but I can't permit the pressure of time to permit an amendment like this to go by without opposition.

It is proposed that we pass a law regulating the hours of women in industry and other establishments but that we shall except legislative employes during sessions of the legislature. In other words, they want to restrict everybody else and save ourselves. If there is anything decent or human about an amendment such as that, it would seem to me that the members of the House would refuse to vote for it without anybody saying anything about it, but I was afraid that they might go along in their anxiety to get home.

Just please realize that this amendment as it is worded in effect means that we tell everybody else in Pennsylvania that they shall protect the dear women but we shall exploit them for whatever hours it suits our convenience to make them work. I can not imagine anything any more ridiculous or more disgraceful and I ask you vote "no" on these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 5, by inserting between lines 20 and 21 the following new lettered paragraph: "(c) Females employed in boarding houses educational, charitable, and religious institutions and hotels shall not be employed or permitted to work in or in connection with such establishments for more than six days in any one week or more than forty-eight hours in any one week or more than nine hours in any one day including any overtime as specified in subsection (a)."

Amend secion 2, page 5, line 21 by striking out before the word "No" the following: "(d)" and inserting in lieu thereof the following: "(e)"

Amend section 2, page 5, line 24 by striking out before the word "Whenever" the following: "(e)" and inserting in lieu thereof the following "(f)"

Amend section 2, page 6, line 3 by striking out before the word "The" the following: "(f)" and inserting in lieu thereof the following "(g)"

On the question,

Will the House agree to the amendments?

Mr. MOOMAW. Mr. Speaker and members of the House, there have been various offers in this session of amendments simllar to the one I have offered here.

In most of the rural sections we have what is known as the one-shift hotel. Many of them are small hotels. Practically all of them are one-shift hotels. Some of them are boarding houses and summer resorts.

POINT OF ORDER

Mr HOOPES. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentlemen from Berks will state his point of order.

Mr. HOOPES.A Mr. Speaker, we have already defeated an amendment which included the same information as is included in this amendment and I suggest that these amendments here are out of order, and I ask the Chair to rule.

The SPEAKER. The Chair understands that the hours are different in this amendment from what they were in other amendments.

Mr. MOOMAW. Mr. Speaker, in the rural communities these small hotels, small boarding houses, we have people, our best citizens, who must continue to operate in that business and I dare say that under this present bill it will not permit them to do so.

I have contracted quite a number of people in my territory and they are all agreeable that a 48 hour schedule, such as I have included in this amendment, is entirely satisfactory. That is the way they are operating under the Code.

At the present time I can point out hotels, small ones in my territory, who are paying their employes for 48 hours, and yet they are running for only 40 hours during the dull season.

In the matter of the institutions, I ask all of you what our state institutions are going to do in connection with this bill as it now stands. We have been asked to economize. We have had tax measures for providing relief defeated then if we are going to burden our own state departments and similar institutions, such as the beneficent and charitable institutions, we are going to place them in a position where I think they will be unable to stand it.

In connection with my amendment, I compared it with domestic help, and I have as yet had nobody tell me the difference between domestic help in a home and domestic help in a small hotel. I am sure that the average home, which can afford domestic help, can better afford to pay for additional domestic help than the average small hotel and boarding house owner.

I ask you, therefore, to vote "aye" on this amendment.

The yeas and nays were required by Mr. HOOPES and Mrs. WILSON and were as follows:

YEAS—44

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Lynch, | Sloan, |
| Allen, | Ferko, | Mason, | Smith, J. A., |
| Andrews, | Flinchbaugh, | McCreary, | Smith, W. G. |
| Baldi, | Furman, | Mentzer, | Sowers, |
| Blumberg, | Gates, | Moomaw, | Sproul, |
| Boose, | Green, | Moore, | Wall, |
| Boyd, R., | Hart, | Moul, | Weidemann, |
| Boyer, | Hindman, | Peters, | Wickersham, |
| Bradley, | Holstrom, | Roan, | Witkin, |
| Brennan, | Linderman, | Schwab, | Wood, |
| Denning, | Longaker, | Simon, | Woodside, |

NAYS—84

| | | | |
|---|---|---|---|
| Alexander, | Eberharter, | Lovett, | Scanlon, |
| Aukerman, | Eroe, | Male, | Schrope, |
| Baine, | Falkenstein, | McElroy, | Schrock, |
| Baker, F. T., | Finnerty, | McKinney, | Shaw, |
| Baker, J. J., | Fitch, | Merrell, | Shepard, |
| Bernhard, | Flanagan, | Mooney, | Shortz, |
| Brown, H. S., | Gerard, | Moran, | Shugarts, |
| Brownfield, | Haberlen, | Muir, | Stank, |
| Brumbaugh, | Hagerty, | O'Keefe, | Stevens, |
| Burke, | Haluska, | Ominsky, | Surface, |
| Cannon, | Harkins, | Patterson, J. W., | Tronzo, |
| Chervenak, | Hermansen, | Pearson, | Tumelty, |
| Coakley, | Hirsch, | Perry, | Van Allsburg. |
| Cochran, | Hoopes. | Pfaff, | Walker, |
| Coleman, | Jackson, | Piole, | Weiss, |
| Condon, | Kane, | Powers, | Welliver, |
| Coolahan, | Kilroy, | Reising, | Welsh, |
| Decker, | Kinney, | Reynolds, | Westrick, |
| Dent, | Klingler, | Rhys, | Wilson, |
| Diehl, | Kobelak, | Robinson, | Yourishin, |
| Downey, J. J., | Long, | Sarraf, | Sarig, |

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 That section six of the said act is hereby amended to read as follows

Section 6 Not less than [forty-five] thirty minutes shall be allowed to every female employed or permitted to work in or in connection with any establishment for the mid day meal which period shall not be considered a part of the hours of labor [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the time allowed for the mid-day meal may be reduced to not less than thirty minutes]

Employees shall not be required to remain in the [work-rooms] workrooms during the time allowed for meals

On the question,

Will the House agree to the section?

Mr. HALUSKA. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 3, sub-section (f), page 6, line 4, by striking out, after the word "nurses" and before the word "nor," the words "in hospitals."

On the question,

Will the House agree to the amendment?

It was not agreed to,

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 That section seven of the said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work more than [six] five hours continuously in or connection with any establishment without an interval of at least [forty-five] thirty minutes and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work Provided That whenever any female shall be regularly employed or permitted to work in or in connection with any establishment on a shift of not more than six hours in any one day the interval between work periods may be reduced to not less than fifteen minutes

Employees shall not be required to remain in the workrooms during the rest periods required by this section

The fifth section was read as follows:

Section 5 That section seventeen of the said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred seventeen) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

On the question,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 5, Page 7, Line 19 by inserting after the word "instituted" and before the word "by" the following: "Not later than three months after the commission of the offense."

On the question,

Will the House agree to the amendment?

Mr. SOWERS. Mr. Speaker and members of the House, the object of the amendment is that if any individual is to be prosecuted under the act the suit must be brought in three months. And now, why should that be done? If an employer and an employe agree to chisel and violate this act, and if a suit is to be brought it should be brought in three months so that the employe can not keep on blackmailing the employer. The law now is two years.

Mr. HALUSKA. Mr. Speaker and members of the House, I can not see the thought of the gentleman from Philadelphia, Mr. Sowers. He speaks of chiselers. The present act says two years. Under this chiseling amendment here it says three months to give the employer a chance to get out of this and bribe his workman and thereby being exempt from any penalties whatever. I can not see the purpose at all in this amendment and I ask the members of this House to vote "no" on the amendment.

Mr. HOOPES. Mr. Speaker and members of the House, the purpose of this act is to protect the women and to make it a misdemeanor to violate the law. All other criminal acts, with very few exceptions, provide a statute of limitations of two years. There can be no point in making it three months and thus allowing a lot of criminals to escape.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 5, page 7, line 26, by inserting after the word "appeal" and before the word "be" the following: "without an allocatur being required."

On the question,

Will the House agree to the amendment?

## QUESTION OF INFORMATION

Mr. WITKIN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. WITKIN. Mr. Speaker, in order that several of the members who desire to stay until the proceedings are completed may be informed, is the Chair able to inform us about how long we are going to be here?

The SPEAKER. This is the last amendment.

On the question recurring,

Will the House agree to the amendment?

Mr. SOWERS. Mr. Speaker and members of the House, the bill amends the existing law by striking out the beginning of a proceeding by a written summons before a magistrate or a justice of the peace, and substitutes in its place a remedy by warrant. That means that the offender would be arrested on a warrant, taken before a magistrate and there fined. The arrest might happen and the imposition of the sentence be made in less than one hour, so necessarily there should be an appeal, and the defendant ought not to be required to lay in jail until his appeal, if he wants to take one, is perfected. The words that are sought to be inserted in the act mean this, that instead of the lawyer hunting for the Judge, and the defendant languishing in jail while he hunted for him for permission to appeal, the lawyer can take the appeal and file it with a clerk, and then under the ordinary normal proceedings enter bail.

This amendment was submitted to the sponsor of the bill and the Attorney General, and I believe the amendment was agreed to, and I think the gentleman from Cambria will so state.

Mr. HOOPES. Mr. Speaker and members of the House, I arise to oppose this amendment also. This morning we passed a bill making it a summary conviction to violate the act regulating pharmacists. If it is all right to take a pharmacist to jail, it is all right to take an employer to jail. We have plenty of statutes on the books today whereby people may be subjected to summary proceedings. If the proceedings are unjust, he has a right to petition the court and get an allocater, and have the appeal allowed. Why should we make any difference between the employer who violates the law and anybody else who violates the law.

I ask you to vote against this amendment also.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

The sixth section and title were separately read and agreed to as follows:

Section 6 This act shall become effective immediately upon final enactment

An Act to amend an act approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled, "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof;" as amended, by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

On the question,

Will the House agree to the bill on second reading as amended?

## MOTION TO LAY ON THE TABLE

Mr. SOWERS. Mr. Speaker, I move that the bill be laid upon the table.

The motion was not agreed to.

On the question,

Will the House agree to the bill on second reading as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

## BILL ON THIRD READING

Mr. WEISS asked an dobtained unanimous consent to call up out of order House Bill No. 871, Printer's No. 305, on page 16, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WEISS.

The House resumed the consideration on third reading of House Bill No. 871, entitled:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city of the second class borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes and the department of assessors in cities of the second class in such counties.

On the question recurring.

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page2, line 3, by striking out at the beginning of the line the word: "[and]" and inserting in lieu thereof the following: "four of whom shall and must be residents of the city of Pittsburgh for a period of five years; the remaining members of said board shall and must be residents of the county of Allegheny, exclusive of said city, for a similar period; and said county commissioners shall designate one of such members as chairman. All the members."

Amend section 1, page 2, line 7, by inserting after the word "thereof" and before the word "Each" the following: "The chairman of the board shall receive a salary of six thousand ($6,000.00) dollars per annum."

Amend section 1, page 2, line 8, by striking out before the word "payable" the words: "[which shall be fixed by the salary board]" and inserting in lieu thereof the following: "of five thousand ($5,000.00) dollars per annum. All such salaries shall be."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## RESOLUTION

### PRINTING ADDITIONAL COPIES OF HOUSE BILL NO. 1373

Mr. MOOMAW asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 27, 1935.

Whereas, There is a widespread interest in House Bill No. 1373, printer's Number No. 366, because it is designated to relieve the over burdened taxpayer and because a public hearing is scheduled for Tuesday, April 3rd,

Therefore, Be It Resolved that the Chief Clerk of the House be instructed to have 500 additional copies printed for use of those interested in this bill.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF HOUSE BILL No. 233

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 233, Printer's No. 189, entitled, "An Act To amend and reenact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled, 'An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs' extending the provisions thereof for two years and exempting mortgages issued under the National Housing Act."

GEORGE H. EARLE.

## TIME EXTENDED ON BILL

Mr. MASON. Mr. Speaker, I move that the time on House Bill No. 258, Printer's No. 192 entitled:

A Supplement To the act approved the sixtenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the filing of liens for taxes which have been returned to the county commissioners for non-payment for the filing of joint liens by county commissioners for the county and other taxing districts and for the collection of such liens and imposing certain duties upon tax collectors

on page 15 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

## USE OF HALL OF HOUSE GRANTED TO COMMITTEE ON COUNTIES

Mr. MOOMAW. Mr. Speaker, I move that the use of the Hall of the House be granted to the Committee on Counties for a public hearing on House Bill No. 1373, on next Wednesday, April 3, 1935, between the hours of two and four in the afternoon.

The motion was agreed to.

## ANNOUNCEMENT

### COMMITTEE MEETINGS

The Committee on Appropriations will not hold a public hearing on House Bill No. 212 tomorrow. A public hearing will be held at a date to be announced later.

The Committee on Agriculture of the House and Senate will hold a joint public hearing on House Bill No. 1721, (milk control bill) on Tuesday, April 2, 1935, at 2:30 o'clock P. M., in the forum of the Educational Building.

The Committee on Judiciary General will hold a public hearing on House Bill No. 688, on Wednesday, April 3, 1935, at 2:00 o'clock P. M., place to be announced later.

## ADJOURNMENT

Mr. SARRAF. Mr. Speaker, I move that this House do now adjourn until Monday evening, April 1, 1935, at 9:00 o'clock P. M.

The motion was agreed to, and (at 7:06 o'clock P. M.) the House adjourned until Monday, April 1, 1935, at 9:00 o'clock P. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, APRIL 1, 1935 No. 37

## SENATE

MONDAY, April 1, 1935.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Pro Tempore, John G. Homsher) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O God, as we begin a new week and a new month of legislative activity, grant unto us a realization of Thy watchfulness. Not only dost Thou watch over us to help and defend, Thou dost also watch us in all our words and actions. When we speak and act in accordance with Thy will and Thy law, Thou dost approve. When we are led by motives alien to Thy plans and purposes, Thou dost condemn.

Give us quickened ears to hear Thy voice, ready hands to do Thy service, and swift feet to go upon errands at Thy command.

In every contingency strengthen us that we may so acquit ourselves as to have clear consciousness at the close of the day.

We thus pray in behalf of this Senate and all who are gathered in this place for Thy name's sake. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BUCKMAN, the further reading was dispensed with, and the Journal was approved.

### LEAVES OF ABSENCE

Mr. CLARK asked and obtained leave of absence for the Senator from Luzerne, Mr. Harvey.

Mr. CLARK asked and obtained leave of absence for the Senator from Luzerne, Mr. Sordoni.

Mr. HUNSICKER asked and obtained leave of absence for the Senator from Philadelphia, Mr. Trainer on account of illness.

### PETITIONS

#### FAVORING REVISION OF THE CONSTITUTION

The Chair cleared his table and laid before the Senate petitions from numerous citizens throughout the State favoring revision of the Constitution.

Which were referred to the Committee on Constitutional Changes.

#### FAVORING ADDITIONAL EMPLOYMENT FOR THE INDIVIDUALS ON RELIEF

The Chair also laid before the Senate petition from the United Federal Aid Workers of Pennsylvania, Chester County Branch, favoring additional work for the unemployed.

Which was referred to the Committee on Finance.

#### PROTESTING AGAINST REVISING THE CONSTITUTION

The Chair also laid before the Senate petition from the Sons and Daughters of Liberty of Schuylkill and Northumberland Counties protesting against holding of a convention to revise the Constitution.

Which was referred to the Committee on Constitutional Changes.

#### FAVORING ENACTMENT OF HOUSE BILL NO. 789

The Chair also laid before the Senate petition from the officers of Section 7 of Penna. Photographers favoring enactment of House Bill No. 798.

Which was referred to the Committee on Education.

#### FAVORING SENATE BILL NO. 150

The Chair also laid before the Senate petition from the Public Ownership League of Erie County favoring enactment of Senate Bill No. 150.

Which was referred to the Committee on Constitutional Changes.

#### PROTESTING AGAINST SENATE BILL NO. 147

The Chair also laid before the Senate petition from the Scranton Council of Social Agencies protesting against Senate Bill No. 147.

Which was referred to the Committee on Pensions.

#### PROTESTING AGAINST FURTHER AMENDMENTS TO THE SUNDAY LAWS

The Chair also laid before the Senate petitions from numerous citizens of Rimersburg and from the Presbytery of Monongahela protesting against further amendments to the Sunday Laws.

Which were referred to the Committee on Law and Order.

#### FAVORING SENATE BILL NO. 507

Mr. BAUMER presented to the Senate petition from V. Faranda, Johnstown, favoring Senate Bill No. 507.

Which was referred to the Committee on Finance.

PROTESTING AGAINST REVISION OF THE CONSTITUTION

Mr. REED (Dauphin) presented to the Senate petition from Enhaut Council, No. 231, protesting against holding a Constitutional Convention.

Which was referred to the Committee on Constitutional Changes.

PROTESTING AGAINST FURTHER COMMERCIALIZING THE SABBATH

Mr. REED (Washington) presented petition from the Mingo Presbyterian Church, Finleyville, protesting against further commercializing the Sabbath.

Which was referred to the Committee on Law and Order.

FAVORING ENACTMENT OF SENATE BILL No. 273

Mr. LAW presented petitions from numerous citizens of Meadville favoring enactment of Senate Bill No. 273.

Which was referred to the Committee on Forests and Waters.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 169 (Senate Bill No. 739), entitled:

An Act to validate certain proceedings for municpial improvements, municipal assessments, municipal claims and municipal liens, in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth, and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Which was committed to the Committee on Municipal Government.

House Bill No. 458 (Senate Bill No. 740), entitled:

An Act providing for the fixing by the tax levying body of counties of the first class of the salaries and number of all persons paid out of the county treasury, except those whose salaries are fixed by law, and repealing existing laws.

Which was committed to the Committee on County Government.

House Bill No. 631 (Senate Bill No. 741), entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

Which was committed to the Committee on Municipal Government.

House Bill No. 734 (Senate Bill No. 742), entitled:

An Act to amend clause forty-six of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," authorizing the erection of memorials.

Which was committed to the Committee on Municipal Government.

House Bill No. 885 (Senate Bill No. 743), entitled:

An Act to amend section one of the act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the issuance of licenses to marry; prohibiting the issuance of such licenses to certain persons; regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court," by requiring three days to elapse between the application for, and the issuance of, the license.

Which was committed to the Committee on Judiciary Special.

House Bill No. 945 (Senate Bill No. 744), entitled:

An Act relating to the imposition of costs of commitment and maintenance where the court of quarter sessions commits poor or mentally defective persons to an almshouse, home or hospital, of a poor district where such person has no legal settlement.

Which was committed to the Committee on Judiciary General.

House Bill No. 1093 (Senate Bill No. 745), entitled:

An Act to amend section five of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream, artificial or natural body of water, or nontidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties;" as added changing the licensure year for motor boats.

Which was committed to the Committee on Forests and Waters.

House Bill No. 1156 (Senate Bill No. 746), entitled:

An Act creating and establishing a fund for the care, maintentnce and relief of aged, retired and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees and providing for the payment of certain dues, fees, assessments, fines and appropriations thereto; regulating membership therein; creating a Board for the management thereof; providing the amount, mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act.

Which was committed to the Committee on Municipal Government.

House Bill No. 1265 (Senate Bill No. 747), entitled:

An Act to repeal the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred fifty-one), entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

Which was committed to the Committee on Elections.

House Bill No. 1207 (Senate Bill No. 748), entitled:

An Act to amend clause (a) of section sixteen of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (1933-34) (P. L. 250), entitled "Permanent Registration—Cities Second Class Act" requiring the registration commission to provide an ad-

ditional registration day in each election district during the month of August, one thousand nine hundred and thirty-five.

Which was committed to the Committee on Elections.

House Bill No. 1421 (Senate Bill No. 749), entitled:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor; abolishing the elected directors of the poor and terminating the terms of those now in office, but providing that certain directors shall contain as employes; and repealing existing laws.

Which was committed to the Committee on County Government.

House Bill No. 1614 (Senate Bill No. 750), entitled:

An Act to further amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

Which was committed to the Committee on Municipal Government.

## HOUSE CONCURS IN SENATE BILL NO. 56

He also returned to the Senate, Senate Bill No. 56, entitled:

An Act to amend clause (d) of section ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of residents and non-resident real estate brokers and real estate salesmen and their business," as amended by defining the powers of the courts on appeals from the Department of Public Instruction.

with the information that the House has passed the same without amendment.

## HOUSE CONCURS IN SENATE BILL NO. 242

He also returned to the Senate, Senate Bill No. 242, entitled:

An Act to amend sections four and fifteen of the act aproved the seventeenth day of May, one thousand nine hundred and seventeen, (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applications for examination and registration, and changing violations of the act from misdemeanors to summary proceedings.

with the information that the House has passed the same without amendment.

## SENATE BILL NO. 108 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 108 entitled:

An Act to amend paragraph six of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. ARON. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments by the House of Represenatives to the foregoing bill.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: Section 1, Page 2, line 25, by adding after the word "vacancies" the following: and further provided that any policeman or fireman who has been separated from the service without fault or delinquency on his part is hereby reinstated upon the civil service eligible list for policemen or firemen without any further examination whether physical or otherwise and further provided however that any policeman or fireman reinstated in accordance with the provisions of this act shall not be entitled to any pay or compensation for the period during which he was separated from the said service and not actively engaged in the performance of the duties of a policeman or a fireman.

On the question.

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Howell, | Pierson, | Salus, |
| Batchelor, | Huffman, | Prince, | Shapiro, |
| Baumer, | Hunsicker, | Pytko, | Sones, |
| Bennett, | Kahle, | Rankin, | Staudenmeier, |
| Buckman, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Cavalcante, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Chapman, | Mallery, | Rice, | Woodward, |
| Coyne, | McClure, | Roberts, | Ziesenheim, |
| Ealy, | McCreesh, | Rodgers, | Homsher, |
| Frey, | McGinnis, | Rupp, | Pres. Pro. Tem. |
| Gelder, | Miller, | | |
| Graff, | Norton, | | |
| Harris, | Owlett, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## BILL SIGNED

The PRESIDENT (Pro Tempore, John G. Homsher) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1006 entitled:

An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth.

Whereupon,

The PRESIDENT (Pro Tempore John G. Homsher) in the presence of the Senate signed the same.

## BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 751, entitled:

An Act creating County Assistance Boards for the administration of unemployment relief and old age assistance, and abolishing existing agencies created for the administration of unemployment relief and boards of trustees of the Old Age Assistance Fund; conferring powers and imposing duties upon such county assistance boards, the Governor, courts, county treasurers and the Auditor General; imposing on counties the costs of administration incurred by such boards; providing penalties; and repealing inconsistent acts.

Which was committed to the Committee on County Government.

Mr. LAW read in his place and presented to the Chair, Senate Bill No. 752, entitled:

An Act requiring applicants for relief to sign a bond, conditioned on the truthfulness of his statements, and the lack of fraud or misrepresentation.

Which was committed to the Committee on State Government.

Mr. RUPP read in his place and presented to the Chair, Senate Bill No. 753, entitled:

An Act to establish as a State Highway a certain section of public road in the County of Lehigh, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

## RESOLUTION RELATIVE TO FURNISHING FILING CABINETS

Mr. LAW offered the following resolution, which was twice read:

In the Senate, April 1, 1935.

Resolved, That the Department of Property and Supplies be requested to furnish, if available, sufficient filing cabinets in some Senate committee room for the use of Senators in filing correspondence.

Resolved, That a copy of this resolution be transmitted to the Department of Property and Supplies by the Chief Clerk of the Senate.

Mr. LAW. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

Mr. PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

## RESOLUTION REQUESTING INFORMATION FROM THE SUPERINTENDENT OF STATE POLICE

Mr LAW offered the following resolution, which was twice read:

In the Senate, April 1, 1935.

Resolved, That the Superintendent of the Pennsylvania State Police be directed to transmit to the Senate as early as possible, such detailed information as may be in his possession or that he may be able to collect, showing the number of men who would be put out of employment if the General Assembly should by law prohibit the payment of compensation to deputy sheriffs by persons and private corporations, and the number of additional men which should, under such circumstances, be added to the State Police Force.

Resolved, That a copy of this resolution be transmitted to the Superintendent of the Pennsylvania State Police by the Chief Clerk of the Senate.

Mr. LAW. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The resolution will be referred to the Committee on State Government.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, in this morning's paper I read the speech delivered by His Excellency, the Governor of Pennsylvania, and I want to call particular attention to this portion of the speech, which was laid on the desk of each Senator tonight—in speaking of his tax program the Governor said: "Confronted with the necessity of raising $203,000,000, this Administration was moved by but one single thought in submitting this 22-point program.

"That thought was that there must be an equalization of the tax burden—that the taxes must be levied upon the basis of ability to pay and that no tax should be levied which would place an unfair weight upon already overburdened taxpayers, and upon the poor."

"I want to call your attention particularly to three taxes which are a levy on semi-luxuries—those on amusements, tobacco and gasoline. I suggested them reluctantly because they are a form of sales tax, which I oppose, but they were necessary because they would provide money immediately. Most of our taxes bring in revenue only at the end of the year; these were to meet our immediate and urgent need for cash."

"There was highly organized propaganda against these taxes, inspired by the special interests affected. Yet, strangely enough, the same interests which opposed these special taxes are advocating a general sales tax. Consequently, I am forced to believe that their opposition was merely a smoke screen, and that their real object is to wreck the entire program, without regard for the needs of Pennsylvania's citizens. Since the most important effect of destroying the program would be to save the $35,000,000 worth of exemptions manufacturing companies enjoy, and to preserve the virtual tax immunity of utilities, I am forced to conclude that the protesting interests are not coming into court with clean hands."

Now, Mr. President, I voted against the imposition of a gasoline tax. I did it, first, because I believe that I am here in a representative capacity, that my opinions have nothing to do with the subject and that when the people

whom I represent speak it is my duty to take orders from them, as they indicate; and, separating those protests from the inspired protests, I came to the conclusion that I had sufficient evidence to sustain me in the action I took as representing the community I do represent. On behalf of those citizens I voted against that tax.

Now, I should like to say, though, that even if it were not so, the second reason I voted against the tax is because I believed that it was that which the Governor said he did not want to do, namely, it was imposing additional burden upon people who were already overburdened.

Now, I hold no brief for utility corporations, I do not represent any of them; but I am a citizen representing all people and all industries, and when the Governor says that this $35,000,000 worth of exemptions of manufacturing companies represents that much loss to the communities I should like to call the attention of the Senate to this fact: last week I read the tax report and the financial statement of one of the largest corporations in Pennsylvania, and it might interest the members of this Senate to know that that company had an income last year of $60,000,000, that there was earned, out of that income, $8,000,000, that the company paid out of that $8,000,000, to the Government of the United States, $1,400,000, that it paid to the State of Pennsylvania close to $1,500,000—a total of $2,900,000 which under existing laws that company paid to the two governing bodies; and anyone who says that the utilities enjoy virtual tax immunity, in the face of those facts, I am afraid is not familiar with the real situation.

As a matter of fact, that company has $110,000,000 of common stock, and $20,000,000 of preferred stock, and in order to pay a 6% dividend to those stockholders it was obliged to dip into its surplus to the extent of $1,700,000.

Now, the effect on that company of the new taxes as suggested by His Excellency, the Governor, would be to impose an additional $1,500,000 tax on that company, first, by increasing the eight mills tax on its gross receipts to 2%, which would impose an aggregate tax of $1,200,000 instead of, as it is now, $480,000; and because, second, that company would have to pay a 6% tax on its profits, which would amount to an additional $480,000. And there is a third additional burden—the proposed increase in the personal property tax, by the State, from four mills to six mills. All of these increases, under the Governor's program, would run it up to $1,500,000. So, this company, which pays to the State of Pennsylvania today a tax on its capital stock, a tax on its gross receipts and a tax on its bonded indebtedness, is certainly not "virtually exempt."

And there has been something said about the fact that these corporations do not pay a real estate tax. Well, there is a mistake to this extent, in that statement: these companies do pay a real estate tax on property not actually used. This very company of which I spoke before paid the city of Philadelphia a tax of $100,000 on property not actually used in the performance of its public service. The reason these companies are entitled to that particular exemption spoken of is on the theory that whereas the ordinary corporations in Philadelphia may absorb their real estate tax by charging what they please for their product, and can add the item of tax on there, the utilities are controlled by the Public Service Commission, and cannot, therefore, add that tax to the cost of their product. In addition to that, the State of Pennsylvania created these privileges which exempt the utilities from paying taxes to the cities on real estate; the cities had nothing to do with it. But I think I have shown enough to prove that the statement that these utilities are "virtually tax exempt" is not entirely correct.

Now, under that view of the situation it seems to me I was fully justified in not going along with any program which would increase the burden of corporations now paying a 33 1-3% tax by increasing its tax to 55%, because it seemed to me logical to argue that there would be no desire, no incentive to invest capital in an organization which would not be able to pay even 3% to stockholders—and take the risk of loss, when they could invest in government bonds and have no risk as far as the investment is concerned. That kind of program would serve only to defeat the very object we are trying to accomplish, namely, to decrease unemployment, because taking capital away from industry would certainly increase unemployment.

Now, I felt, when I cast my vote as I did, that I was doing what I thought was proper. I also felt that I was entitled to give my views on the subject as to how to correct this condition. I may be entirely wrong; I do not claim to have all the wisdom, either in the Senate or elsewhere; but I submit that I feel it my duty to suggest this program with several options, which suggestion I make purely as my own, with no political suggestions from anyone and with no responsibility except my own.

If you look at the Governor's program you will find included in the $203,000,000 fund, that it is intended to be raised, there is an item of $49,800,000 deficit said to be carried from the last administration. In that there is $13,843,000 which was borrowed from the Special Fund. There is also an item of $15,000,000 which it is stated will be necessary to carry on relief over March, April and May. March is past, and the Federal Government has, fortunately, taken care of the March term. That means that there certainly can be taken out of the program $5,000,000. That also means that since we are told the State of Pennsylvania is the creditor in the amount of $13,843,000 borrowed from the Special Fund, and that as to that amount of $13,843,000 the State of Pennsylvania is also the debtor, I think that in all good conscience we can ask the State of Pennsylvania for an extension on the payment of that $13,843,000 until some future date, when we are in a better financial situation. In addition to which, if the program of the Governor is reduced to one or two taxes, the necessity of spending $1,750,000 for the collection of those taxes will disappear. That means that with those reductions the program is reduced to the sum, necessary for one year, of $81,810,000.

Now, I suggest that inasmuch as all of these taxes are mere guesses or estimates, and no one knows just what they may produce, instead of postponing, and tying ourselves up with a two-year program, we should limit ourselves at present to a one-year program; and I say that because I feel, and I hope, that the Committee on Constitutional Changes will produce a bill which will enable the State to borrow money. I think we may just as well admit that with regard to the situation on relief, which concerns us so seriously, no one knows how long this condition is going to last, and under those circumstances we ought to be prepared for any emergency; and I think there ought to be borrowing allowed under the new Constitution. I do, however, feel that there ought to be no

borrowing permitted without the consent of the public. The people should say whether the borrowing should be permitted. And no loan should be proposed unless there is set up a tax program to pay the debt and interest in accordance with the terms of the bond. And with that kind of a basis our necessity to tax may be reduced to a minimum, if we spread it over a period of time; and so I suggest the one-year program, and in order to raise this $81,807,000 I propose to adopt four of the Governor's tax propositions, the first of which is, to extend the capital stock tax under the present law to both domestic and foreign manufacturing corporations, which, according to the Governor's estimate would produce $16,150,000. Then increase the taxes paid by foreign corporations, to equalize them with taxes paid by domestic corporations, which will produce $15,000,000. Next, reduce the time limit for escheated, or payment of unclaimed deposits to the State by Banking or Savings Institutions, which will produce $1,375,000. Then the imposition of a tax on chain stores (including chain theatres), with the rate increasing according to the number of stores or theatres in the State, which would produce $4,000,0000. These would aggregate a total of $82,025,000.

I suggest the transfer from the Motor Fund to the General Fund, as it is collected, of $59,000,000. The Motor Fund will be in funds by December, when it collects most of the whole year's registration fees, and therefore will be in a position to pay $59,000,000 by that time. That makes a total of $82,025,000.

I want to say further that some two weeks ago I made an investigation, and had a conference with the Highway Department on the question of motor funds; and there is this thing certain—that, allowing them every penny that they say they need for the maintenance of roads, which requires, according to their figures—which I have accepted for the time being—$61,000,000, there still remains $59,000,000 unquestionably, which can be used by postponing our new construction program for a further period. That is the first suggestion I desire to make.

I also desire to make a second suggestion: To impose in place of the former taxes a sales tax at the rate of 2%; to model it on the Ohio plan, including liquid fuels but exempting articles costing 10c or less, and exempting bread, milk and food not consumed on the premises. This should yield, based on information we have, at least $45,000,000. And I want to say that after communicating with the State of Ohio I learned that they were receiving $900,000 per month by means of their 3c tax. That means $3,600,000 a month or $42,000,000 a year; and those figures certainly cannot be as large as they would be in Pennsylvania; for one thing, the figures were not taken during the busy time of their year.

Now, these taxes will answer the Governor's question, at least as to the sales tax bill, in that on a stamp tax basis the stamps are sold in advance and the money will come in quickly. Now, the tax, I say, on the second plan, should produce $45,000,000. It may produce more. Also I suggest that added to that there shall be transferred from the Motor Fund a sum not to exceed $40,000,000, and the two of them together will amount to $85,000,000.

I also accept the Governor's suggestion that there shall be a graded income tax. This State income tax would be for the sole purpose of relieving real estate from its present enormous tax burden, and it would be graduated not above 6%, and would yield $15,000,000.

When any plan is not feasible, or develops to be not feasible, I fall back on my third plan, which is to impose a sales tax at 3%, modeled on the Ohio plan, including liquid fuels and exempting articles costing 10c or less, as well as bread, milk and food not consumed on the premises. This, based on information, should yield at least $145,000,000. Then, as the second part of that plan, transfer from the Motor Fund to the General Fund, as it is collected, and as needed, not in excess of $40,000,000. Those two together would yield $185,000,000. And at the same time, for the relief of real estate, impose a graduated income tax, graduated not above 6%, for two years, which would produce $30,000,000.

I suggest these three programs, I say, because I feel I have no right personally to tear down the basic principle of the program suggested by the Governor without making a suggestion in its place; and, I say, the method of taxation I propose will adequately take care of the necessities of our situation. I personally do not favor corporations being exempted where there is no new tax imposed. None of these manufacturing corporations on which the tax would be placed under the first plan are being taxed now through the five mill tax. None of the foreign corporations are paying the domestic tax at the present time. And, leaving out the propaganda inspired by the chain stores, there is no real objection, or reason why such a tax could not be imposed on the chain stores, because in my opinion the $250 per year amounts to only 60c a day and if capitalized on every store would have no effect on employment or on the cost of food, as has been contended in letters I have received.

I say in conclusion that I suggest this plan as my own, without any political affiliations and without discussion with any one. Personally, politically, my opinion is that this Republican organization would have been a great deal better off if they had accepted the Governor's plan and passed it. The responsibility for its failure would have been his, because he suggested it; and certainly, if it succeeded the credit would have been theirs, because it could not have been passed without them.

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Govenor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

### APPROVAL OF SENATE BILL NO. 42

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 89, Printer's No. 42, entitled, "An Act to validate acts done and contracts conveyances transfers and mortgages of property made to or by any corporations of the first class created or intended to be created by decree of the courts of common pleas granting a charter where the applicants for incorporation had failed to register its proposed name as required by law and to validate charters of corporations of the first class granted since the sixteenth day of May one thousand nine hundred and twenty-three where there was a failure to register the name of title of the proposed corporation at the time of filing its application for a charter as required by law providing for the subsequent filing of such registration and providing for the amendment of names or titles of such corporations in certain cases."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 149.

Commonwealth of Pennsylavina,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 149, Printer's No. 98, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF SENATE BILL NO. 149

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which this bill passed finally.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. CLARK. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CLARK. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring.

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. CLARK. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CLARK. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which the bill was ordered to be transcribed for a third reading.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. CLARK. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CLARK. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. CLARK. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the title?

It was agreed to.

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which the first section of the bill was agreed to.

Mr. CLARK. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 1, page 1, line 5, by inserting after the word "pleas" and before the word "quarter" the following: "municipal courts and county courts;" also, line 6, by inserting after the word "county" and before the word "the" the following: "it is the opinion of the trial judge that the trial is likely to be a protracted one" and, also line 10, by striking out at the end of the line after the word "jurors" the following: "[who shall]"; also, line 11, by striking out at the beginning of the line before the word "Such" the following: "[sit with the jury of twelve]" and inserting in lieu thereof the following: "Such alternate jurors shall be seated near the jury with equal power and facilities for seeing and hearing the proceedings in the case and shall take the same oath as the other jurors selected and must attend at all times upon the trial of the case in company with other jurors. They shall obey the orders of and be bound by the admonitions of the courts upon each adjournment of the courts but if the regular jurors are ordered to be kept in custody during the trial of the cause such alternate jurors shall also be kept in confinement with the other jurors and except as hereinafter provided shall be discharged upon the final submission of the case to the jury"; also, line 11, by inserting at the end of the line after the word "shall" the following: "be drawn from the same source in the same manner and have the same qualifications as the other jurors drawn and be subject to the same examinations but shall"; also, page 2, line 2, by inserting after the word "have" and before the word "become" the words: "died or"; also line 2, by striking out at the end of the line after the word "become" the word: "[incapacitated]" and inserting in lieu thereof the following: "ill so as to be unable to perform their duty or discharged for other legal cause."

Mr. CLARK. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read and agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

JUDGE OF COMMON PLEAS OF THE 45th JUDICIAL DISTRICT

Thomas Linus Hoban, of Scranton, Lackawanna County, as Judge of the Court of Common Pleas of the 45th Judicial District, composed of the County of Lackawanna, vice Edward C. Newcomb, deceased, to serve until the first Monday in January, 1936.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA TRAINING SCHOOL

John L. Post, of Claysville, Washington County, as a member of the Board of Trustees of Pennsylvania Training School, vice Mrs. Minnie S. Kaufmann, whose term expired, for the term of four years, and until his successor is qualified.

Carl E. Gibson, of Monongahela, Washington County, as a member of the Board of Trustees of Pennsylvania Training School, vice John H. Lauer, whose term expired, for the term of four years, and until his successor is qualified.

JUSTICE OF THE PEACE

Grant L. Campbell, of Oakdale, Allegheny County, as Justice of the Peace in the Borough of Oakdale, Allegheny County, vice George W. Land, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Joseph F. Filtz, of Hollidaysburg, Blair County, as Justice of the Peace in the Borough of Hollidaysburg, Blair County, vice Isaac M. Irwin, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

MEMBERS OF THE BOARD OF TRUSTEES OF WESTERN STATE PENITENTIARY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

John A. Lathwood, 420 South Aiken Avenue, Pittsburgh, Allegheny County, as a member of the Board of Trustees of the Western State Penitentiary, vice Honorable George Rankin, Jr., resigned, for the term of four years, and until his successor is qualified.

Elmer E. Bauer, 5517 Wellesley Avenue, Pittsburgh, Allegheny County, as a member of the Board of Trustees of the Western State Penitentiary, vice Honorable William B. Rodgers, resigned, for the term of four years, and until his successor is qualified.

Frank L. Duggan, 2916 Shady Avenue, Pittsburgh, Allegheny County, as a member of the Board of Trustees of the Western State Penitentiary for the term of four years, and until his successor is qualified (reappointment).

John H. Harris, of Pittsburgh, Allegheny County, as a member of the Board of Trustees of the Western State Penitentiary, for the term of four years, and until his successor is qualified (reappointment).

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Anne E. Blazer, 2306 Penn Ave., Pittsburgh.
H. E. Blose, Carnegie.
F. R. Cyphers, 108 Court House, Pittsburgh.
John Duggan, 702 Benedum-Trees Bldg., Pittsburgh.
Mrs. Marie Kristoff, 1827 Beaver Ave., Pittsburgh.
Miss H. Rosenblat, Law and Finance Bldg., Pittsburgh.
Richard A. Withum, Verona.
Miss Elizabeth E. Young, 709 Clark Bldg., Pittsburgh.
Frank N. Young, Avalon.

BEAVER COUNTY

Miss Inez M. Barkley, Rochester.

BERKS COUNTY

Edgar J. Connolly, Reading.

CAMBRIA COUNTY

W. M. Hakanen, Nanty-Glo.

CHESTER COUNTY

Miss Dorothy M. Wray, Oxford.

CRAWFORD COUNTY

Mrs. Anna I. Bunce, Meadville.

DELAWARE COUNTY

Miss Edna L. Lewis, Norwood.

ERIE COUNTY

Miss Mary Agnes Coughlin, Erie.

LACKAWANNA COUNTY

Miss Hortense R. Clark, Scranton.
Philip V. Mattes, Scranton.

LANCASTER COUNTY

Miss Kathryn C. Fisher, Lancaster.

LUZERNE COUNTY

Miss Margaret Powell, Plains.
Mrs. Nettie Troski, Kingston.

LYCOMING COUNTY

Mrs. Hettie S. Nicely, Williamsport.

MONTGOMERY COUNTY

Mrs. Emma Hedrick, Telford.
Alphonso Santangelo, Norristown.

NORTHUMBERLAND COUNTY

Mrs. Emily Leona Waldron, Milton.

PHILADELPHIA COUNTY

George E. Bayer, Metropolitan Bldg., Philadelphia.
Wm. E. Brockenmann, 1629 N. Bouiver St., Philadelphia.
Frederick Dohrmann, Irvin Bldg., Philadelphia.
Mrs. Elsie T. Du Trieuille, 761 N. 47th St., Philadelphia.
Miss Nellie Emmerich, 219 N. 10th St., Philadelphia.
Miss Lillian M. Farnan, 2004 Finance Bldg., Philadelphia.
Laurence H. Fiske, 1425 Arch St., Philadelphia.
Joseph Greenfield, 3719-25 Walnut St., Philadelphia.
Edmund Hill, 1522 Walnut St., Philadelphia.
William Koerwer, Jr., 6615 N. 13th St., Philadelphia.
Albert Lightowler, 6610 N. 17th St., Philadelphia.
T. Walter McGrath, 1324 N Broad St., Philadelphia.
H. S. Mehring, 111 N. 49th St., Philadelphia.
Miss Anne M. Mooney, 502 Finance Bldg., Philadelphia.
Alfred Sacks, 2548 S. 6th St., Philadelphia.
Richard B. Siegel, Jr., 233 W. Nedro Ave., Philadelphia.

SCHUYLKILL COUNTY

B. V. O'Hare, Shenandoah.

SOMERSET COUNTY

G. N. Zeigler, Windber.

WASHINGTON COUNTY

Mrs. Gayle Mankey, Amity.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Oliver W. Brown, Pittsburgh, April 1, 1935.
W. E. Thompson, Swissvale, April 1, 1935.

CARBON COUNTY

E. A. Boyer, Bowmanstown, April 1, 1935.

DELAWARE COUNTY

Miss Katharine Bitler, Sharon Hill, April 1, 1935.

LACKAWANNA COUNTY

Fred V. Lynn, Dunmore, April 1, 1935.

LANCASTER COUNTY

Mrs. Mary E. Ressler, Strasburg, April 1, 1935.

LEBANON COUNTY

Miss Sallie Kegerreis, Lebanon, Richland, April 1, 1935.

NORTHAMPTON COUNTY

Walter A. Smith, Bethlehem, April 1, 1935.

PHILADELPHIA COUNTY

Miss Ida V. Frank, Philadelphia, April 1, 1935.
Benjamin F. Stilling, Philadelphia, April 1, 1935.

SCHUYLKILL COUNTY

Miss M. D. Garretson, Pottsville, April 1, 1935.

WASHINGTON COUNTY

Miss M. P. Stange, Monongahela, April 1, 1935.

YORK COUNTY

C. U. S. G. Coulson, Dillsburg, April 1, 1935.

ALLEGHENY COUNTY

George Rese, Pittsburgh, April 2, 1935.

VENANGO COUNTY

Miss Helen G. Thompson, Oil City, April 3, 1935.

PHILADELPHIA COUNTY

Holman G. Knouse, Philadelphia, April 9, 1935.

FRANKLIN COUNTY

M. G. McDowell, Chambersburg, April 15, 1935.

CRAWFORD COUNTY

C. R. Church, Titusville, April 17, 1935.

PHILADELPHIA COUNTY

Miss Catharine M. Stely, Philadelphia, April 21, 1935.

ALLEGHENY COUNTY

Walter C. Burson, Pittsburgh, April 28, 1935.

PHILADELPHIA COUNTY

Edward T. Sieber, Philadelphia, April 23, 1935.
George Williams, Philadelphia, April 30, 1935.

ALLEGHENY COUNTY

Charles O. Anderson, McKeesport, May 4, 1935.

GREENE COUNTY

Gilmore F. Bell, Nemacolin, May 4, 1935.

PHILADELPHIA COUNTY

Amos H. Williams, Philadelphia, May 5, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

NORTHAMPTON COUNTY

R. L. Hunsicker, Bethlehem, April 1, 1935.

ALLEGHENY COUNTY

R. E. Malone, Bellevue, April 7, 1935.

GEORGE H. EARLE.

## RECESS

Mr. HOWELL. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## REPORTS FROM COMMITTEE

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Executive Nominations reported with favorable recommendation the following:

JUDGE OF THE 45TH JUDICIAL DISTRICT

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment:

Thomas Linus Hoban, of Scranton, Lackawanna County, as Judge of the Court of Common Pleas of the 45th Judicial District, composed of the County of Lackawanna, vice Edward C. Newcomb, deceased, to serve until the first Monday in January, 1936.

GEORGE H. EARLE.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Executive Nominations reported with favorable recommendation the following:

PROTHONOTARY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment:

Philip J. McNally, Station Street, Aliquippa, Beaver County, as Prothonotary of Beaver County, vice Daniel D. Boyde, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

W. E. Shipe, 612 Pennsylvania Station, Pittsburgh.
Milton K. Susman, 527 Fifth Avenue, Pittsburgh.
Miss Ruth C. Thompson, 331 Fourth Avenue, Pittsburgh.

BUTLER COUNTY

Mrs. Estella Lerner, Cabot.

CAMBRIA COUNTY

Miss Mary K. Kearns, Johnstown.

CLEARFIELD COUNTY

Miss Margaret M. Rakestraw, DuBois.

ERIE COUNTY

Miss Bertha F. Grehl, Erie.

LUZERNE COUNTY

Dominic A. Antonelli, West Hazleton.

PHILADELPHIA COUNTY

Miss Helene Nathanson, 1700 Bankers Securities Building, Philadelphia.
Dominick A. Papale, 2211 Island Road, Philadelphia.
Miss Helen L. Soncini, 711 Market Street National Bank Building, Philadelphia.

SCHUYLKILL COUNTY

Luigi Fanelli, Pottsville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Miss Gertrude G. Curran, Duquesne, March 30, 1935.
David E. Shannon, McKees Rocks, March 31, 1935.

PHILADELPHIA COUNTY

Miss Elizabeth M. Marr, Philadelphia, April 1, 1935.

ALLEGHENY COUNTY

Cornell M. Black, Pittsburgh, April 13, 1935.
Miss Viola K. Henderson, Pittsburgh, April 13, 1935.

FAYETTE COUNTY

Edward Hay, Uniontown, April 30, 1935.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. BATCHELOR

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. BATCHELOR

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. BATCHELOR. Mr. President, I move that the Executive Session do now rise.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

## TIME OF NEXT MEETING

Mr. ARON. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 1, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 8th, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 8th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 141, as follows:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided and if the taxes due on such real estate for the tax year one thousand nine hundred and thirty-five are paid at the time prescribed by law for the payment of taxes

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six twenty per centum on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine

If any taxpayer availing himself of the provisions of this act shall fail to pay any instalment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for non payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The years and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

| | | | |
|---|---|---|---|
| Aron, | Howell, | Owlett, | Rupp, |
| Batchelor, | Huffman, | Prince, | Salus, |
| Baumer, | Hunsicker, | Pytko, | Sones, |
| Bennett, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Coyne, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Ealy, | Mallery, | Rice, | Woodward, |
| Frey, | McClure, | Roberts, | Ziesenheim, |
| Gelder, | McCreesh, | Rodgers, | |
| Graff, | McGinnis, | | |
| Harris, | Miller, | | |

NAYS—7

| | | | |
|---|---|---|---|
| Buckman, | Clark, | Norton, | Shapiro, |
| Chapman, | Homsher, | Pierson, | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 4, entitled:

An Act to amend sections twenty-six, twenty-nine and thirty of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damage done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city borough, town and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," as amended; providing for the payment of claims for damages for live stock dying from or killed because of rabies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Clark, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Coyne, | Mallery, | Rice, | Woodward, |
| Ealy, | McClure, | Roberts, | Ziesenheim, |
| Frey, | McCreesh, | | |
| Gelder, | McGinnis, | | |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, at the request of the sponsor of the bill, the Senator from Lackawanna, Mr. Howell, I ask that Senate Bill No. 31, on third reading, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the

State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for certain offices from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 329, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of the Falk Clinic of the University of Pittsburgh, including instruction of the students in the School of Medicine of the University of Pittsburgh in the departments of the Falk Clinic not included in the instruction given in hospitals.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL RECOMMITTED

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 532 on third reading, entitled:

An Act to reenact and amend the act approved the twenty-third day of March one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four) entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases" extending said act to all courts of record.

be recommitted to the Committee on Judiciary General for further amendment.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, this bill was discussed last week and I think the purposes of the bill were thoroughly explained. The Senator from Allegheny, Mr. McGinnis, seems to think that it is going to effect his county seriously. I do not think so. I think it ought to be passed for there is no reason for recommitting the bill.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, nineteen Senators voted in the affirmative and twenty-six in the negative.

Whereupon, the question was decided in the negative.

## BILL OVER IN ORDER

Mr. McGINNIS. Mr. President, I ask unanimous consent that Senate Bill No. 352, on third reading,

go over in its order.

The PRESIDENT. Is there objection? The Court hears none.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 379, entitled:

An Act providing for the purchase and distribution of milk to undernourished and needy children in the public schools imposing duties on boards of school directors teachers principals medical inspectors and the Department of Welfare and making an appropriation

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend page 3, Section 5, line 19, by striking out before the word "Section" the ["; also line 28, by striking out after the word "law" the "]"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, in offering these amendments I desire to state that I have been informed that the bill in its present form eliminates the appropriation and it is of no effect. I, therefore, amend to cover the removal of the brackets so that that appropriation is restored in the bill.

Mr. BUCKMAN. Mr. President, how much is it?

Mr. SHAPIRO. Mr. President, one million five hundred thousand.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## BILLS RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 402 (House Bill No. 441), on third reading entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof

be recommitted to the Committee on Agriculture for further consideration.

Mr. ZIESENHEIM. Mr. President, I second the motion.

The motion was agreed to.

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 403 (House Bill No. 442), on third reading entitled:

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of 1933 or from Federal Intermediate credit banks organized under the Agricultural Credits Act of 1923

be recommitted to the Committee on Agriculture for further consideration.

Mr. ZIESENHEIM. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 418 (House Bill No. 51), entitled:

An Act to amend section eight of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such boards regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their comward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and pensation payable by such counties abolishing the office of providing for the acceptance of this act by cities" by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

| | | | |
|---|---|---|---|
| Aron, | Harris, | McGinnis, | Roberts, |
| Batchelor, | Homsher, | Miller, | Rupp, |
| Baumer, | Howell, | Norton, | Salus, |
| Bennett, | Huffman, | Owlett, | Sones, |
| Buckman, | Hunsicker, | Pierson, | Staudenmeier, |
| Cavalcante, | Kahle, | Prince, | Thompson, |
| Chapman, | Lanius, | Pytko, | (Centre) |
| Ealy, | Law, | Rankin, | Thompson, |
| Frey, | Mallery, | Reed, | (Westmoreland) |
| Gelder, | McClure, | (Washington) | Woodward, |
| Graff, | McCreesh, | Rice, | Ziesenheim, |

NAYS—5

| | | | |
|---|---|---|---|
| Clark, | Reed, | Rodgers, | Shapiro, |
| Coyne, | (Dauphin) | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 425 (House Bill No. 775), entitled:

An Act relating to the sale delivery weighing and importation of mature for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violations thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Salus, |
| Buckman, | Hunsicker, | Prince, | Sones, |
| Cavalcante, | Kahle, | Pytko, | Staudenmeier, |
| Chapman, | Lanius, | Rankin, | Thompson, |
| Clark, | Law, | Reed, | (Centre) |
| Coyne, | Mallery, | (Dauphin) | Thompson, |
| Ealy, | McClure, | Reed, | (Westmoreland) |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 516 (House Bill No. 648), on third reading, entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and

authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by providing for the free licensing of certain dogs of blind persons.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 620, entitled:

An Act making an appropriation to the South Side Hospital of Pittsburgh Pennsylvania

And said bill having been read at length the third itme, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 621, entitled:

An Act making an appropriation to the Saint Francis Hospital of the City of Pittsburgh Pennsylvania

And said bill having been read at length the third itme, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 702, entitled:

An Act making an appropriation to the Reading Hospital of Reading Pennsylvania

And said bill having been read at length the third time, and agreed to.

On the question.

Shall the bill pass finally?

The years and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 703, entitled:

An Act to amend the title and section one of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," by extending the provisions thereof to license fees erroneously and inadvertently paid; and making such extension retroactive for a certain period.

And said bill having been read at length the third itme, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all of the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 708, entitled:

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State Supervisor and assistants, and fixing the salaries of such State Supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of this act to appropriate certain moneys; and providing penalties," as amended.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 710, entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to corporations not previously licensed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton, | Rodgers, |
| Baumer, | Howell, | Owlett, | Rupp, |
| Bennett, | Huffman, | Pierson, | Salus, |
| Buckman, | Hunsicker, | Prince, | Sones, |
| Cavalcante, | Kahle, | Pytko, | Staudenmeier, |
| Chapman, | Lanius, | Rankin, | Thompson, |
| Clark, | Law, | Reed, | (Centre) |
| Coyne, | Mallery, | (Dauphin) | Thompson, |
| Ealy, | McClure, | Reed, | (Westmoreland) |
| Frey, | McCreesh, | (Washington) | Woodward, |
| Gelder, | McGinnis, | Rice, | Ziesenheim, |
| Graff, | | | |

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. CAVALCANTE. Mr. President, I rise to a point of information before we enter on the reading of Bills on second reading.

The PRESIDENT. The Senator from Fayette. Mr. Cavalcante, will state his point of information.

Mr. CAVALCANTE. Mr. President, on Tuesday after-

noon of last week, the Committee on Judiciary Special reported out Senate Bill No. 219 (House Bill No. 311), and on page No. 1481 of the Journal, a motion was made that all bills reported from committees be read the first time. The motion was agreed to. In looking over tonight's calendar on Bills on Second Reading, I do not find Senate Bill No. 219, and I wish to be informed as to its whereabouts.

The PRESIDENT. Will the Chairman of the Committee on Judiciary Special supply the information?

Mr. STAUDENMEIER. Mr. President, may I ask the Senator from Fayette, Mr. Cavalcante, what bill he refers to?

Mr. CAVALCANTE. Mr. President, I refer to the Train Limit Bill.

Mr. STAUDENMEIER. Mr. President, as to that particular bill, I can readily explain to the Senator that this bill along with the Full Crew Bill, in the Judiciary Special Committee, both bills were indefinitely postponed by a majority vote of the committee. There was a bill brought out on the second reading calendar, House Bill No. 132, Senate Bill No. 693 (Printer's No. 245), the last bill on the second reading calendar, which was passed. A motion was made to send it out to the floor as committed, and I, as Chairman, inadvertently gave to Senator Clark the wrong bill. The error was detected at the desk, immediately brought to my attention, and I immediately passed to Senator Clark the bill that was ordered by the Judiciary Special Committee to be reported out as committed. Both the Full Crew Bill and the Train Limit Bill were indefinitely postponed by a majority vote of the Committee on Judiciary Special.

Mr. CAVALCANTE. Mr. President. I wish to interrogate the Senator from Schuylkill, Mr. Staudenmeier.

The PRESIDENT. Will the Senator from Schuylkill, Mr. Staudenmeier, be interrogated?

Mr. STAUDENMEIER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, was the bill reported to this Senate?

Mr. STAUDENMEIER. Mr. President, no, the bill could not have been reported to the Senate. The bill erroneously was given by me to Senator Clark to report, and it was detected at the desk that this bill was erroneously reported to the Senate. It could not have been reported legally, because the bill was indefinitely postponed by a majority vote of the Committee on Judiciary Special.

Mr. CAVALCANTE. Mr. President, my question is whether Senator Clark reported the bill on the floor of the Senate and sent the bill to the Clerk after being reported?

Mr. STAUDENMEIER. Mr. President, I would say no, he could not have reported the bill—he may have gone through the maneuvers, but he cannot legally report a bill which is indefinitely postponed in the committee.

Mr. CAVALCANTE. Mr. President, there seems to be an evasion to the answer to my question. Now, as I understand it, when bills are reported by committees, they are reported by a member of the committee reporting, and the bill is then handed to a page boy and delivered to the Clerk, and my question is whether that bill was reported, and whether it was delivered to the Clerk as being reported on the floor of this Senate.

Mr. STAUDENMEIER. Mr. President, in answer to the Senator from Fayette, Mr. Cavalcante, I again wish to state in no uncertain way that there is no Senator who can report on the floor of this Senate any bill which is indefinitely postponed in committee, and if, through error or inadvertence, a bill is reported out or attempted to be reported out which has been indefinitely postponed in committee, I say that acts as a nullity, and I repeat again, without fear of successful contradiction, that that bill was not reported on the floor of this Senate, and I dislike the language of evasion; I have never started to evade, and I do not propose to start at this late date in my legislative career.

Mr. CAVALCANTE. Mr. President, may I inquire, by whom was the bill erroneously reported?

Mr. STAUDENMEIER. Mr. President, the bill was reported by the Senator from Chester, Mr. Clark, at the direction of the Chairman of the Committee on Judiciary Special, who happens to be the speaker on the floor.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Chester, Mr. Clark.

The PRESIDENT. Will the Senator from Chester, Mr. Clark, be interrogated?

Mr. CLARK. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, did the Senator from Chester, Mr. Clark, report this bill to the Senate?

Mr. CLARK. Mr. President, I went through the motion, but I did not look at it, and it was handed to me, as the Chairman of the Committee had already told you.

Mr. CAVALCNTE. Mr. President, did the Senator from Chester, Mr. Clark, report the bill?

Mr. CLARK. Mr. President, I did not report the bill.

Mr. CAVALCANTE. Mr. President, what did the Senator from Chester, Mr. Clark, mean by "going through the motions?"

Mr. CLARK. Mr. President, we all know how the bill was reported without explaining that to him.

Mr. CAVALCANTE. Mr. President, it appears by Rule 34 of this Senate, which reads:

> "The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Senate and the joint rules of the Senate and House of Representatives."

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, I submit that the Senator from Fayette is out of order, in that there is nothing before the Senate.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, was recognized leading up to a question of information; the Chair understands that the rule which he is about to quote has to do with the question originally raised, and it would be perfectly in order.

Mr. CAVALCANTE. Mr. President, I now read from Jefferson's Manual: "The report being made, the committee is dissolved and can act no more without a new power"; and I say that when that bill was reported to this Senate, that that bill is not any longer in the possession of the committee and cannot go back to the possession of the committee without some action by this Senate.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, state his point concerning this proposition. What is the point developed in his last statement?

Mr. CAVALCANTE. Mr. President, I rise to a point of

order, that since that bill was reported out, it must remain reported out until referred back to that committee by some action of the body.

The PRESIDENT. It appears to the Chair that the question at issue is whether or not the committee did report out the bill. Under legal authority of the committee, the Chair is constrained with the idea that the Chairman of the Committee in voting to indefinitely postpone, could not, therefore, report the bill out, unless with a negative recommendation.

Mr. ARON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia will state his point of order.

Mr. ARON. There is nothing pending before the Senate at this time.

The PRESIDENT. The point of order in the judgment of the Chair is well taken.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 298, as follows:

An Act making an appropriation to the Zoar Home for Mothers Babies and Convalescents at Allison Park Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Zoar Home for Mothers Babies and Convalescents at Allison Park Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 299, as follows:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred and sixty thousand dollars ($360,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for and during the two fiscal years beginning June first one thousand nine hundred and thirty-five to pay for the care treatment removal and maintenance of the indigent insane at The Dixmont Hospital Dixmont Allegheny County at a rate not exceeding three dollars ($3) per week for the care treatment and maintenance of each indigent patient in the hospital

No warrant shall be drawn or settlement made until the directors or managers of the hospital shall have made on oath or affirmation to the Department of Welfare a monthly or quarterly report as may be required by the Department of Welfare setting forth the actual total number of weeks of service rendered to indigent patients in said hospital during the period for which the report is made nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for care treatment removal and maintenance

Section 2 It shall be the duty of the directors or managers of the hospital to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and thirty-five setting forth the name of each and every indigent patient resident in the hospital on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or poor district from which such patient was committed

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors or managers of the hospital shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission and the county or poor district from which such patient was committed Such report shall also contain the name of each indigent patient removed from the hospital by death discharge or parole together with the identification number of such patient the date of removal and the county or poor district from which such patient was committed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 364, as follows:

An Act making a deficiency appropriation to the Department of Welfare for the Dixmont Hospital Dixmont Allegheny County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the deficiency in the cost of maintenance of the Dixmont Hospital Dixmont Allegheny County Pennsylvania during the two fiscal years ending May thirty-first one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 367, as follows:

An Act making an appropriation to the Allegheny Valley Hospital at Tarentum Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Allegheny Valley Hospital at Tarentum Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge

which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 368, as follows:

An Act making an appropriation to the Sewickley Valley Hospital Association Incorporated of Allegheny County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum f sixty-four thousand six hundred and fifty dollars ($64,650) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Sewickley Valley Hospital Association Incorporated of Allegheny County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 369, as follows:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred sixty thousand dollars ($360,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for and during the two fiscal years beginning June first one thousand nine hundred and thirty-five to pay for the care treatment removal and maintenance of the indigent insane at The Dixmont Hospital Dixmont Allegheny County Pennsylvania at a rate not exceeding three dollars ($3) per week for the care treatment and maintenance of each indigent patient in the hospital

No warrant shall be drawn or settlement made until the directors or managers of the hospital shall have made on oath or affirmation to the Department of Welfare a monthly or quarterly report as may be required by the Department of Welfare setting forth the actual total number of weeks of service rendered to indigent patients in said hospital during the period for which the report is made nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for care treatment removal and maintenance

Section 2 It shall be the duty of the directors or managers of the hospital to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and thirty-five setting forth the name of each and every indigent patient resident in the hospital on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or poor district from which such patient was committed

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors or managers of the hospital shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission and the county or poor district from which such patient was committed Such report shall also contain the name of each indigent patient removed from the hospital by death discharge or parole together with the identification number of such patient the date of removal and the county or poor district from which such patient was committed

And said bill having been read at length the second time and agreed to,

Ordered, To be transferred for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 370, as follows:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty-five thousand dollars ($55,000) or so much thereof as may be necessary is hereby specifically appropriated to the Children's Aid Society of Western Pennsylvania Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance of the work of said society and any of its auxiliary branches incorporated and unincorporated

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 371, as follows:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh Pennsylvania for deficiencies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight thousand three hundred and seventy-six dollars and eighty-four cents ($8,376.84) or so much thereof as may be necessary is hereby specifically appropriated to the Children's Aid Society of Western Pennsylvania Pittsburgh Pennsylvania for deficiencies in maintenance for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agrecably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 498 (House Bill No. 332), entitled:

An Act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL OVER IN ORDER

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent that Senate Bill No. 693 (House Bill No. 132) on second reading, entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certified after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## QUESTION OF PERSONAL PRIVILEGE

Mr. ROBERTS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Northampton, Mr. Roberts, will state his question of personal privilege.

Mr. ROBERTS. Mr. President, meeting today at the Penn-Harris Hotel, Harrisburg, the Board of Directors of the Pennsylvania Retailers' Association, representing retail merchants in all sections of the State, reiterated its former position of unqualified opposition to a State retail sales tax. Asserting that ability to pay should be the prime consideration in an emergency tax program, the assembled retailers endorsed several alternative revenue measures.

William H. Hager, Lancaster, President of the Retailers' Association, released the following statement:

"We oppose the sales tax because it is a levy on necessities and is economically and socially unsound. It violates the fundamental principle that taxation should be levied in accordance with the ability to pay. It is asserted that at least 60 per cent of all retail purchases are made by consumers having less than $2,000 annual income. Such a tax, on a 3 per cent basis, would lessen the purchasing power of Pennsylvania citizens by seventy millions annually, thereby retarding production and employment. Moreover, a considerable volume of retail business would be driven out of the State into adjoining states, in order to escape the imposition of the tax.

"We call upon the General Assembly to turn to other revenue sources for the additional taxation required to meet the grave financial emergency now confronting the Commonwealth. We further recommend that careful consideration be given to the advisability of limiting appropriations to one year only, in view of the approaching constitutional revision and the hope of an early business recovery.

"Specifically, we urge that the exemption now granted to manufacturing corporations from the imposition of the state capital stock tax be repealed in order that the industrial interests of Pennsylvania, which have so long enjoyed virtual tax-freedom, may contribute their fair share to the cost of government. Regardless of whether their business has been conducted at a profit or a loss, all other corporations are compelled to pay this tax and retail merchants, in addition, pay a mercantile tax on their gross sale. No principal of equity or logic justifies the continued exemption of manufacturers from this tax.

"We favor a tax on the net income of corporations (even though this will mean a third tax on incorporated retail stores). We likewise endorse the principle of a graduated personal income tax.

"We favor the principle of a state tax on intangible personal property on an equitable basis.

"We favor either an increased gasoline tax or, in lieu thereof, that a very substantial sum be diverted from the Motor Fund for general state purposes.

"We favor an increased tax on the receipts of public utilities in order that Pennsylvania may derive proportionately the same revenue from this source as other states are obtaining.

"We recommend that a further comprehensive survey be made of the costs of government with the view of eliminating all unnecessary expense.

"We urge that an intensive investigation be made into the subject of unemployment relief with the view of securing a more efficient and less expensive administration thereof.

"We urge that legislation providing the procedure for the revision of the state constitution be enacted without delay, thereby permitting an equitable revision of our existing taxation laws.

"We call upon the political leaders of the Commonwealth and upon the representatives of commerce, industry, labor, and agriculture, to lay aside uncompromising opposition and to work together upon a program that will bring about the greatest amount of good to the people as a whole."

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 56, entitled:

An Act to amend clause (d) of section ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and provided for the licensing, regulation, and supervision of resident and non-residential real estate brokers and real estate salesmen and their business," as amended by defining the powers of the courts on appeals from the Department of Public Instruction.

Senate Bill No. 108, entitled:

An Act to amend paragraph six of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission.

Senate Bill No. 242, entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 203), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for

the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applicants for examination and registration, and changing violations of the act from misdemeanors to summary proceedings.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## RESOLUTION RELATIVE TO DISPLAYING UNITED STATES FLAG ON ARMISTICE DAY

### HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House fo Representatives, which was twice read as follows:

In the House of Representatives, April 1, 1935.

Whereas, The eleventh day of November of each year has been designated by statute a holiday to be known as Armistice Day; and

Whereas, The day so designated commemorates the signing of the armistice which ended the carnage of the World War; and

Whereas, True and fitting recognition of Armistice Day will serve to keep in the minds of the citizens of this Commonwealth the terrible cost of war and the magnificent sacrifices which brought that war to a successful conclusion; now therefore be it

Resolved (if the Senate concur), That the Governor of the Commonwealth of Pennsylvania be urged to issue a proclamation calling upon the State officials to display the United States flag on the State Buildings, and the people of this Commonwealth to display the flag at their homes and other suitable places, on that day and to otherwise properly observe the same.

Mr. CLARK. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

## REPORT FROM COMMITTEE

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 739 (House Bill No. 169), entitled:

An Act to validate certain proceedings improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens.

## BILLS INTRODUCED

Mr. SHAPIRO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, read in place and presented to the Chair Senate Bill No. 754, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair Senate Bill No. 755, entitled:

An Act making an appropriation to the Temple University Garretson Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair Senate Bill No. 756, entitled:

An Act providing for the abatement under circumstances of tax penalties and interest, and the allowing of discounts on certain county, city, borough, town, township, school district and poor district taxes.

Which was committed to the Committee on Appropriations.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## REPORT FROM COMMITTEE

Mr. ROBERTS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS, from the Committee on Finance reported as committed, Senate Bill No. 678 (House Bill No. 925), entitled:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for State and city and county purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

## MEMBERS OF THE BOARD OF TRUSTEES OF THE WESTERN STATE PENITENTIARY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments:

John A. Lathwood, 420 South Aiken Avenue, Pittsburgh, Allegheny County, as a member of the Board of Trustees of the Western State Penitentiary, vice Honorable George Rankin, Jr., resigned, for the term of four years, and until his successor is qualified.

Elmer E. Bauer, 5517 Wellesley Avenue, Pittsburgh, Allegheny County, as a member of the Board of Trustees of the Western State Penitentiary, vice Honorable William B. Rodgers, resigned for the term of four years, and until his successor is qualified.

Frank L. Duggan, 2916 Shady Avenue, Pittsburgh, Allegheny County as a member of the Board of Trustees of the Western State Penitentiary for the term of four years, and until his successor is qualified (reappointment).

John H. Harris, of Pittsburgh, Allegheny County, as a member of the Board of Trustees of the Western State Penitentiary, for the term of four years, and until his successor is qualified (reappointment).

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure. | (Washington) | (Westmoreland) |
| Frey. | McCreesh, | Rice. | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 678 (House Bill No. 925), entitled:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for State and city and county purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 739 (House Bill No. 165), entitled:

An Act to validate certain proceedings improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## COMMUNICATION FROM THE EXECUTIVE DIRECTOR OF THE STATE EMERGENCY RELIEF BOARD

The PRESIDENT. The following communication has been received from Robert L. Johnson, Executive Director of the State Emergency Relief Board, in response to a resolution of the Senate requesting the information:

Commonwealth of Pennsylvania
State Emergency Relief Board
Harisburg, March 28, 1935.

Honorable Thomas C. Kennedy,
Lieutenant Governor,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

Dear Mr. Kennedy:

In compliance with the resolution adopted by the Senate of Pennsylvania, March twenty-sixth, 1935, the Executive Director of the State Emergency Relief Board respectfully submits the following information:

(1) The total expenditures for the Direct and Work relief programs from January fourteenth through March sixteenth amounted to $40,282,814.40.

(2) The number of persons receiving relief on March fifteenth was 1,722,880. The number of persons receiving relief, by counties, is shown in Table 1 attached to this report.

(3) The amount paid for Direct and Work relief from January fourteenth through March sixteenth amounted to $37,551,074.72.

(4) The cost of administration of Direct and Work relief from January Fourteenth through March sixteenth amounted to $2,731,739.68.

(5) The total number of persons employed in the administration of relief as of March ninth, was 11,860.

(6) The number of non-residents of Pennsylvania employed in relief administration as of March ninth, was 18. Of this number, 3 will become legal residents of the State by April, 1935.

(7) All payments for Work relief are made in cash.

All Direct relief grants in Philadelphia and Allegheny Counties are paid in cash.

Medical Care is available to all Direct and Work relief cases.

Federal Surplus Food Commodities are distributed to all Direct and Work relief cases. Direct relief in all Counties except Philadelphia and Allegheny is granted in kind.

Types of Direct Relief in kind available to relief clients are:

1. Food orders
2. Milk orders
3. Fuel orders for
   a. anthracite coal
   b. bituminous coal
   c. coke
   d. wood
   e. fuel oil
   f. kerosene
   g. gas
4. Shoe and clothing orders
5. Rent orders
6. Public Utility orders
   a. electricity
   b. water
   c. gas (lighting only)
7. Garden Materials
   a. seeds
   b. fertilizer
   c. plants
   d. insecticides

Medical care is granted in the form of—

1. Medical orders
2. Nursing orders
3. Prescription orders
4. Cod liver oil orders
5. Dental orders

Federal surplus food commodities are distributed on orders as the various commodities become available. Various quantities of the following items have been distributed since January fifteenth.

1. Canned roast beef
2. Frozen beef
3. Beef tongues
4. Frozen veal
5. Smoked pork
6. Butter
7. Cheese
8. Sugar
9. Rice
10. Sauerkraut

(8) The following are excerpts from a report based upon an investigation of relief conditions in three Pennsylvania counties made by members of the Staff of the New York State Temporary Emergency Relief Administration:

"During the latter part of 1934 complaints of all sorts flowed into the office of the State Relief Administration. The majority of these complaints after close examination seemed to come from relief clients who complained of the great inadequacy of relief.

"With the change of the political administration of Pennsylvania, a new Administrator was installed in the State Relief Office. Upon taking over control of the Relief Administration, Mr. Johnson became concerned about the great number of individual complaints and desired to learn of their validity.

"The Pennsylvania Relief Offices requested the Director of the New York State Temporary Emergency Relief Administration to loan them several men who were experienced in making home investigation and surveys involving eligibility and adequacy of relief. The request was made to an out of State organization because it was considered advisable to have individuals making the survey who would have no interest in the local or political situation.

"After a conference with Mr. Guyler, Director of the Relief Division of the State Relief Administration, the decision was made to make the survey in certain communities in the State from which the majority of complaints of various types seem to emanate. The final decision was that the survey should consist of a study of cases in Erie County which would include some of the Corry cases; in Westmoreland County and in Luzerne County. In the latter two, central points were chosen to be studied. These were the Pittston and Hazleton District.

"Although the State Administration had asked chiefly for a study of eligibility and adequacy, the writers of this report have considered it advisable to present information concerning procedure and policy of the various local offices. This information was obtained with comparatively little extra effort and is therefore being presented to the State Administration in the interest of a better understanding of the problems of the local Relief Office.

"The study was made covering the period from October 1, 1934 to February 15, 1935.

"This study started on February 18, 1935 and the field work was completed March 17, 1935. The report was presented to the State Relief Administration on Friday, March 22, 1935.

"For the information of those individuals concerned with this report, a brief outline of the experience, qualifications of those individuals making this study is herewith presented.

"Ernest Stark, Supervisor Relief, New York City, New York State T. E. R. A. Age 31. Graduate Ohio State University, Business Administration. One year Post Graduate Social Work. Two years Administrative Staff New York City Emergency Relief Bureau. Two years T. E. R. A. Special Investigator and Research Supervisor, special surveys.

"Alton E. Ball, Special Investigator New York State T. E. R. A. Age 27. A. B. Degree Colgate University. One year D. P. W. Investigator. Six months T. E. R. A. Special Investigator.

"Frederick O. Bird, Special Investigator New York T. E. R. A. Age about 36. Six year American Red Cross. Two years Consulate Service. Four years Real Estate Operator. One year Assistant Field Representative T. E. R. A. Six months Special Investigator T. E. R. A.

"Harry Levin, After Care Worker Hebrew Orphan Asylum New York City. Age 29. Graduate University of Pittsburgh. One year graduate school social work. One year case work. Four years after care work.

"Leslie F. Random, Special Investigator. Age 30. Graduate Brown University. Two years case work. Four months instructor new cases. Eight months Special Investigator T. E. R. A

"John Raymond, Special Investigator, T. E. R. A. Age 33. Brooklyn College. One year Investigator Veteran's relief. Six months Special Investigator T. E. R. A.

"Harry Richman, Special Investigator New York T. E. R. A. Age 28. Graduate City College of New York. Two years graduate school social work. One year family Welfare Work. Three months T. E. R. A. Special Investigator.

"The writers of this report at this time wish to express their appreciation to all members of the local Relief Offices as well as to those members of the State Office who were instrumental in facilitating the work. Without the full cooperation of all of the above, it would have been impossible to complete the survey in the time allotted.

"Selection of records of cases to be studied was made by the writers of this report on a purely random basis.

"At the time of selection of cases, a listing was made and given to the Filing Department and the Case Records for all those cases listed were required to be on hand. The writers of this report then closely examined the case records and budget sheets and transferred all pertinent information to the Schedule Sheet.

"At the completion of the transferring of the information to the Schedule Sheet, visits to the homes of each of the clients selected were made. In the home the information which had been placed on the Schedule was rechecked and other information pertinent to the purpose of this survey was obtained and noted. All information obtained from the records was placed on the Schedule Sheet in blue or black ink. The checking of this information in the homes and the placing of further information on the Schedule Sheet was done in red ink so as to furnish a contrast and to definitely identify information obtained in the home.

"When the home visits were completed the information for all cases was summarized and tabulated on Summary Sheets and broken down into tables and so arranged that they could be used for report purposes.

"The main point to be stressed concerning the Clerical Personnel in the various offices is the lack of adequate personnel. In not one office that was visited were there enough workers to carry on the complete functioning of a relief office adequately.

"It was discovered that the clerical forces on hand in the offices were for the most part over-worked without being adequately compensated for extra time required of them. In all of the offices the local Administration deserve considerable credit for the upkeep of the morale of the workers. There was no time when it was noted that workers who spent hours overtime several nights a week, made any noticeable objection.

"The writers of this report are of the opinion that the State Administration has an excellent system of financial control.

"Only 31 or 2.3 per cent of the 1,327 cases studied were found to be ineligible. This is, indeed, a gratifying low figure when one considers the high pressure of case loads and other handicaps under which the various Local Administrators and Visitors are working. In the majority of these cases the ineligibility was due to the recent income of the head of the household. In several of these cases this income had been discovered by the local investigator and in some of the cases where the income had been discovered, the cases had been closed.

"The relief clientele had an average residence in the State of 33.5 years. This again is just another part of the picture of relief throughout the State. It shows that the majority of clients are people who have in the past settled in Pennsylvania and built themselves homes and made definite connections. Generally the relief client is not of the transient group and because his long residence in the State, he is a definite state responsibility and should be taken care of on an adequate basis, if it is at all possible.

"Information concerning political affiliations cannot be considered as accurate. Population figures show that approximately 54 per cent of the individuals voting in the last election in the communities visited were Republicans while 44 per cent were Democrats. However, when questions concerning political affiliations were asked, a great many of the clients denied all connections with any political party. Fully 50 per cent made the statement that they never voted, many of them because of non-citizenship. 629 admitted political affiliations. 173 or approximately 24 per cent claimed to be Republicans and 416 or approximately 75 per cent claimed to be Democrats.

"Information obtained indicated that the pay scale for Visitors and Junior Visitors varied in the various Counties. On the whole the pay scale was very inadequate for the type of work these people are expected to do."

Respectfully yours,

ROBERT L. JOHNSON,
Executive Director.

TABLE I

COMMONWEALTH OF PENNSYLVANIA
STATE EMERGENCY RELIEF BOARD

| County | Number of Persons Receiving Relief as of March 16, 1935 |
|---|---|
| Adams | 4,329 |
| Allegheny | 293,682 |
| Armstrong | 13,102 |
| Beaver | 23,136 |
| Bedford | 9,760 |
| Berks | 26,065 |
| Blair | 21,220 |
| Bradford | 5,491 |
| Bucks | 9,804 |
| Butler | 14,547 |
| Cambria | 31,066 |
| Cameron | 598 |
| Carbon | 8,299 |
| Centre | 10,379 |
| Chester | 14,229 |
| Clarion | 5,245 |
| Clearfield | 27,727 |
| Clinton | 6,556 |
| Columbia | 16,296 |
| Crawford | 9,420 |
| Cumberland | 10,787 |
| Dauphin | 26,310 |
| Delaware | 28,214 |
| Elk | 4,356 |
| Erie | 31,635 |
| Fayette | 55,006 |
| Forest | 1,085 |
| Franklin | 10,256 |
| Fulton | 2,359 |
| Greene | 10,558 |
| Huntingdon | 8,892 |
| Indiana | 15,529 |
| Jefferson | 10,798 |
| Juniata | 3,028 |
| Lackawanna | 62,614 |
| Lancaster | 25,626 |
| Lawrence | 24,275 |
| Lebanon | 8,216 |
| Lehigh | 28,279 |
| Luzerne | 91,283 |
| Lycoming | 18,078 |
| McKean | 6,728 |
| Mercer | 19,047 |
| Mifflin | 7,262 |
| Monroe | 4,737 |
| Montgomery | 27,063 |
| Montour | 4,511 |
| Northampton | 32,607 |
| Northumberland | 29,652 |
| Perry | 3,632 |
| Philadelphia | 337,875 |
| Pike | 892 |
| Potter | 4,172 |
| Schuylkill | 50,586 |
| Snyder | 5,601 |
| Somerset | 17,728 |
| Sullivan | 942 |
| Susquehanna | 5,333 |
| Tioga | 4,082 |
| Union | 4,201 |
| Venango | 14,911 |
| Warren | 7,453 |
| Washington | 30,961 |
| Wayne | 3,992 |
| Westmoreland | 48,138 |
| Wyoming | 2,994 |
| York | 19,640 |
| Total | 1,722,880 |

## QUESTION OF PERSONAL PRIVILEGE

Mr. PYTKO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Pytko, will state his question of personal privilege.

Mr. PYTKO. Mr. President, I have before me an editorial appearing in the Philadelphia Record under date of April 1st—that is, today. I am moved by a spirit of

charity to refrain from reading the title, nevertheless, in order that none here present might be left open to conjecture with regard to the title, I shall read the editorial in its entirety. I quote: This is the title:

"HE VOTED FOR McCLURE."

The editorial itself I quote:

"There is no politician more dangerous than the imitation liberal."

I would like to make mention of the fact that I requested the distinguished Senator from Philadelphia, Dr. Woodward, to retain his seat in this body until I had the opportunity of reading this editorial in his presence. I quote further:—

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, I understand the rule of this Senate has always been that you cannot attack the credibility of a member, whether you read some one else's statement, or make it your own.

Mr. PYTKO. Mr. President, I take issue with the Senator from Philadelphia, Mr. Shapiro, you can attack the credibility of any member of this body.

The PRESIDENT. The point of order is raised by the Senator from Philadelphia, Mr. Pytko rose to a question of personal privilege. He was asked to state his question of personal privilege, and he is now stating the question and referring to an editorial dealing with the subject matter. In the judgment of the Chair, he is strictly in order.

Mr. PYTKO. Mr. President, shall I continue?

The PRESIDENT. The Senator from Philadelphia, Mr. Pytko, may continue.

Mr. PYTKO. Mr. President, I quote further:

"He always pretends to be a 'friend of the people,' a champion of human rights—but when the showdown comes, he is lined up with the forces of reaction. Such a man is Senator George Woodward, of the Sixth District. Senator Woodward has built up something of a reputation as a liberal legislator—"

Mr. BUCKMAN. Mr. President, I call for the order of the day. The hour of twelve o'clock having arrived, I submit there is nothing in order but the adjournment of the Senate.

The PRESIDENT. The Chair is of the opinion that the clock is really determining the question, and the order of the day being determined, and the Chair having the call before it, it must rule affirmatively.

## ADJOURNMENT

Mr. BUCKMAN. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 12 o'clock midnight, until Tuesday, April 2, 1935, at 11 o'clock A. M.

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# HOUSE OF REPRESENTATIVES

MONDAY, April 1, 1935.

The House met at 9.00 o'clock P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

Rev. William Leroy Mudge, Executive Secretary of the Pennsylvania Council of Churches, Harrisburg, Pennsylvania, offered the following prayer:

Almighty God, our Heavenly Father, we look to Thee in the beginning of this session with the consciousness of our own weakness and lack of wisdom, but rejoicing that in Thee can be found the source of infinite wisdom of power and of love. May Thy rich blessing rest upon this House as it is now in session, upon its speaker, its officers, and each member, and may they depend entirely upon Thee. Thou art a great God and greatly to be feared above all gods. Thy will is in the heavens and Thy kingdom ruleth over all. May we understand tonight that Thy laws are immutable, and that through the ages Thy love reacheth all understanding and all purpose. Bless, we pray Thee, the Governor of this state, the Senate as well as the House of Representatives; all those who administer and make our laws, and may we not forget our President and those who are in authority with him.

We exact righteousness in this nation and realize the fact that sin is a reproach to any people. May we so live in righteousness that we may breathe righteousness. Bless the world we earnestly beseech Thee.

Wilt Thou stay the hand of war, the spirit of hate and of envy among men. Hasten that day when we shall realize the fatherhood of God and the brotherhood of man.

Now, bless us, we pray Thee, as we are gathered here. May the spirit of good dwell in our hearts, that in all things we may do that which is pleasing in Thy sight. Forgive us our sins and shortcomings save us we pray Thee and we will give the glory to Thee, Father, Son and Holy Spirit. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 27, 1935.

The Clerk proceeded to read the Journal of Wednesday, March 27, 1935, when, on motion of Mr. Castor the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. HORST. HOUSE BILL No. 1864.

An Act making an appropriation to the trustees of the Pensylvania State College for the support of research studies and investigation covering certain agricultural problems and for the erection of necessary experimental green houses.

Referred to the Committee on Appropriations.

By Mr. McHENRY. HOUSE BILL No. 1865.

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 172), entitled 'An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School; the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphans Schools, extending the time for the discharge of children from said school.

Referred to the Committee on Military Affairs.

By Mr. COOLAHAN. HOUSE BILL No. 1866.

An Act making an appropriation to the Pittsburgh Home for Babies, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. BERNHARD (Concurrent).

RESOLUTION No. 108.

In the House of Representatives, March 27, 1935.

Whereas, Unless immediate relief is given, hundreds and thousands of additional farmers will lose their farms and their homes, and millions more will be forced into our cities and villages, and the army of the unemployed will necessarily increase to alarming proportions; and

Whereas, There is no adequate way of refinancing existing agricultural indebtedness, and the farmers are at the mercy of their mortgagees and creditors throughcut this state and nation; and

Whereas, The Frazier-Lemke Refinance bill, being S. 212 and H. R. 2066, in the Congress of the United States, provides for the liquidating and refinancing of agricultural indebtedness at a reduced rate of interest, thru the Farm Credit administration and Federal Land Banks; and

Whereas, The Frazier-Lemke bill has the endorsement of twenty-two state legislatures, and in addition the lower Houses of the state of New York and Delaware, and of many Commercial clubs, Chambers of Commerce, bank organizations, and of business and professional men and women, as well as the great majority of the farmers of this nation; and

Whereas, The enactment of this bill will have a vital effect not only upon agriculture, but upon all classes of industry; and

Whereas, Agriculture is the basic industry of this country, and there can be no recovery until agriculture is put upon a sound basis;

Now Therefore, Be It Resolved, That it is the sense of your memorialists, the members of the General Legislative Assembly of the State of Pennsylvania the Senate and the House concurring, that the Congress of the United States should enact the Frazier-Lemke bill without further delay.

Be It Further Resolved, That a copy of this Memorial, duly authenticated, be sent by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from this State, to the President of the United States, and to U. S. Senator Lynn J Frazier and Congressman William Lemke.

Referred to the Committee on Agriculture.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### MUTUAL INSURANCE COMPANY

A resolution from the Cherry Grange, No. 1224, Dushore, Pa., addressed to Mr. Walker, protesting passage of legislation increasing reserve of mutual insurance companies; also protesting imposition of any taxes on mutual insurance companies.

Referred to the Committee on Insurance.

### STREAM POLLUTION

A petition from the Punxsutawney Sportsman Club, Punxsutawney, Pa., favoring legislation to prevent pollution of streams and opposing Sunday Fishing Bill.

Referred to the Committee on Fisheries.

### LOBBYING

A resolution from the Luzerne County Unemployed League, Inc., Pittston Branch No. 4, protesting lobbying by State Chamber of Commerce.

Referred to the Committee on Rules.

### TAXES

A communication addressed by Mr. Carson, from Amity Grange No. 1540, Amity, Pa., protesting increase in gasoline taxes, and favoring graduated income tax.

A resolution addressed to Mr. Carson from Pawnee Grange No. 1375, Washington County, protesting increase of gasoline tax and favoring graduated income tax.

Referred to the Committee on Ways and Means.

### COMPENSATION

A communication from the Supreme Assembly of the Evangelical Slovak Womens Union, protesting legislation denying compensation to non-resident aliens.

Referred to the Committee on Labor.

### MINES AND MINING

A petition from residents of Jefferson County urging support of pure stream bills and mining seal bill.

Referred to the Committee on Mines and Mining.

### LIQUOR LICENSES

A resolution from Mingo Presbyterian Church of Finleyville, Pa., addressed to Mr. Carson, protesting issuance of licenses within 300 feet of a church or school.

Referred to the Committee on Law and Order.

### GAS TAX

A resolution from the Morgantown Roads Association of Berks County, protesting diversion of gasoline taxes and licenses fees.

Referred to the Committee on Ways and Means.

### PHOTOGRAPHERS

A communication from the officers of Section 7, of Pennsylvania photographers urging passage of legislation licensing and registering of photographers.

Referred to the Committee on Education.

### BLUE LAWS

A petition from members of Monongahela Presbytery of the United Presbyterian Church of Allegheny and Washington Counties, protesting amendment to commercialize Sunday movies, and selling of liquors by Clubs on Sunday.

Referred to the Committee on Law and Order.

### SCHOOL EMPLOYEES

A petition from Shillington High School, Shillington, Pa., urging passage of bill creating state and district Tenure Boards.

Referred to the Committee on Education.

### TAXES

A petition from Real Estate Association, Inc., Plum Township Tax Club, Allegheny County, urging legislation equalizing taxes.

Referred to the Committee on Ways and Means.

## COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

THE VICE PRESIDENT'S CHAMBER
WASHINGTON

March 29, 1935.

Mr. W. P. Gallagher, Chief Clerk
House of Representatives
Harrisburg, Penna.

Dear Mr. Gallagher:

The Vice President is in receipt of copy of Resolution No. 51, and has directed that it be appropriately referred.

Yours very truly,
E. R. GARNER,
Secretary to the Vice PPresident.

ERG/S

The SPEAKER. The Communication will be noted in the Journal and printed in the Legislative Journal.

## COMMITTEE APPOINTED TO INVESTIGATE GILBERTON MINE DISASTER

The SPEAKER. The Chairman of the Committee on Mines and Mining, Mr. John J. Downey, has appointed the following subcommittee to investigate the Gilberton Mine disaster which occurred on January 21, 1935: Messrs. John J. Downey, Chairman, Stank, Linderman, Hirsch, and Bradley.

## COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk:

BREEN-McCRACKEN POST NO. 270
AMERICAN LEGION
5221 Haverford Avenue
Philadelphia

March 26, 1935.

The Clerk of Assembly,
Harrisburg, Pennsylvania:

Dear Sir:—

The Breen-McCracken Post #270 of the American Legion read to the members in Meeting assembled, March 19, 1935, the resolution #52 as adopted by the Pennsylvania State Legislature and Senate.

The following motion was passed at this meeting. The Breen McCracken Post #270 of the American Legion wish to express their heartfelt thanks for the Pennsylvania State Legislature and Senate for passing Resolution #52 indorsing the paying in cash at this time the Soldiers Service Certificates in full, and sending copies to our representatives in both houses of Congress at Washington, D. C.

Wishing you continued success in your efforts to help the Ex-service Man.

Yours respectfully,
Mark A. Villarose, Commander.
Charles F. Phy, Adjutant.

The SPEAKER. The communication will be noted in the Journal and printed in the Legislative Journal.

## LEAVES OF ABSENCE

Mr. Coakley asked and obtained leave of absence for Mr. SINWELL for the balance of the week on account of illness.

Mr. Trout asked and obtained leave of absence for Mr. SPANGLER for the balance of the week on account of illness.

## REPORTS FROM COMMITTEES

Mr. CLIFF S. PATTERSON, from the Committee on Municipal Corporations reported as committed, House Bill No. 1152, entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

Mr. CLIFF S. PATTERSON, from the Committee on Municipal Corporations reported as committed, House Bill No. 1152, entitled:

An Act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended, of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by further equalizing license taxes on residents and nonresidents, and providing further exceptions to the tax on transient merchants.

Mr. CLIFF S. PATTERSON, from the Committee on Municipal Corporations reported as committed, House Bill No. 1153, entitled:

An Act to amend section two thousand nine hundred ten as amended and section two thousand nine hundred twenty-two, of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

Mr. WELSH, from the Committee on Printing reported as committed, House Resolution No. 79.

## RESOLUTION

### BASEBALL GAME BETWEEN MEMBERS OF THE HOUSE

Mr. HALUSKA offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 1, 1935.

Whereas, Some diversion is necessary for the members of this House in order to break the monotony of studying legislative bills, therefore be it

Resolved, That the Speaker of the House of Representatives be requested to appoint a committee consisting of three Democrats and three Republicans, whose duty it shall be to arrange a time and place for a baseball game to be played by two teams, selected from among the members of this House. The game to be billed as "Democrats vs. Republicans;" and if the committee deems said contest worth an admission, that the net receipts be devoted to some worthy charity.

## LEGISLATIVE PROGRAM

Mr. ALEXANDER offered a resolution which was twice read as follows:

In the House of Representatives, April 1, 1935.

Whereas, The Governor's program has in the main been passed by this House and awaits action by the Senate, and

Whereas, The other business of the House is not proceeding with the customary dispatch, and seemingly for the reason that the interests of the various counties are so diverse that it is difficult to find a common ground, therefore be it

Resolved, That the month of April be set aside by the General Assembly for the consideration of legislation applying only to the cities of Philadelphia and Pittsburgh, and that all other matters be dropped for the time being except legislation for Delaware County which may also be considered during said month without much delay since most of the program of that county has it seems been completed; and that after April the legislation of the remaining counties be taken up in the order of their importance and population, and that Mifflin County come last since it has presented but one bill which has been pickled in committee, unless there be some other county which has no legislation whatever, in which case such county shall be last on the list.

Referred to the Committee on Legislative Apportionment.

## UNITED STATES FLAG ON STATE BUILDINGS

Mr. FINNERTY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 1, 1935.

Whereas, The eleventh day of November of each year has been designated by statute a holiday to be known as Armistice Day; and

Whereas, The day so designated commemorates the signing of the armistice which ended the carnage of the World War; and

Whereas, True and fitting recognition of Armistice Day will serve to keep in the minds of the citizens of this Commonwealth the terrible cost of war and the magnificant sacrifices which brought that war to a successful conclusion; now therefore be it

Resolved (if the Senate concur), That the Governor of the Commonwealth of Pennsylvania be urged to issue a proclamation calling upon the State officials to display the United States flag on the State buildings, and the people of this Commonwealth to display the flag at their homes and other suitable places, on that day and to otherwise properly observe the same.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION NO. 97

Mr. STEVENS. Mr. Speaker, I desire to call up at this time Resolution No. 97, Printer's No. 420.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 19, 1935.

Whereas, The General Assembly in the year one thousand nine hundred and thirty-two created a State Emergency Relief Board to supervise the distribution of moneys appropriated for relief to unfortunate citizens of the Commonwealth and

Whereas, The State Emergency Relief Board has constituted a local relief board for the county of Westmoreland to administer relief and welfare to the people of this county and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in said relief board for the county of Westmoreland and it is reported that groups and individuals have been discriminated against therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five Members of the House of Representatives whose duty it shall be to make a rigid investigation of the conduct and operation of the emergency relief for the county of Westmoreland dating back to its inception and to investigate such other facts and circumstances surrounding the administration of relief as it deems necessary for the information of the House of Representatives

Resolved, That said committee shall make a report to the House of Representatives during the session as early as possible

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid administration of relief for such stenographic help and other service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearings.

On the question,

Will the House adopt the resolution?

It was adopted.

## QUESTION OF PERSONAL PRIVILEGE

Mr. COAKLEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. COAKLEY. Mr. Speaker, on page 1576 of the Legislative Journal of March 27th, on the roll call on an amendment to House Bill No. 371, I voted "aye" and desire to be so recorded.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 638, entitled:

An Act to amend clauses (b) and (c) of section seven, and section eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesman and their business," as amended; providing an expiration date of licenses; defining the qualifications of applicants for licensure, and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman, conferring powers and duties upon the Department of Public Instruction in connection therewith; and eliminating penalties for failure to renew.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1088, entitled:

An Act to amend the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 704), entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof, to the flooding and use by holders of limited power permits of islands owned by the Commonwealth, to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or

made otherwise than under limited power permits, and to the proceedings for the enforcement of this act," by adding section three and one-tenths thereto, providing that all moneys received from the annual charges on limited power permits and limited water supply permit shall be paid into the State Forests and Waters Fund.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1608, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 518, entitled:

An Act to amend section eight hundred and eight of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions, imposing penalties; and repealing certain acts and parts of acts," by adding a paragraph thereto permitting the Department of Banking to limit, modify or qualify its orders of segregation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1730, entitled:

An Act requiring State-aided hospitals to admit any indigent person who is seriously ill and who requires hospitalization.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 889, entitled:

An Act to amend sections one and six of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties;" including dining cars under the provisions of this act, and making it unlawful to sleep, or to permit persons to sleep in a room where food is prepared or served.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1082, entitled:

An Act to amend section one, and sections five, six, nine, eleven and twelve as amended, of the act approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," by further defining optometry; prescribing the qualifications of schools and courses in optometry; and further regulating the practice of optometry.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1633, entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-five) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of Justices of the Peace in such consolidated boroughs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1478, entitled:

An Act to amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing authority to township commissioners by resolution to issue certificates of indebtedness.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1026, entitled:

An Act to amend sections four and five as amended section twenty-one of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district, taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by providing for the period during which such taxes shall remain liens on real estate, and authorizing the filing of such liens in the prothonotary's office.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1105, entitled:

A Supplement to the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof;" providing for the payment of fees for the granting of permits under the provisions of said act; regulating the collection and disposition of such fees; and limiting the time such permits are effective.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1383, entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1423, entitled:

An Act to further amend article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousad two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing therein authority for appropriations to fire companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 401, entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, extending the provisions of said act to townships of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 750, entitled:

An Act to amend the title and sections one, two, three, six, nine, ten, eleven and twelve of the act approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 984), entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto," extending said act to the condemnation of lands for State park purposes; and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1084, entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-one) entitled "A supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' by discontinuing the necessity of securing permits for the erection of certain dams."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 676, entitled:

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order

The House proceeded to the first reading and consideration of House Bill No. 1070, entitled:

An Act to amend sections five hundred and four, seven hundred and one, and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" requiring one years residence in the ward for the commissioner elected from such ward; regulating the terms of office of certain commission officers; and providing for a special tax on fire districts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1462, entitled:

An Act to amend sections one thousand three hundred and fourteen, one thousand three hundred and fifteen, and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," increasing the penalty for failure to register the transfer of real estate, and prohibiting the recording of instruments in such cases; and extending the right to execute insurance contracts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1139, as follows:

An Act to amend clause D of section ten of the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred seventy-four one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuing of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" restraining milk dealers from specifying foreign requirements for milk other than milk actually sold outside the Commonwealth

The first section read was as follows:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause D of section ten of the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred seventy-four one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" is hereby amended by adding thereto at the end thereof a new paragraph as follows

(11) Rejected or refused purchase from a producer any milk meeting all the requirements of the laws of this Commonwealth any part of which is marketed within this Commonwealth or who disposing of milk both within this Commonwealth and also in another state or states the requirements of which differ from those of this Commonwealth does not limit such foreign requirements to milk actually marketed in such other state or states

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. JOHN A. SMITH. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of amendment.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 811, entitled:

An Act To amend section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prohibiting mayors from holding other public offices

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 1201 Qualifications the mayor shall be at least twenty-five years of age and shall be elected at large by the electors of the city He shall have been a resident and inhabitant of the city wherein he shall be elected one year and of the State for four years next before his election and shall reside in the city during his term of service He shall not be eligible to nor hold any other office or position of trust or profit, under the government of the United States under this Commonwealth or under any political subdivision thereof during the term for which he is elected

The second section was read as follows:

Section 2 The provisions of this act shall become effective on the first Monday of January one thousand nine hundred and thirty-six

On the question,

Will the House agree to the section?

Mr. ANDREWS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, lines 12, 13 and 14 by striking out the following words "on the first Monday of January, one thousand nine hundred and thirty-six" and insert in lieu thereof "immediately upon its final enactment"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prohibiting mayors from holding other public offices

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 687, as follows:

An Act authorizing parties to equity suits to dismiss claims or counter claims and providing that claims shall remain in force as to parties not joining in the dismissal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any party in an equity suit shall have the right at any time before findings of fact and law have been made and filed of record upon payment of costs to dismiss his claim or counter claim without prejudice

Unless all of the parties join in dismissal the suit shall remain in force as to the separate claims if any of those not joining

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. GREENSTEIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 751, as follows:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person copartnership association or corporation engaged in the business of selling or leasing furniture or household articles on the installment or deferred payment plan shall upon the sale or lease of any such article to any person who has previously purchased or leased upon an agreement of sale or lease any other furniture or household articles include the said articles so last purchased or leased or any part thereof in a new agreement of sale or lease with the articles previously purchased or leased or any part thereof and all such agreements of sale or lease shall include only such articles as are actually purchased or leased at the time of the execution of such agreement of sale or lease and any agreement of sale or lease executed in violation of the provisions of this section shall be null and void

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 934, as follows:

An Act to amend section two of the act approved the twenty-second day of April one thousand eight hundred and seventy-four (Pamphlet Laws one hundred nine) entitled "An act to provide for the submission of civil cases to the decision of the court and to dispense with trial by jury" providing that upon request of counsel the decision of the court in such cases shall state separately the facts found the answers to points submitted and the conclusions of law

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twenty-second day of April one thousand eight hundred and seventy-four ((Pamphlet Laws one hundred nine) entitled "An act to provide for the submission of civil cases to the decision of the court and to dispense with trial by jury" is hereby amended to read as follows

Section 2 The decision of the court shall be in writing and if requested by counsel for either party for the purposes of filing exceptions or for the taking of an appeal shall [stating] state separately and distinctly the facts found the answers to any points submitted in writing by counsel and the conclusions of law and shall be filed in the office of the prothonotary or clerk of the proper court where the case is pending as early as practicable not exceeding sixty days [after such decision shall have been made] from the termination of the trial and notice thereof shall be forthwith given by the prothonotary or clerk to the parties or their attorneys and if no exceptions thereto are filed in the proper office within thirty days after service of such notice judgment shall be entered thereon by the prothonotary or clerk if exceptions to the findings of facts or conclusions of law be filed within said thirty days the court or the judge thereof who tried the case in vacation may upon argument order judgment to be entered according to the decision previously filed or make such modifications thereof as in justice and right shall seem proper subject always nevertheless to [review by writ of error or] the right to appeal [in] to the Supreme or Superior Court such [writ of error or] appeal to be taken in the time and manner and with the effect prescribed by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 987, entitled:

An Act To amend section ten of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and resignation of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents" by changing the number of times required to advertise the granting of letters

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

Section 10 The executors or administrators of every decedent shall immediately after the granting of letters testamentary or of administration to them cause notice thereof to be given in one newspaper published at or near the place where such decedent resided and in the legal periodical if any designated by rule of court for the publication of legal notices once a week during at least [six] three successive weeks together with their name and [six] three successive weeks together with their names and places of residence and in every such notice they shall request all persons having claims or demands against the estate of the said decedent to make known the same and all persons indebted to the said decedent to make payment to them without delay

On the question,

Will the House agree to the section?

Mr. TRONZO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 4, line 10, by striking out the entire said line.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section ten of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by changing the number of times required to advertise the granting of letters.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 1024, as follows:

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads" is hereby amended to read as follows

Section 2 Any connecting road built under the provisions of this act shall be constructed and maintained as a State highway and any damage occasioned by the taking of land for the construction of such connecting road shall be determined and paid in the same manner as [is now] provided by law in the construction of State highways

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 1461, entitled:

An Act To further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by extending the period of revocation of operating privilege for operating while under the influence of intoxicating liquor or narcotic or habit producing drugs

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissable as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 614 Revocation of Operating Privilege

(a) The secretary shall forthwith revoke for a period of one (1) year from the date of revocation for the first offense for a period of two (2) years from the date of revocation for the second offense and permanently for the third offense the operating privilege of any person upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of the crime of operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug

[(a)] (b) The secretary shall forthwith revoke for a period of one (1) year from date of revocation the operating privilege of any person upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of any of the following crimes

1 [Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting] Permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2 Using a false or fictitious name or giving a false or fictitious address in any application or form required under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3 Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident

[(b)] (c) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle while the operator's license or learner's permit of such person is revoked shall immediately extend the period of such first revocation for an additional like period

[(c)] (d) The secretary upon revoking any operator's license or learner's permit shall require that such license of any operator whose license or permit is so revoked shall immediately be surrendered to and retained by the department

On the question,

Will the House agree to the section?

Mr. LONGAKER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, page 3, line 17, by inserting after the word "and" and before the word "permanently" "for a period of three years from the date of revocation for the third offense and each subsequent offense"

Amend Section 1, page 3, line 17, by striking out the word "permanently"

Amend Section 1, page 3, line 18, by striking out the words "for the third offense"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by extending the period of revocation of operating privilege for operating while under the influence of intoxicating liquor or narcotic or habit producing drugs.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1119, as follows:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred fifty-one) entitled "An act relating to roads highways and bridges" decreasing minimum widths of certain roads

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred fifty-one) entitled "An act relating to roads highways and bridges" as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred seventy-six) is hereby further amended to read as follows

Section 5 The breadth of a private road shall not in any case exceed twenty-five feet and the width of a public road shall not be less than thirty-three feet nor more than one hundred and twenty feet Provided That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified but no appropriation of property as width required only for slopes shall be construed to prevent the owner from making any use of his property which is not inconsistent with the necessary support or protection of the highway [All] all viewers shall hereafter be required to take into consideration the qualified nature of the easement in proceedings to assess damages for the taking of land for highway purposes And provided further That when the public road desired to be opened is in a built up section of any municipality of the type commonly known as an alley and is not an intregal part of a through route the minimum width shall be fifteen feet

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1114, entitled:

An Act to amend the title of and sections one and seventeen of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" extending the provisions of said act to cities of the first class

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureau of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" is hereby amended to read as follows

An Act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the first second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties

The second section was read as folows:

Section 2 That sections one and seventeen of said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the first day of July one thousand nine hundred and thirty-three appointments to and promotions in all paid fire departments or as fire alarm operators and fire box inspectors in the bureaus of electricity of cities of the first second and third class shall be made according to qualifications and fitness

to be ascertained by examinations which so far as practicable shall be competitive as hereinafter provided On and after said date no person shall be reinstated appointed promoted demoted or discharged as a paid member of any fire department (except the chief and deputy chiefs) regardless of rank or position in any fire department or as a fire alarm operator or fire box inspector in the bureau of electricity in any city of the first second or third class in any manner or by any means other than those prescribed in this act

Section 17 All acts and parts of acts general special or local inconsistent with this act are hereby repealed It in the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction removal and reinstatement of all officers firemen or other employes of fire departments and of all fire alarm operators and fire box inspectors in the bureaus of electricity in all cities of the first second and third class wherein such officers and employes are paid

On the question,

Will the House agreed to the section?

Mr. FITCH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 27, by inserting after the word "and" the following: "[the]"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agreed to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the title of, and sections one and seventeen of the act approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," extending the provisions of said act to cities of the first class.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 28, as follows:

An Act to amend article nine of the act approved the first day of May one thousand nine hundred and twenty-nine Pamphlet Law nine hundred five), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by adding a new section thereto for protecting the safety of the public by prohibiting the operation of certain commercial motor vehicles on Sundays and legal holidays between the hours of nine o'clock ante meridian and nine o'clock post meridian

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article nine of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five), entitled "An act for the protection of the pubilc safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors, burgesses, magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended by adding after section nine hundred and seven a new section to read as follows:

Section 907.1 No commercial motor vehicle trailer or semitrailer or combination of such vehicles shall be operated upon the highways of this Commonwealth on Sunday or any legal holiday between the hours of seven o'clock ante medidian and twelve o'clock midnight provided however that this section shall not apply to fire department equipment street sweepers snow plows vehicles loaded exclusively with perishable food products and or dairy products and emergency vehicles operated in the event of a catastrophe or accident affecting the public safety or the plant or service of a public service company or used for transportation of persons only on a Sunday or legal holiday

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 528, as follows:

An Act to amend section seven hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "'An Act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the tilting including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed

fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the dates when registrations may be made for less than the full yearly fee

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 710 Reduction of Registration Fees in Certain Cases The fee for registration of a motor vehicle trailer and semitrailer when registration is issued on or after [August] July first but prior to [November] October first shall be one-half (½) of the fee for annual registration Provided That the fee for registration of any such vehicles when registration is issued on or after [November] October first shall be one-fourth (¼) of the fee herein specified

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 878, as follows:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended further regulating the sending of notice to correspondents in certain divorce actions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand twenty) is hereby further amended to read as follows

Section 38 Notice to Corespondents In any case for divorce on the ground of adultery the libellant shall cause to be served personally or by registered mail addressed to the last known post office address a notice on any corespondent named and identified in the libel and where such corespondent is named and identified first in the testimony then such notice shall be given by the master in such cases as are heard before a master and in all other cases by the libellant or his attorney of record before the testimony is closed and an opportunity afforded such corespondent to be heard A notice sent by registered mail addressed to the last known post office address of the corespondent shall be equivalent to personal service of the notice Such notice shall set forth that such person was named in the proceedings as corespondent and designate the time and place of hearing or further hearing and shall be served at least ten days previous to the hearing or further hearing Proof of the personal service of such notice or the mailing of such notice to the last known post office address of the corespondent shall be filed in the office of the prothonotary

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. SOWERS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 883, as follows:

An Act to amend section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for the annulment of void and voidable marriages

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 12 Annulment of [Bigamous] Void and Voidable Marriages In all cases where a supposed or alleged marriage shall have been contracted which is absolutely void by reason of one of the parties thereto having a spouse living at the time the supposed or alleged marriage or if for any other lawful reason the said supposed or alleged marriages was absolutely void when contracted or voidable and not subsequently with full knowledge of the defect confirmed and validated by the innocent and injured party such supposed or alleged marriages may upon the application of either party be declared null and void in accord with the principles and forms hereinafter prescribed for cases of divorce from the bond of matrimony

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 686, as follows:

An Act in relation to the procedure in cases at law in which certain questions other than of jurisdiction over the defendant or of the cause of action are raised preliminarily

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever in any proceeding at law any defendant desires to raise any question of lis pendens infancy or other incapacity of any party misjoinder or nonjoinder of any party plaintiff or defendant misnomer of plaintiff or defendant death of plaintiff before suit brought that the plaintiff is a fictitious person that the defendant is an alien enemy that the plaintiff purports to sue in a fiduciary capacity and is not a fiduciary or any other question other than the question of jurisdiction over the defendant or of the cause of action for whch suit is brought which question prior to the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws four hundred eighty-three) entitled "An act relating to practice in the courts of common pleas in actions of assumpit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" might have been raised by plea in abatement the same shall be preliminarily determined by the court upon the pleadings or with depositions as the case may require

Section 2 All such preliminary questions shall be raised by petition setting forth the facts relied upon verified by affidavit of the petitioner that said petition is not filed for purposes of delay whereupon a rule to show cause shall be granted and said preliminary questions disposed of by the court

Section 3 Said petition shall be filed by the party raising such preliminary questions within fifteen days after the service upon him or his attorney of record of the process or pleading as to which such preliminary questions are to be raised or at such other time as the court may permit If no petition be filed as provided by this act no such question may be raised thereafter in the cause in the trial court or in any appellate court The procedure provided for by this act shall be the exclusive method of raising such preliminary questions

Section 4 The decision of the court upon such preliminary questions shall be interlocutory and without the filing of any exception thereto shall be assignable as error and reviewable by any appellate court in any appeal from any final order decree or judgment subsequently entered in the cause

Section 5 Nothing in this act shall repeal or in any wise affect any of the provisions of the act approved the fifth day of March one thousand nine hundred and twenty-five (Pamphlet Laws twenty-three) entitled "An Act in relation to the procedure in certain classes of cases in which there is raised a question as to the jurisdiction of a court of first instance over the defendant or the cause of action for which suit is brought and authorizing appeals from the preliminary decision of such questions"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. GREENSTEIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1236, as follows:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing certain exemptions from the payment of fees provided for therein

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty-seven) is hereby further amended to read as follows

(a) No fee shall be charged for a certificate of title or registration of motor vehicles trailers and semi-trialers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force hospital humane society or anti-cruelty society in this Commonwealth (f) by the American Red Cross (g) by churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign

Wars or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux and organizations and units of the Pennsylvania National Guard (l) mine industrial ambulances (m) ambassadors ministers consular representatives and other diplomatic representatives who are entitled to exemption under the terms of a treaty but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1721, entitled:

An Act To re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdictoin powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations providing new and changing existing penalties and making an appropriation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture precessing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" are hereby reenacted and amended as follows

An Act Relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof authorizing the board with the approval of the Governor to fix prices to be paid or charged for milk and the products thereof providing for the licensing of milk dealers and the payment of fees thereof requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation

Whereas Unhealthful unfair unjust destructive demoralizing and economic trade practices have been and are now carried on in the production sale and distribution of milk and milk products in this Commonwealth whereby the dairy industry in the Commonwealth and the constant supply of pure milk to inhabitants of the Commonwealth are imperiled and

Whereas Such conditions constitute a menace to the health welfare and reasonable comfort of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well-being of the inhabitants of this Commonwealth to promote the public welfare and to preserve the strength and vigor of the race by declaring that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania is a business affecting the public health and affected with a public interest and

Whereas The production and distribution of milk is a paramount industry upon which the prosperity of the Commonwealth in large measure depends and

Whereas The present acute economic emergency being a part the consequence of a severe and increasing disparity between the prices of milk and other commodities which disparity has largely destroyed the purchasing power of milk producers for industrial products has broken down the orderly production and marketing of milk and has seriously impaired the agriculture assets supporting the credit structure of the Commonwealth and its local governmental subdivisions and

Whereas The danger to the pubic health and welfare is immediate and impending the necessity urgent and such as will not admit of delay or relaxation in public supervision and control in accord with proper standards of production sanitation and marketing the foregoing statements of fact policy and application of this act are hereby declared to be matters of legislative determination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the exercise of the police power of the Commonwealth and to protect the public health and public welfare it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared to be the legislative intent that this act shall be an emergency measure enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the health welfare and comfort of the inhabitants thereof

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. JOHN A. SMITH. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of a hearing.

The motion was agreed to.

## RECONSIDERATION OF VOTE

Mr. GREENSTEIN. Mr. Speaker, I move that the vote by which House Bill No. 687, Printer's No. 409, on page 9, of today's calendar, was recommitted to the Committee on Judiciary General be reconsidered.

The motion was agreed to.

## BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 871, as follows:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes and the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the second class there is hereby created a board to be designated as the board for the assessment and revision of taxes composed of seven persons citizens of the county The members of such board shall be appointed by the county commissioners of such county four of whom shall and must be residents of the city of Pittsburgh for a period of five years the remaining members of said board shall and must be residents of the county of Allegheny exclusive of said city for a similar period and said county commissioners shall designate one of such members as chairman All the members shall hold their office for the term of four years from the first Monday of January one thousand nine hundred and thirty-six and the county commissioners shall fill all vacancies in the board for the unexpired term thereof The chairman of the board shall receive a salary of six thousand ($6,000.00) dollars per annum Each member of such board shall receive a salary five thousand ($5,000.00) dollars per annum All such salaries shall be payable monthly out of the treasury of the county

Section 2 It shall be the duty of the board for the assessment and revision of taxes in each county of the second class to make and to have supervision of the making of all assessments and valuations of property whether real or personal taxable under any general special or local law for county or city purposes and of all lists of residents and inhabitants as required by existing law and shall prepare and cause the publications or notices hereinafter directed to be made

Section 3 The said board shall divide the county into convenient districts and shall appoint one subordinate assessor for each of said districts The subordinate assessors shall receive such compensation as the salary board shall fix The board shall have the right to appoint such clerks as the salary board of the county may allow for the proper discharge of the duties of said board All salaries herein provided for shall be fixed by the salary board and all such salaries and all other expenses in connection with the making of assessments under the provisions of this act shall be paid out of the county treasury

Section 4 The subordinate assessors shall make the assessment and valuations of all property taxable under any general special or local law for county or city purposes together with a list of all persons within their respective districts as provided by existing law and in so doing shall view all property in their district taxable for such purposes and in cities of the second class shall classify all real estate in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings The subordinate assessors shall make a personal house-to-house canvass of their district in order that such lists of persons may be accurate and correct in so far as it is possible to so make them All such assessors who shall fail to make such assessments and lists in the manner as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days

Section 5 The subordinate assessors shall make such assessments of property and occupations each year preceding the triennial assessment in such counties and shall file the same with the board for the assessment and revision of taxes on or before the first Monday of November of such year

Section 6 The board shall as provided by this act and by the provisions of existing law examine and revise the said assessments and valuations increasing or decreasing the same as in their judgment may seem proper and shall add thereto such property or subjects of taxation as may have been omitted After such revision the board shall by rule fix convenient times for the hearing of appeals from said assessments and valuations and after the hearing of said appeals and the making of whatever changes may be considered proper the valuations as so ascertained and revised unless changed in the manner hereinafter provided or as provided by existing law shall stand as the valuations for the assessments of all county city borough township school and poor taxes until the next triennial assessment

Section 7 When the triennial assessments shall be fixed either for the whole county or in districts thereof notice of that fact shall be given by publication of a list of all owners of real property showing the street number and street name if any the size of the lot assessed valuation of land and improvements thereon if any in one newspaper of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) published in the city borough or township wherein such real property is located and if there be no such newspaper then by publication in a newspaper defined as aforesaid published within the county and circulating within the city borough or township and also in the legal newspaper in the county if any Said publication shall state the time when appeals will be heard and also give notice that copy of the assessments made in any borough or township shall be placed in a particular public place in each such borough or township by the assessor After the hearing of appeals the board shall take such action in regard thereto as may be right and proper

Section 8 After action on such assessments by the board for the assessment and revision of taxes any taxpayer dissatisfied with the assessment on his property may within sixty days after the board has held the appeals provided for by this act appeal therefrom to the court of common pleas of the said county as provided by existing law and it shall be the duty of the court at once to hear and determine said appeal and if necessary to make such changes therein as may be right and proper

Section 9 The subordinate assessors shall between the triennial assessments revise any assessments or valuation according to right and equity by correcting errors and by adding thereto any property or subjects of taxation which may have been omitted or any new property or subjects of taxation which may have come into being since the last triennial assessment In each such case the subordinate assessors shall in cities of the second class classify all real estate in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings

They shall also add thereto the names of any persons who may have moved into such district and strike therefrom the names of any person who have removed from such districts since the last triennial assessment

The assessors shall also revise assessments and valua-

tions between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or valued has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof or where for any other reason whatsoever the value of the property has changed and it seems to the board necessary and equitable to make a change in the valuation thereof The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments revise and correct the same by increasing or decreasing the same where the value of the property or subjects of taxation assessed do not conform to the generality or uniform standard of assessments Provided however That if such revision or correction of such assessment shall increase the amount thereof the owner of such subjects of taxation whose assessment has been so increased between the triennial assessments shall be given at least ten days' written notice of such revision or correction and have the right of appeal to the court of common pleas in the same manner provided in section ten of this act

All assessments required to be made by the subordinate assessors in the years between the triennial assessment shall be returned to the board for the assessment and revision of taxes not later than the first Monday of November of the year preceding the one for which it is made and the same notice by publication in newspapers of such assessments shall be made as required and directed for the triennial assessments

Section 10 At least ten days' written notice shall be given to any taxable person whose assessment shall be changed between triennial assessments setting forth any change which has been made and the time and place set for hearing, objections thereto

Such notice shall be served by the board or any member thereof or by any subordinate assessor or by any other person authorized so to do by the board upon said taxable person if he or she can be found in the county or upon an adult person residing upon the property in question in case the taxable person cannot be found in the county

When no service is made upon the taxable person or upon an adult person residing upon the property assessed said notice shall be deemed to have been properly served if tacked or conspicuously posted upon the property assessed

No defect in service of any such notice shall be sufficient ground for setting aside any assessment so made but upon proof thereof being made the taxable person shall have the right to a rehearing before said board relative to said assessment and to appeal therefrom to the court of common pleas as hereinafter provided

Section 11 After the hearing of any objection thereto and the making of any changes that may be deemed proper the valuation as so ascertained shall unless changed in the manner herein provided or as provided by existing law stand as the valuations for the assessments for county city borough township school and poor taxes in such county until the next triennial assessment

Section 12 Any taxable person dissatisfied with changes made in any assessment in the years between the triennial may within thirty days after the final fixing of the same appeal to the court of common pleas of said county and it shall be the duty of the court at once to hear and determine said appeal and if necessary make such changes therein as may be right and proper

Section 13 No appeal taken from any such assessments shall affect the validity of any taxes assessed but if such assessment shall thereafter be reduced an exoneration shall be granted or restitution ordered for the excess of taxes paid by reason of any improper increase in the assessment

Section 14 Upon request by any taxpayer he shall at any time receive from the board a statement of his taxable property and its valuation

Section 15 When the said valuations and assessments have been made all taxation for county city borough township school and poor purposes within the limits of such county shall be based upon such valuations and the board for the assessment and revision of taxes shall certify to the councils of all cities in the county the aggregate valuation of city property in each of such cities subject to taxation for city purposes

Section 16 On the first Monday of January one thousand nine hundred and thirty-six the terms of all members of the board for the assessment and revision of taxes and of all subordinate assessors and clerks employed by the board in counties of the second class and of all members and employes of the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties shall cease and terminate and the board for the assessment and revision of taxes as now constituted in counties of the second class and the department of assessors in cities of the second class and the office of city assessor in cities of the third class in such counties are hereby abolished It is the intent and meaning of this act that in counties of the second class there shall be but one assessment made for taxation purposes and that all county city borough township school and poor taxes shall be levied on the basis of such assessment

Section 17 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 18 Except where inconsistent therewith this act does not repeal any of the provisions of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws"

Section 19 The act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundren thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" and its amendments are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 20 Except as to the appointment of the members of the board for the assessment and revision of taxes which may be done at any time after the final enactment of this act the provisions thereof shall become effective on the first Monday of January one thousand nine hundred and thirty-six Provided That this act shall not affect assessments made under existing laws as the basis of city taxes for the year one thousand nine hundred and thirty-six and such laws shall remain in force as long as may be necessary for such purpose

On the question,

Shall the bill pass finally?

Mr. WEISS. Mr. Speaker and members of this House, House Bill No. 871 is a bill for the centralization of

the collection and assessment of taxes in counties of the second class, and under the existing law will only affect Allegheny County. Under the existing law the Act of 1899, P. L. 139 creates assessors for cities of the third class. The Act of 1897, P. L. 219 creates a board for cities of the second class, comprised of five members elected council.

Under the Act of 1911 as amended, this was an act creating boards in counties of the second class comprised of seven members.

I could never understand for the life of me why in the County of Allegheny we had on one side of the street a board of the assessment and revision of taxes while right across the street we had another board for the city of Pittsburgh doing exactly the same work.

This is nothing more than what is termed "ox-cart" government, and Allegheny County presents a flagrant example of that type of government.

In 1788, when Allegheny County was formed the travel was by ox-cart and horse and buggy, there was no other means of communication, no paved roads, no bridges, and necessarily under such conditions each little community had to be more or less self-contained and self-governed. Each little community had its school board, its tax collector, its justice of the peace and other indispensible public officials.

Allegheny County comprises a homogeneous and unified community comprising, I believe, two hundred forty-four different units of government,—three third class cities, sixty-four boroughs, twenty-six first class townships, thirty-one second class townships, and one hundred twenty-one school districts.

Naturally in all offices at that time the remuneration was by fees. Since that time Allegheny county has grown to a population of one million four hundred six thousand and six hundred. The conditions have considerably improved with industrial, social and economic developments.

Now, that government, although obsolete cumbersome and antiquated and unduly expensive has been retained in Allegheny County because it gives twenty-five thousand jobs to professional politicians, and they are very reluctant to relinquish any of this rich patronage.

But the tax payers of the state of Pennsylvania and of Allegheny County are aroused as never before because this depression has left them a necessary incentive to abolish the "ox-cart" government. Taxes were probably never more burdensome, and they are continually increasing.

I pledged myself in my first venture in political office to bitterly oppose any increase in the gasoline tax, or the diversion of gasoline fund monies.

We know that the imposition of taxes is unpleasant, and as one of my learned friends told me last week, voting for a tax measure in one session has meant that member's absence in the next session.

But I am fully aware that a crisis exists. We have got to raise money to feed those starving in this commonwealth, and I say that consolidation of governmental units is a step in the right direction, just as the gentleman from Cambria, Mr. Andrews, stated the other day, we know that tax measures,—and there are many of them in this session right now,—probably are against the wishes of each and every individual, and I say that we can begin right here by consolidation. This bill consolidates and centralizes the board for the assessment and the revision of taxes in the county of Allegheny and will save the taxpayers approximately one hundred sixty thousand dollars.

Now, everyone of us, whether Democrats, Republicans or Socialists,—we were all committed in the last campaign for governmental economy and consolidation wherever possible. This bill is a step in the right direction and will give us an opportunity to redeem that pledge. I hope that this bill lends the necessary incentives for legislation action in governmental economy all over this commonwealth and I hope that nuisance taxes, regardless of what emergencies we may face in the future, will be unheard of, for that reason I urge support of House Bill No. 871.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—131

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Lovett, | Ruth, |
| Alexander, | Downey, G. E., | Lynch, | Sarraf, |
| Allen, | Downey, J. J., | Male, | Scanlon, |
| Andrews, | Eberharter, | Mason, | Schrope, |
| Arnold, | Eroe, | McCreary, | Schwab, |
| Atkins, | Falkenstein, | McDermott, | Shaw, |
| Aukerman, | Finnerty, | McElroy, | Shepard, |
| Baine, | Fitch, | McHenry, | Shortz, |
| Baker, F. T., | Flanagan, | Melchiorre, | Shreiner, |
| Baker, J J., | Flinchbaugh, | Mentzer, | Shugarts, |
| Barber, | Furman, | Moomaw, | Siegel, |
| Bernhard, | Gerard, | Mooney, | Simon, |
| Bradley, | Haberlen, | Moran, | Smith, J. A., |
| Brancato. | Hagerty, | Moul, | Smith, W. G., |
| Brown, H. S., | Haluska, | Munley, | Stank, |
| Brown J. E., | Hamilton, F. P., | Murrin, | Stevens, |
| Brownfield, | Harkins, | Nagel, | Stone, |
| Brumbaugh, | Harmuth, | O'Keefe, | Sumney, |
| Burke, | Hartman, | Ominsky, | Tronzo, |
| Cannon, | Hetrick, | O'Neill, | Tumelty, |
| Caputo, | Hindman, | Panton, | Van Sickle, |
| Carr, | Hirsch, | Patterson, C., | Walker, |
| Carson, | Holland. | Patterson, J. W., | Weiss, |
| Coakley, | Holstrom, | Pearson, | Welliver, |
| Cochran, | Hoopes, | Pfaff, | Welsh, |
| Cohen, | Kane, | Piole, | Westrick, |
| Coleman, | Kelso. | Powers, | Wickersham, |
| Condon, | Kilroy, | Reising, | Wilson, |
| Coolahan, | Kinney, | Rhys, | Yourishin, |
| Cordier, | Klingler, | Rinn, | Zappala, |
| Decker, | Kobelak, | Robinson, | Zimmerman, |
| Dent, | LaRue, | Rooney, | Sarig, |
| Diehl, | Long, | Ruffennach, | |

NAYS—60

| | | | |
|---|---|---|---|
| Altenburg, | Gates, | Merrell, | Stewart, |
| Baldi, | Gillette, | Moore, | Stockham, |
| Barnhardt, | Habbyshaw, | Nothnagle, | Stott, |
| Blumberg, | Hamilton, R. S., | Parks, | Surface, |
| Boose, | Hart, | Peters, | Tahl, |
| Boyd, R., | Hefferon, | Phillips, | Terry, |
| Boyer, | Hermansen, | Reynolds, | Trout, |
| Brennan, | Hoffner, | Schrock, | Turner, |
| Castor, | Horst, | Schwartz, | Wall, |
| Conner, | Jackson, | Simpson, | Wasserman, |
| Davies, | Kelder, | Sloan, | White, |
| Duffort, | Linderman, | Snyder, F. E., | Witkin, |
| Ferko, | Longaker, | Snyder, J. L., | Wood, |
| Flynn, | Mallen, | Sowers, | Woodside, |
| Forrest, | McKinney, | Sproul, | Yeakel, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 371, as follows:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to [work] farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

Section 2 That section three of the said act as amended by the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred nine) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided in this section no female shall be employed or permitted to work in or in connection with any establishment for more than six days in any one week or more than [fifty-four] forty hours in any one week or more than [ten] eight hours in any one day Provided That during weeks in which a legal holiday occurs and is observed by an establishment any female may be employed by such an establishment during three days of such week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during any one of such three days nor more than the maximum hours per week specified in this act

(b) Females employed in establishments other than industrial establishments and in employments other than those hereinafter specifically provided for shall not be employed or permitted to work in or in connection with any such establishments for more than six days in any one week or more than forty-four hours in any one week or more than eight hours in any one day including any overtime as specified in sub-section (a) Provided That female telephone and telegraph operators over the age of eighteen years may be employed for a total of two hours overtime on any one day in emergency cases when necessary for the continuous operation of a telephone exchange or a telegraph office but no such operator shall be permitted to work for more than forty-four hours in any one week

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the [Commissioner] Secretary of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act [Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding-houses and in charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section]

(c) Females employed in the canning of perishable fruits and vegetables may be permitted to work for not longer than ten hours in any one day including any overtime as specified in subsection (a) Provided That no female so employed may in any case be employed or permitted to work for more than forty hours in any one week or for more than six days in any one week

(d) No female shall be employed or permitted to work in domestic service more than fifty-four hours in any one week

[(b)] (e) Whenever any female shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such [establishment] establishments shall not exceed the number of hours prescribed in this section for such females in any one week or any one day

(f) The provisions of this section shall not apply to the work of nurses in hospitals nor to the work of females over twenty-one years of age earning at least twenty-five dollars a week if engaged in employment in cities under 25,000 population twenty-seven dollars and fifty cents a week if engaged in employment in cities of 25,000 to 100,000 population thirty dollars a week if engaged in employment in cities of 100,000 to 500,000 population and thirty-five dollars a week if engaged in employment in cities of over 500,000 population in any of the following occupations (1) bona fide executive positions (2) learned professions or (3) court stenographers

Section 3 That section six of the said act is hereby amended to read as follows

Section 6 Not less than [forty-five] thirty minutes shall be allowed to every female employed or permitted to work in or in connection with any establishment for the mid day meal which period shall not be considered a part of the hours of labor [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the time allowed for the mid-day meal may be reduced to not less than thirty minutes]

Employees shall not be required to remain in the [work-rooms] workrooms during the time allowed for meals

Section 4 That section seven of the said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work more than [six] five hours continuously in or connection with any establishment without an interval of at least [forty-five] thirty minutes and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work Provided That whenever any female shall be regularly employed or permitted to work in or in connection with any establishment on a

shift of not more than six hours in any one day the interval between work periods may be reduced to not less than fifteen minutes

Employees shall not be required to remain in the workrooms during the rest periods required by this section

Section 5 That section seventeen of the said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred seventeen) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

Section 6 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MASON. Mr. Speaker and members of the House, the present bill that we are now voting on, as you all know, is the one which caused three hours of debate on second reading last Wednesday. The principle back of this bill was endorsed by both major parties in the last campaign.

I personally do not believe that the bill in its present form meets the requirements of the Commonwealth of Pennsylvania in so far as female labor is concerned. However, I do feel this, that the principle is sound, and that I sincerely hope proper amendments may in the future be placed in the bill in the Senate.

Because of the belief in the principle itself, I shall vote "aye" on this bill, and I feel that I should explain to the House why I am voting "aye" now.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—138

| | | | |
|---|---|---|---|
| Alexander, | Downey, G. E., | Kinney, | Reynolds, |
| Arnold, | Downey, J. J., | Klingler, | Rhys, |
| Aukerman, | Eberharter, | Kobelak, | Rinn, |
| Baine, | Eroe, | LaRue, | Roan, |
| Baker, J J., | Falkenstein, | Linderman, | Robinson, |
| Baldi, | Ferko, | Long, | Ruffennach, |
| Barber, | Finnerty, | Longaker, | Ruth, |
| Barnhardt, | Fitch, | Lovett, | Sarraf, |
| Bernhard, | Flanagan, | Mason, | Scanlon, |
| Blumberg, | Forrest, | McDermott, | Schrope, |
| Boyd, R., | Furman, | McDevitt, | Schwartz, |
| Bradley, | Gates, | McElroy, | Shaw, |
| Brancato, | Gerard, | McHenry, | Shepard, |
| Brown, H. S., | Green, | Melchiorre, | Shortz, |
| Brown, J. E., | Greenstein, | Mentzer, | Shugarts, |
| Brownfield, | Haberlen, | Moomaw, | Simon, |
| Brumbaugh, | Hagerty, | Mooney, | Smith, W. G., |
| Burke, | Haluska, | Moore, | Sowers, |
| Cannon, | Hamilton, F. P., | Moran, | Stank, |
| Caputo, | Hamilton, R. S., | Munley, | Stevens, |
| Carr, | Harkins, | Murrin, | Stone, |
| Carson, | Harmuth, | Nagel, | Tronzo, |
| Chervenak, | Hart, | O'Keefe, | Tumelty, |
| Coakley, | Hartman, | Ominsky, | Van Sickle, |
| Cochran, | Hefferon, | O'Neill, | Walker, |
| Cohen, | Hermansen, | Panton, | Wasserman, |
| Coleman, | Hindman, | Patterson, C., | Weiss, |
| Condon, | Hirsch, | Patterson, J. W., | Welliver, |
| Coolahan, | Holland, | Pearson, | Westrick, |
| Cordier, | Holstrom, | Pfaff, | Wilson, |
| Davies, | Hoopes, | Phillips, | Yourishin, |
| Decker, | Jackson, | Piole, | Zappala, |
| Dent, | Kane, | Powers, | Zimmerman, |
| Diehl, | Kelder, | Reising, | Sarig, |
| Dilley, | Kilroy, | | |

NAYS—55

| | | | |
|---|---|---|---|
| Achterman, | Hoffner, | Schrock, | Tahl, |
| Allen, | Horst, | Schwab, | Terry, |
| Altenburg, | Jones, | Shreiner, | Trout, |
| Baker, F. T., | Kelso, | Siegel, | Turner, |
| Boose, | Lynch, | Simpson, | Van Allsburg, |
| Boyer, | Male, | Smith, J. A., | Wall, |
| Brennan, | Mallen, | Snyder, F. E., | Weidemann, |
| Castor, | McCreary, | Snyder, J. L., | White, |
| Conner, | McKinney, | Sproul, | Wickersham, |
| Duffort, | Merrell, | Stewart, | Witkin, |
| Flinchbaugh, | Moul, | Stockham, | Wood, |
| Flynn, | Muir, | Stott, | Woodside, |
| Habbyshaw, | Parks, | Sumney, | Yeakel, |
| Hetrick, | Peters, | Surface, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. ACHTERMAN. Mr. Speaker, I desire to vote "no" and file my reasons.

House Bill No. 371 as now drafted would prove ruinous to the summer resort hotels of Monroe County. A great proportion of the resort hotels would be compelled to close their establishments and the bill instead of increasing employment would decrease employment. The few resort hotels that would be able to continue operations would only be able to do so with employment of male labor, thereby working an injustice to female labor. For these reasons I am voting "no" on this bill.

Mr. ALLEN. Mr. Speaker, I am voting "no" and wish to file my reasons for so doing.

It is my opinion that House Bill No. 371 was drawn for the purpose of increasing employment in industrial establishments, and I personally favor and will support such legislation, but this bill does not make any exemption for domestics in small hotels, who should have a 48 hour week instead of 44 hours as provided by the bill.

As I represent a summer resort district and have been petitioned by some 300 hotel and restaurant employees to oppose this bill, in order that they may retain their present employment, I must be recorded as voting "no."

Mr. JONES. Mr. Speaker, I desire to vote "no" and wish to file my reasons.

I vote "no" on account of the hundreds of requests of women to vote "no."

Also file protest from National Woman's Party.

NATIONAL WOMAN'S PARTY
PENNSYLVANIA STATE BRANCH
Philadelphia Headquarters
716 West Erie Avenue
Telephone RADcliffe 5281

## IN PROTEST AGAINST HOUSE BILL 371

This bill will throw thousands of women out of work. It is the administration's way of keeping the pre-election pledge, "Every man a job,"—the women can shift for themselves.

If passed, it will be over protests of dozens of organizations and thousands of individuals both men and women.

Special legislation for women means economic slavery for both sexes.

Women demand that no labor legislation shall be enacted which will violate their constitutional right to compete on equal terms with men in any field, business, professional, or industrial.

They are not going to allow a few union and political leaders to tell them what they can do, when they can do it, or deprive them of their right to earn and acquire property.

They are not going to be told to "get married or else"—and be forced into unholy alliances by laws which make it impossible for them to choose their own way of supporting themselves and their dependents.

Pennsylvania women are voters and tax-payers. They are Republicans, Democrats, Socialists, etc. Their rights as citizens cannot be set aside by any Party or "Administration."

America is still America! Its foundational principles of equality and honesty will not be uprooted by foreign cult or influence.

## VOTE AGAINST HOUSE BILL 371

NATIONAL WOMAN'S PARTY,
Pennsylvania State Branch
Headquarters: 1716 West Erie Avenue,
Philadelphia, Pa.

Mr. McCREARY. Mr. Speaker, I desire to vote "no" and file my reasons.

I vote "no" for following reason:

Protests received from many of my constituents.

Mr. JOHN A. SMITH. Mr. Speaker, I wish to vote "no" and file my reasons for so doing.

I favor the abolition of the sweat shop but must oppose this bill because the crops of farmers will be wasted by restriction of hours of workers in canneries.

Mr. SPROUL. Mr. Speaker, I wish to vote "no" and file my reasons therefor.

1. It places some Pennsylvania industries at a disadvantage with those of other states including canneries.
2. A number of women's organizations have expressed opposition to this limitation on their hours.
3. It does not properly take care of the hours necessitated by messenger service.

Mr. STEWART. Mr. Speaker, I vote "no" and wish to file my reasons.

I favor the plan of the bill, but feel that it should have been amended to take care of certain conditions in parts of the state such as fruit to keep it from perishing.

Mr. WICKERSHAM. Mr. Speaker, I desire to vote "no" and file my reason.

I am voting against this bill because:—

(1) As drawn it will result in many women, now supporting themselves and dependents in losing their employment.

(2) It unfairly discriminates against women in many professions and occupations, where their work is not arduous, but requires more than forty hours attendance each week.

(3) Many women, and women's organizations, have protested against this bill in its present form.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 178, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Flynn, | Melchiorre, | Simpson, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Green, | Moore, | Snyder, J. L., |
| Barnhardt, | Greenstein, | Moran, | Sowers, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Munley, | Stevens, |
| Boyd, R., | Haluska, | Murrin, | Stewart, |
| Boyer, | Hamilton, F. P., | Nagel, | Stockham, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stone, |
| Brancato, | Harkins, | O'Keefe, | Stott, |
| Brennan, | Harmuth, | Ominsky, | Sumney, |
| Brown, H. S., | Hart, | O'Neill, | Surface, |
| Brown, J. E., | Hartman, | Panton, | Tahl, |
| Brownfield, | Hefferon, | Parks, | Terry, |
| Brumbaugh, | Hermansen, | Patterson, C., | Tronzo, |
| Burke, | Hetrick, | Patterson, J. W., | Trout, |
| Cannon, | Hindman, | Pearson, | Tumelty, |
| Caputo, | Hirsch, | Perry, | Turner, |
| Carr, | Holland, | Peters, | Van Allsburg, |
| Carson, | Holstrom, | Pfaff, | Van Sickle, |
| Castor, | Hoopes, | Phillips, | Walker, |
| Chervenak, | Horst, | Piole, | Wall, |
| Coakley, | Jackson, | Powers, | Wasserman, |
| Cochran, | Jones, | Reising, | Weidemann, |
| Cohen, | Kane, | Reynolds, | Weiss, |
| Coleman, | Kelder, | Rhys, | Welliver, |
| Condon, | Kelso, | Rinn, | Welsh, |
| Conner, | Kilroy, | Roan, | Westrick, |
| Coolahan, | Kinney, | Robinson, | White, |
| Cordier, | Klingler, | Rooney, | Wickersham, |
| Davies, | Kobelak, | Root, | Wilson, |
| Decker, | LaRue, | Ruffennach, | Witkin, |
| Denning, | Linderman, | Ruth, | Woodside, |
| Dent, | Long, | Sarraf, | Yeakel, |
| Diehl, | Longaker, | Scanlon, | Yourishin, |
| Dilley, | Lovett, | Schrock, | Zappala, |
| Downey, G. E., | Lynch, | Schrope, | Zimmerman, |
| Downey, J. J., | Male, | Schwab, | Sarig. |
| Eberharter, | Mallen, | Schwartz, | |

NAYS—4

| | | | |
|---|---|---|---|
| Duffort, | Gillette, | Hoffner, | Wood, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1209, as follows:

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That Definition The following words and terms as used in this act shall be construed as defined in this section

(a) The term "collection agency" shall mean a person other than an attorney at law duly admitted to practice in any court of record in this Commonwealth who as a business enforces collects settles adjusts or compromises claims or holds himself out or offers as a business to enforce collect settle adjust or compromise claims

(b) The word "person" means and includes an individual partnership association or corporation and any employe agent director or officer thereof

(c) The word "claim" means and includes any claim demand account note or any other chose in action or liability of any kind whatsoever

(d) The word "debtor" means and includes any person against whom a claim is asserted and

(e) The word "creditor" means and includes a person having or asserting such a claim

Section 2 Representing Creditor in Proceeding It shall be uunlawful for a collection agency to appear for or represent a creditor or other person in any proceeding or in any action or proceeding for or growing out of the appointment of a receiver or trustee or in connection with an assignment for the benefit of creditors or to present any claim or to vote on behalf of a creditor whether an assignee or transferee of such claim or by virtue of a proxy or otherwise or to represent any creditor in any action or proceeding in any court or before any alderman or justice of the peace in this Commonwealth or to solicit from any creditor any claim for any of the purposes forbidden by this section

Section 3 Taking an Assignment from a Creditor It shall be unlawful for a collection agency for the purpose of collecting or enforcing the payment thereof directly or indirectly to buy take an assignment of or to become in any manner interested in the buying or taking of an assignment of any such claim

Section 4 Furnishing or Offering to Furnish Legal Services It shall be unlawful for a collection agency to furnish or offer to furnish legal services directly or indirectly or to offer to render or furnish such services within or without this Commonwealth provided however that the forwarding of a claim by a collection agency to an attorney or attorneys at law for the purpose of collection shall not be construed as furnishing legal service

Section 5 Services in Connection with Settlement or Adjustment of a Debtor's Affairs It shall be unlawful for a collection agency to act for represent or undertake to render services for any debtor with regard to the proposed settlement or adjustment of the affairs of such debtor whether such compromise settlement or adjustment be made through legal proceedings or otherwise or to demand ask for or receive any compensation for services in connection with the settlement or collection of any claim except from the creditor for whom it has rendered lawful services

Section 6 Soliciting Employment for Attorneys at Law It shall be unlawful for a collection agency to solicit employment for any attorney at law or firm or group of attorneys at law whether practicing in this Commonwealth or elsewhere or to receive from or divide with such attorney or attorneys at law any portion of any fee received by such attorney or attorneys at law but the established custom of sharing commissions at a commonly accepted rate rate upon collection of claims between a collection agency and an attorney or attorneys at law is not prohibited hereby

Section 7 Threatening Legal Proceedings It shall be unlawful for a collection agency to coerce or intimidate any debtor by delivering or mailing any paper or document simulating or intending to simulate a summons warrant writ or court process as a means for the collection of a claim or to threaten legal proceedings against any debtor Provided however That nothing contained herein shall prohibit a collection agency from informing a debtor that if a claim is not paid it will be referred to an attorney or attorneys-at-law for such action as he or they may deem necessary without naming a specific attorney or attorneys Provided further That nothing herein contained shall be construed to prohibit an alderman or justice of the peace from sending out notices to debtors before the institution of suit

Section 8 Penalties Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo an imprisonment of not more than one year or both at the discretion of the court

Section 9 Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act

Section 10 Effective Date The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—171

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Linderman, | Rooney, |
| Alexander, | Downey, J. J., | Long, | Root, |
| Allen, | Eberharter, | Lovett, | Ruffennach, |
| Altenburg, | Eroe, | Lynch, | Ruth, |
| Andrews, | Falkenstein, | Male, | Sarraf, |
| Arnold, | Ferko, | Mallen, | Scanlon, |
| Atkins, | Finnerty, | Mason, | Schrock, |
| Aukerman, | Fitch, | McCreary, | Schrope, |
| Baine, | Flanagan, | McDermott, | Schwab, |
| Baker, J. J., | Flinchbaugh, | McDevitt, | Schwartz, |
| Baldi, | Flynn, | McElroy, | Shaw, |
| Barber, | Furman, | McHenry, | Shepard, |
| Bernhard, | Gates, | McKinney, | Shortz, |
| Blumberg, | Gerard, | Melchiorre, | Shugarts, |
| Boyd, R., | Gillette, | Mentzer, | Siegel, |
| Boyer, | Green, | Merrell, | Simon, |
| Bradley, | Greenstein, | Moomaw, | Sloan, |
| Brancato, | Habbyshaw, | Mooney, | Smith, J. A., |
| Brennan, | Haberlen, | Moore, | Smith, W. G., |
| Brown, H. S., | Hagerty, | Moran, | Sowers, |
| Brown, J. E., | Haluska, | Moul, | Stank, |
| Brownfield, | Hamilton, F. P., | Munley, | Stevens, |
| Brumbaugh, | Hamilton, R. S., | Murrin, | Stewart, |
| Burke, | Harkins, | Nagel, | Stone, |
| Cannon, | Harmuth, | O'Keefe, | Sumney, |
| Caputo, | Hart, | Ominsky, | Surface, |
| Carr, | Hartman, | O'Neill, | Tahl, |
| Carson, | Hefferon, | Panton, | Terry, |
| Castor, | Hermansen, | Parks, | Tronzo, |
| Coakley, | Hetrick, | Patterson, C., | Tumelty, |
| Cochran, | Hindman, | Patterson, J. W., | Van Allsburg, |
| Cohen, | Hirsch, | Pearson, | Van Sickle, |
| Coleman, | Hoffner, | Peters, | Walker, |
| Condon, | Holstrom, | Pfaff, | Wasserman, |
| Conner, | Hoopes, | Piole, | Weiss, |
| Coolahan, | Jackson, | Powers, | Welliver, |
| Cordier, | Jones, | Reising, | Welsh, |
| Davies, | Kane, | Reynolds, | Westrick, |
| Decker, | Kelder, | Rhys, | Wilson, |
| Denning, | Kilroy, | Rinn, | Yourishin, |
| Dent, | Kinney, | Roan, | Zappala, |
| Diehl, | Klingler, | Robinson, | Sarig, |
| Dilley, | Kobelak, | | |

NAYS—26

| | | | |
|---|---|---|---|
| Baker, F. T., | Muir, | Sproul, | Wickersham, |
| Boose, | Nothnagle, | Stockham, | Witkin, |
| Duffort, | Perry, | Trout, | Wood, |
| Forrest, | Phillips, | Turner, | Woodside, |
| Horst, | Shreiner, | Wall, | Yeakel, |
| LaRue, | Simpson, | Weidemann, | Zimmerman, |
| Longaker, | Snyder, J. L., | White, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## RECONSIDERATION OF HOUSE BILL NO. 1067

Mr. TUMELTY. Mr. Speaker, I move that the vote by which House Bill No. 1067, Printer's No. 384, entitled:

An Act to amend section twenty-five of the act approved the tenth day of May, one thousand nine hundred and twenty-seven (P. L. 866), entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a board of magistrates; providing for a chief magistrate; prescribing their powers and duties; providing for clerks; establishing a central administrative office; imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; and repealing certain prior acts," by changing the time of holding the election for the office of chief city magistrate and the term thereof, and terminating the term of the chief magistrate now in office.

was defeated on final passage Wednesday, March 27th, be reconsidered.

Mr. BARBER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Tumelty, vote on the final passage of this bill?

Mr. TUMELTY. Mr. Speaker, I voted in the negative.

The SPEAKER. How did the gentleman from Erie, Mr. Barber, vote on the final passage of this bill?

Mr. BARBER. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

Mr. TAHL. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Tumelty?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tumelty, permit himself to be interrogated?

Mr. TUMELTY. Mr. Speaker, I will.

Mr. TAHL. Mr. Speaker, will the gentleman tell the House whether or not this bill was fully considered last Wedneday, when it was defeated?

Mr. TUMELTY. Mr. Speaker, in answer to the gentleman from Philadelphia, I would say that the bill was not fully considered, as there were a lot of questions repeated and repeated during the interrogation, and it got to a point where I do not believe that a lot of the members knew exactly what it was.

Mr. TAHL. Mr. Speaker, may I ask the gentleman from Philadelphia whether he understood the debate last Wednesday.

Mr. TUMELTY. I did, Mr. Speaker.

Mr. Tahl. Mr. Speaker, may I ask the gentleman from Philadelphia whether he thought the bill was a bad bill and that is why he voted in the negative.

Mr. TUMELTY. I did at the time, Mr. Speaker. I have since read it over pretty thoroughly and I think it is a pretty good bill.

Mr. TAHL. Mr. Speaker, will the gentleman tell the members of the House who got him to change his mind?

Mr. TUMELTY. Myself, Mr. Speaker. I read it over, and I think it is a good bill.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for and one hundred and five members of more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. TAHL. Mr. Speaker, I would like to interrogate the sponsor of this bill, the gentleman from Philadelphia, Mr. Pfaff.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. PFAFF. I will, Mr. Speaker.

Mr. TAHL. Mr. Speaker, will the gentleman explain to the members of the House what evil this bill seeks to correct?

Mr. PFAFF. Mr. Speaker, under the present act, the election of a chief magistrate in the city of Philadelphia, I don't consider fair and proper.

Mr. TAHL. Mr. Speaker, will the gentleman explain to the members of the House in what respect he considers it improper and unfair?

Mr. PFAFF. Mr. Speaker, because there are certain members of that body who may go down to defeat in the next municipal election next fall in the city of Philadelphia, who would be permitted to select or elect a chief magistrate in Philadelphia and I do not think that is fair.

Mr. TAHL. Mr. Speaker, do I understand that the gentleman wishes to change the date of election?

Mr. PFAFF. Mr. Speaker, in answer to the gentleman from Philadelphia, I would say that the provisions of the bill are very plain. It provides for the annual election of a chief city magistrate by men elected to the office of magistrate.

Mr. TAHL. Mr. Speaker, if this bill were amended to make the election in January instead of December, would that satisfy the gentleman from Philadelphia?

Mr. PFAFF. Mr. Speaker, in answer to the gentleman from Philadelphia, that is just what the bill provides for.

Mr. TAHL. Mr. Speaker, but it also provides that the election be held annually, does it not?

Mr. PFAFF. That is right, Mr. Speaker.

Mr. TAHL. Mr. Speaker, this bill seeks to change the date of the election and also the term of the chief magistrate, does it not?

Mr. PFAFF. That is right, Mr. Speaker.

Mr. TAHL. Mr. Speaker, will the gentleman explain why he desires to have the chief magistrate elected every year instead of every five years as it is now?

Mr. PFAFF. Mr. Speaker, in answering the gentleman from Philadelphia, I think this gives an opportunity to the various members of the boards of magistrates to be elected to that particular office, with its additional recompense, which the office of chief magistrate receives.

Mr. TAHL. Mr. Speaker, doesn't the gentleman from Philadelphia consider that a magistrate elected for one year has barely time to learn the routine duties of his office and than have another election take place.

Mr. PFAFF. Mr. Speaker, in answer to the gentleman from Philadelphia, I believe that every man who is elected to the office of magistrate in Philadelphia is familiar with the duties of chief magistrate, and I believe that he could fulfill those duties satisfactorily.

Mr. TAHL. Mr. Speaker and members of the House, I dislike to oppose the bill of any member of this House, and if I did not think that this particular bill was bad, I would not oppose it. I do not care who the sponsor of a bill may be, it makes no difference to me. If it is a good bill, I will vote for it. If it is not a good bill, I will oppose it. I think I have demonstrated this session that so far as I am concerned, it makes no difference to me from what source a bill may come; so long as it is a good bill, I will be for it.

This bill, members of the House, has no merit and I will explain why. When this bill came up for consideration last Wednesday I asked the gentleman from Phila-

delphia, the sponsor of this bill, if any magistrate, either Republican or Democrat, had told him of the necessity of the change. He was unable to mention any magistrate at all; he didn't mention one tonight when I interrogated him.

I, from experience, as a practicing lawyer in Philadelphia, know that this bill has no merit, because a magistrate who is elected as the president of the board must learn the duties of that office. That office has certain duties in addition to the regular duties of a duly elected magistrate, and it isn't true that any magistrate who is elected immediately after his election has the knowledge or the ability or the experience to act as chief magistrate.

I do not think members of this House, that we should tamper with the minor judiciary, but that we should help the minor judiciary to enforce the laws. This bill does not do that. This bill in my judgment seeks to interfere with the management of the board of magistrates in the city of Philadelphia. There has not been suggested one good reason why there should be an election every year.

I believe and I think you will agree with me that no judicial tribunal has its president or its chief judge elected every year. I again say to you that this bill has no merit at all. It simply seeks to interfere with the proper duties and management of the office of chief magistrate and I think it should be defeated.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. TAHL. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—126

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Lovett, | Sarraf, |
| Alexander, | Eroe, | Lynch, | Scanlon, |
| Allen, | Falkenstein, | Male, | Schrock, |
| Andrews, | Finnerty, | McCreary, | Schrope, |
| Arnold, | Fitch, | McDermott, | Schwab, |
| Atkins, | Flanagan, | McElroy, | Shaw, |
| Aukerman, | Flinchbaugh, | McHenry, | Shepard, |
| Baker, F. T., | Flynn, | McKinney, | Shortz, |
| Baker, J. J., | Furman, | Melchiorre, | Shreiner, |
| Barber, | Gerard, | Mentzer, | Shugarts, |
| Bradley, | Gillette, | Moomaw, | Siegel, |
| Brancato, | Habbyshaw, | Mooney, | Simon, |
| Brennan, | Haberlen, | Moran, | Smith, J. A., |
| Brown, H. S., | Hagerty, | Murrin, | Smith, W. G., |
| Brown, J. E., | Haluska, | Nagel, | Snyder, J. L., |
| Brownfield, | Hamilton, F. P., | O'Keefe, | Stank, |
| Blumbaugh, | Harkins, | Ominsky, | Stevens, |
| Burke, | Harmuth, | O'Neill, | Stone, |
| Cannon, | Hartman, | Panton, | Sumney, |
| Caputo, | Hetrick, | Patterson, C., | Tronzo, |
| Carson, | Hindman, | Patterson, J. W., | Tumelty, |
| Coakley, | Hirsch, | Pearson, | Van Sickle, |
| Cochran, | Holland, | Pfaff, | Walker, |
| Cohen, | Holstrom, | Piole, | Weiss, |
| Coleman, | Jones, | Powers, | Welliver, |
| Coolahan, | Kelso, | Reising, | Welsh, |
| Decker, | Kilroy, | Rhys, | Westrick, |
| Dent, | Kinney, | Rinn, | Wickersham, |
| Diehl, | Klingler, | Robinson, | Yourishin, |
| Dilley, | Kobelak, | Ruffennach, | Zappala, |
| Downey, G. E., | LaRue, | Ruth, | Sarig, |
| Downey, J. J., | Long, | | |

NAYS—56

| | | | |
|---|---|---|---|
| Aitenburg, | Forrest, | Merrell, | Stockham, |
| Baine, | Gates, | Moore, | Stott, |
| Baldi, | Green, | Muir, | Surface, |
| Barnhardt, | Greenstein, | Nothnagle, | Tahl, |
| Bernhard, | Hamilton, R. S., | Parks, | Terry, |
| Blumberg, | Hart, | Peters, | Trout, |
| Boyd, R., | Hermansen, | Phillips, | Turner, |
| Castor, | Hoffner, | Reynolds, | Wall, |
| Condon, | Horst, | Simpson, | Wasserman, |
| Conner, | Jackson, | Sloan, | Wilson, |
| Cordier, | Kelder, | Snyder, F. E., | Witkin, |
| Davies, | Linderman, | Sowers, | Wood, |
| Duffort, | Mason, | Sproul, | Yeakel, |
| Ferko, | McDevitt, | Stewart, | Zimmerman, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## COMMUNICATION FROM THE GOVERNOR

Mr. RUTH. Mr. Speaker, I offer the following communication from the Governor's Office and ask that it be read at this time.

The communication was read by the Clerk as follows:

Meeting today at the Penn-Harris Hotel, Harrisburg, the Board of Directors of the Pennsylvania Retailers' Association, representing retail merchants in all sections of the State, reiterated its former position of unqualified opposition to a State retail sales tax. Asserting that ability to pay should be the prime consideration in an emergency tax program, the assembled retailers endorsed several alternative revenue measures.

William H. Hager, Lancaster, President of the Retailers' Association, released the following statement:

"We oppose the sales tax because it is a levy on necessities and is economically and socially unsound. It violates the fundamental principle that taxation should be levied in accordance with the ability to pay. It is asserted that at least 60 per cent of all retail purchases are made by consumers having less than $2,000 annual income. Such a tax, on a 3 per cent basis, would lessen the purchasing power of Pennsylvania citizens by seventy millions annually, thereby retarding production and employment. Moreover, a considerable volume of retail business would be driven out of the State into adjoining states, in order to escape the imposition of the tax.

"We call upon the General Assembly to turn to other revenue sources for the additional taxation required to meet the grave financial emergency now confronting the Commonwealth. We further recommend that careful consideration be given to the advisability of limiting appropriations to one year only, in view of the approaching constitutional revision and the hope of an early business recovery.

"Specifically, we urge that the exemption now granted to manufacturing corporations from the imposition of the state capital stock tax be repealed in order that the industrial interests of Pennsylvania, which have so long enjoyed virtual tax-freedom, may contribute their fair share to the cost of government. Regardless of whether their business has been conducted at a profit or a loss, all other corporations are compelled to pay this tax and retail merchants, in addition, pay a mercantile tax on their gross sale. No principle of equity or logic justifies the continued exemption of manufacturers from this tax.

"We favor a tax on the net income of corporations (even though this will mean a third tax on incorporated retail stores). We likewise endorse the principle of a graduated personal income tax.

"We favor the principle of a state tax on intangible personal property on an equitable basis.

"We favor either an increased gasoline tax or, in lieu thereof, that a very substantial sum be diverted from the Motor Fund for general state purposes.

"We favor an increased tax on the receipts of public utilities in order that Pennsylvania may derive proportionately the same revenue from this source as other states are obtaining.

"We recommend that a further comprehensive survey be made of the costs of government with the view of eliminating all unnecessary expense.

"We urge that an intensive investigation be made into the subject of unemployment relief with the view of securing a more efficient and less expensive administration thereof.

"We urge that legislation providing the procedure for the revision of the state constitution be enacted without

delay, thereby permitting an equitable revision of our existing taxation laws.

"We call upon the political leaders of the Commonwealth and upon the representatives of commerce, industry, labor, and agriculture, to lay aside uncompromising opposition and to work together upon a program that will bring about the greatest amount of good to the people as a whole."

The SPEAKER. The communication will be noted in the Journal and printed in the Legislative Journal.

## TIME EXTENDED ON BILL

Mr. HINDMAN. Mr. Speaker, I move that the time on House Bill No. 306, Printer's No. 379, entitled:

An Act providing for the registration of milk bottles and containers, forbidding refilling, using, selling, purchasing, giving, taking, retaining, destroying, disposing or trafficking in same without the written consent of owners, imposing penalties, fines and imprisonment, providing for issuing process in nature of a search warrant; providing what shall constitute prima facie proof, forbidding defacement, covering up, removing or concealing name, mark or device; defining procedure; providing disposition of fines; providing that appeal will not invalidate conviction for second offence, but that sentence shall await decisions of appeal, providing that the requiring, taking or accepting a deposit shall not be deemed a sale; providing that registration prior to this act entitles registrants to benefits of act, and providing for the transfer of certificates of registration.

on page 17 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## BILL ON THIRD READING

Mr. MASON. Mr. Speaker, I desire to call up at this time House Bill No. 258, Printer's No. 192, on page 18, of today's calendar, bill on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Mason.

The House resumed the consideration on third reading of House Bill No. 258, entitled:

A Supplement to the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the filing of liens for taxes which have been returned to the county commissioners for non-payment for the filing of joint liens by county commissioners for the county and other taxing districts and for the collection of such liens and imposing certain duties upon tax collectors

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—204

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Schwartz, |
| Alexander, | Falkenstein, | Mallen, | Shaw, |
| Allen, | Ferko, | Mason, | Shepard, |
| Altenburg, | Finnerty, | McCreary, | Shortz, |
| Andrews, | Fitch, | McDermott, | Shreiner, |
| Arnold, | Flanagan, | McDevitt, | Shugarts, |
| Atkins, | Flinchbaugh, | McElroy, | Siegel, |
| Aukerman, | Flynn, | McHenry, | Simon, |
| Baine, | Forrest, | McKinney, | Simpson, |
| Baker, F. T., | Furman, | Melchiorre, | Sloan, |
| Baker, J. J., | Gates, | Mentzer, | Smith, J. A., |
| Baldi, | Gerard, | Merrell, | Smith, W. G., |
| Barber, | Gillette, | Moomaw, | Snyder, F. E., |
| Barnhardt, | Green, | Mooney, | Snyder, J. L., |
| Bernhard, | Greenstein, | Moore, | Sowers, |
| Blumberg, | Habbyshaw, | Moran, | Sproul, |
| Boose, | Haberlen, | Moul, | Stank, |
| Boyd, R., | Hagerty, | Muir, | Stevens, |
| Boyer, | Haluska, | Munley, | Stewart, |
| Bradley, | Hamilton, F. P., | Murrin, | Stockham, |
| Brancato, | Hamilton, R. S., | Nagel, | Stone, |
| Brennan, | Harkins, | Nothnagle, | Stott, |
| Brown, H. S., | Harmuth, | O'Keefe, | Sumney, |
| Brown, J. E., | Hart, | Ominsky, | Surface, |
| Brownfield, | Hartman, | O'Neill, | Tahl, |
| Brumbaugh, | Hefferon, | Panton, | Terry, |
| Burke, | Hermansen, | Parks, | Tronzo, |
| Cannon, | Hetrick, | Patterson, C., | Trout, |
| Caputo, | Hindman, | Patterson, J. W., | Tumelty, |
| Carr, | Hirsch, | Pearson, | Turner, |
| Carson, | Hoffner, | Perry, | Van Allsburg, |
| Castor, | Holland, | Peters, | Van Sickle, |
| Chervenak, | Holstrom, | Pfaff, | Walker, |
| Coakley, | Hoopes, | Phillips, | Wall, |
| Cochran, | Horst, | Piole, | Wasserman, |
| Cohen, | Jackson, | Powers, | Weidemann, |
| Coleman, | Jones, | Reising, | Weiss, |
| Condon, | Kane, | Reynolds, | Welliver, |
| Conner, | Kelder, | Rhys, | Welsh, |
| Coolahan, | Kelso, | Rinn, | Westrick, |
| Cordier, | Kilroy, | Roan, | White, |
| Davies, | Kinney | Robinson, | Wickersham, |
| Decker, | Klingler, | Rooney, | Wilson, |
| Denning, | Kobelak, | Root, | Witkin, |
| Dent, | LaRue, | Ruffennach, | Wood, |
| Diehl, | Linderman, | Ruth, | Woodside, |
| Dilley, | Long, | Sarraf, | Yeakel, |
| Downey, G. E., | Longaker, | Scanlon, | Yourishin, |
| Downey, J. J., | Lovett, | Schrock, | Zappala, |
| Duffort, | Lynch, | Schrope, | Zimmerman, |
| Eberharter, | | Schwab, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION

## COMMITTEE TO INVESTIGATE LAWRENCE COUNTY EMERGENCY RELIEF BOARD

Mr. EROE asked and obtained unanimous consent to offer a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 1, 1935.

Whereas, The General Assembly in the session of one thousand nine hundred and thirty-one created a State Emergency Relief Board and other Governmental and Commonwealth agencies operating in conjunction with the Lawrence County Emergency Relief Board to aid the thousands of unfortunate and starving citizens of this Commonwealth forced to depredation by the depression; and

Whereas, The Emergency Relief Administrator of the Commonwealth of Pennsylvania appointed a Board consisting of several citizens in the County of Lawrence to administer relief and welfare to the people of that county; and

Whereas, There have been numerous complaints of

gross abuse of the discretionary power and authority vested in the Lawrence County Relief Board and other Commonwealth and Governmental Agencies and it is further reported that certain groups and individuals have been discriminated against; and

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five Members of the House of Representatives whose duty it shall be to make a rigid investigation of the conduct and operation of the Lawrence County Emergency Relief Board and other agencies above mentioned operating in conjunction with said board dating back to its inception and to investigate such other facts and circumstances surrounding the conduct of the Lawrence County Emergency Relief Board and other agencies above mentioned as it deems necessary for the information of the House of Representatives.

Resolved, That said committee shall make a report to the House of Representatives during this session as early as possible; and

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee and to produce such books papers records and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the Courts of the Commonwealth. Each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases. And be it further

Resolved, That said Committee shall have the further right and authority to issue a requisition to the aforesaid Board and Agencies for such stenographic help or other service as it may deem necessary under the circumstances in the taking of testimony and conduct of hearing et cetera.

Mr. CANNON asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, after listening to the request to speed up legislation and the decision rendered I can not stand idly by when considering the haste with which these matters were passed over last week, knowing that such matters as this prevailed in 1933, when bills on this subject were allowed to remain in committee and be forgotten.

So at this time I am desirous of placing before this Honorable body a fact with which you are very familiar, that there still remain in this Commonwealth large numbers of persons who still seek domestic happiness which can only be obtained through the creation of employment to enable them to earn a real living union wage to support the American standard of living for themselves and those depending upon them.

It is well known that the previous administration really did nothing to promote happiness for the majority of unemployed, most of whom are still in distress. This accounts for the fact that the members of this House are now confronted with the many problems connected with this unemployment situation.

It may prove interesting to some of you new members to know that in this same Assembly Hall in 1933, Gifford Pinchot, then Governor of this commonwealth, informed this honorable body in the month of March of that year that the expenditures for relief were being paid at the rate of six and one-half million dollars per month and would probably reach the seven million dollar rate by the end of that month, whereupon legislation was hurriedly enacted and provided the paltry sum of two million dollars, once again passing the buck in this land of poverty amidst plenty. Later additional sums were provided, but in insufficient amount to meet the requirements, so that it became necessary to call a Special Session in November and December of 1933 to provide additional funds for unemployment relief, old age assistance and pensions for the blind.

In order to create these funds House Bill No. 10 was enacted in the extraordinary session of 1933, creating the State Liquor Store System which was presented as the best system in the nation. That system, however, never did what it was proposed to do in the matter of providing funds for unemployment relief, and so forth. It did provide sixteen hundred or more jobs for those qualifying by competiting examinations, so that the educated person had the advantage of falling right in line for a position, where the uneducated person in distress received nothing.

Therefore it became necessary to call another session in the latter part of 1934 to provide funds which the best system, the State Store System, has failed to provide, so, members of the House, those of us here must now think bravely in order that, as stated in the public press, the poor must not starve. Yes, there are poor unfortunates in this commonwealth who have been in distress for many years and have got through relief from many angles, who have lost the opportunity of earning a living in order to provide domestic happiness. This has also caused them to lose the purchasing power which would be of such great benefit to business. There were many who had practiced thrift and economy in order to save for a rainy day, lost their all by the closing of the banks,—some of those bank buildings which are now occupied by State Liquor Stores.

It is generally conceded that no person in this state or Nation should be permitted to starve and I urge you members, of this House to remain liberal for the benefit of humanity by and try to make as many jobs as possible for those willing to work, and I say do not be short-sighted opportunists like big business, who should know that the great show they once produced has been stranded. Lay higher taxes upon those who can stand the burden, the men of wealth.

Your constituents, the same as mine, placed confidence in you, that is why we are all here, and expected to use our common sense and good judgment.

It has been frequently stated that no one in this commonwealth should be permitted to starve, but many are close to starvation by reason of the former setup and the handling of relief rolls today in many buildings which were formerly plants, factories and going concerns where employment could be had, but which are now used by relief boards in many localities, handled by a setup that dispenses relief as they see fit.

In order to assist in solving the unemployment problem I urge that banks be restricted to banking practices and that the provisions of Article I section eight of the United States Constitution be strictly enforced, that Congress shall have the sole power to coin and regulate the value of money. Plants and factories operate and manufacture for the purpose of creating employment, and there should be no set-up such as the former Emergency Relief Board to make the poor poorer and the rich richer.

And so I ask you, members of this House, in behalf of the humanity that needs assistance, that is compelled to

seek relief, that before this session shall end you provide and encourage as much employment as possible for those willing to work, to restore to them all the opportunities possible that they do not remain idle and helpless,—you have had a liberal education during this session. Human nature owes no right to selfish interests. Pennsylvania believes in you do not fail those in distress.

I shall read a few words from a resolution that was placed before this House in December of 1933:

"Whereas There are widespread charges of incompetency extravagancies waste and a deliberate indifferent attitude toward those who apply for assistance on the part of employees in various relief stations and

"Whereas The necessity for a university education as a qualification for appointment to a position in relief stations is deliberate favoritism for sons and daughters of wealthy parents and

Whereas such charges cannot go unanswered by this House but the members thereof and the people of this commonwealth are entitled to know the truth or falsity of such charges therefore be it"

Owing to the social changes referred to that have become a professional disease of error and greed, factories remain idle due to the errors of the broken down system, and the man-made depression continues.

I shall not make any excuses about taking up your time, despite the fact that it costs at the rate of forty dollars per minute. We have spent time discussing whether we should fish or train dogs on Sundays, and we spent a lengthy period of time last Wednesday in discussing the forty-hour week for female help, therefore I pray for action by deeds as well as by words and I also plead with the committee to give consideration to resolutions numbers 10, 11, and 72 and House Bills 830 and 1014 so that we may legislate for the jobless. While it is still necessary to dispense relief, it is worthwhile to restore to Pennsylvania a domestic market.

I want to call your attention to an article that appeared in one of the Philadelphia newspapers, the Philadelphia Record, reading as follows:

"HE VOTED FOR M'CLURE

There is no politician more dangerous than the imitation liberal.

He always pretends to be a "friend of the people," a champion of human rights—but when the showdown comes, he is lined up with the forces of reaction.

Such a man is Senator George Woodward, of the sixth District.

Senator Woodward has built up something of a reputation as a liberal legislator. Certain measures he has proposed in the past have had a comparatively liberal character.

But it is significant that when the votes are counted—when it is a question of politics versus principle—

Senator Woodward is right on deck with the plunderbund."

Mr. WITKIN. Mr. Speaker, I do not believe that the gentleman from Philadelphia has the right to make statements derogatory to a Senator, and I would, therefore, ask that he desist from further reading an editorial in a newspaper apparently attempting to deride a Senator of this Commonwealth.

The SPEAKER. The gentleman has no right to make any remarks derogatory of a Senator on the floor of the House. The gentleman will proceed.

Mr. CANNON. Mr. Speaker, then that concludes my statement, and I will hand up the editorial from the press and will ask that it take the same routine as my statement.

Mr. WITKIN. Mr. Speaker, I do not wish to interfere with the free speech of any member, but I do object to that portion of the gentleman's speech, wherein he hands up an editorial from the Philadelphia Record and asks that the editorial be made a part of his speech, and, therefore, I ask that the Chair do not permit that editorial to become a part of the Legislative Journal.

The SPEAKER. The Chair has already ruled on that question. Derogatory remarks in reference to a Senator will not be printed in the Journal.

Mr. CANNON. Mr. Speaker, that concludes my statement.

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 1, 1935.

Whereas, The eleventh day of November of each year has been designated by statute a holiday to be known as Armistice Day; and

Whereas, The day so designated commemorates the signing of the armistice which ended the carnage of the World War; and

Whereas, True and fitting recognition of Armistice Day will serve to keep in the minds of the citizens of this Commonwealth the terrible cost of war and the magnificent sacrifices which brought that war to a successful conclusion; now therefore be it

Resolved (if the Senate concur), That the Governor of the Commonwealth of Pennsylvania be urged to issue a proclamation calling upon the State officials to display the United States Flag on the State Buildings, and the people of this Commonwealth to display the flag at their homes and other suitable places, on that day and to otherwise properly observe the same.

## TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 1, 1935.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene Monday evening, April 9, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening April 9, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

Senate Bill No. 108:

An Act to amend paragraph six of section thirteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 56.

An Act to amend clause (d) of section ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended by defining the powers of the courts on appeals from the Department of Public Instruction

SENATE BILL No. 108.

An Act to amend paragraph six of section thirteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of the Commonwealth" making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission

SENATE BILL No. 242.

An Act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Labor will hold a public hearing tomorrow, Tuesday, April 2, 1935, in the Hall of the House, on House Bill 1199, known as the proposed Revised Workmen's Compensation Bill. The hearing will be held from two P. M. until five P. M.

The Committee on Agriculture, in conjunction with the Committee on Agriculture of the Senate, will hold a public hearing in the Educational Forum tomorrow, Tuesday, April 2, 1935, at two thirty P. M., to last until five P. M.

The Committee on Ways and Means will meet tomorrow morning, Tuesday, April 2, 1935, in Room 521, at 9:45 A. M.

The Committee on Railroads and Railways will meet in Room 325 after the final adjournment tomorrow, Tuesday, April 2, 1935.

The Committee on Judiciary General will meet in Room 325 tomorrow, Tuesday, April 2, 1935, at 10 A. M.

The Committee on Elections will meet at 9:30 A. M., tomorrow, Tuesday, April 2, 1935.

There will be a meeting of the Committee to investigate the University of Pittsburgh in Room 325 after final adjournment this evening.

There will be a brief meeting of the members of the House Anthracite Freight Rate Investigating Committee in the Conference Room in the rear of the House at the close of this session.

There will not be a meeting of the Committee on Highways tomorrow morning, Tuesday, April 2, 1935.

The Committee on Labor will not meet tomorrow, Tuesday, April 2, 1935.

## ADJOURNMENT

Mr. MENTZER. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11:00 o'clock, A. M.

The motion was agreed to, and (at 11:43 o'clock P. M.) the House adjourned until Tuesday, April 2, 1935, at 11:00 o'clock A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, APRIL 2, 1935 No. 38

## SENATE

TUESDAY, April 2, 1935.

The Senate met at 11 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E Howard, D. D., offered the following prayer:

Through the watches of another night, O God, Thou hast guarded us. While we were wrapped in the mantle of darkness, our eyes closed in slumber, Thou wast awake and Thine eyes were open to behold us, for "He that keepeth Israel neither slumbereth nor sleepeth".

Such vigilant, constant love is beyond our power to comprehend. Yet we are thankful for Thy watchcare over us. Without it we would wander far afield and find ourselves confused and hopeless.

Continue to watch over us and lead us during this new day. Make each Senator and officer of this body an instrument to be used by Thee in working out Thy will among the people of this great Commonwealth.

This we ask in the name of the Christ. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceeding session, when, on motion of Mr. HUNSICKER, the further reading was dispensed with, and the Journal was approved.

### PETITION

FAVORING REDUCTION OF TAXES ON REAL ESTATE.

The Chair cleared his table and laid before the Senate petition from the Pitcairn Tax Club, Real Estate Owners Association, favoring legislation reducing the taxes on real estate.

Which was referred to the Committee on Finance.

### HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 173 (Senate Bill No. 757), entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act, and imposing penalties.

Which was committed to the Committee on Public Health.

House Bill No. 258 (Senate Bill No. 758), entitled:

A Supplement to the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," providing for the filing of liens for taxes which have been returned to the county commissioners for non-payment, for the filing of joint liens by county commissioners for the county and other taxing districts, and for the collection of such liens; and imposing certain duties upon tax collectors.

Which was committed to the Committee on Municipal Government.

House Bill No. 371 (Senate Bill No. 759), entitled:

An Act to amend an act approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled "Female Labor Law," as amended, by excepting from the provisions of the act domestic service in private homes and further regulating the hours of labor.

Which was committed to the Committee on Judiciary Special.

House Bill No. 871 (Senate Bill No. 760), entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city of the second class, borough, township, school and poor purposes in counties of the second class; and abolishing the existing board for the assessment and revision of taxes and the department of assessors in cities of the second class in such counties.

Which was committed to the Committee on County Government.

House Bill No. 1067 (Senate Bill No. 761), entitled:

An Act to amend section twenty-five of the act, approved the tenth day of May, one thousand nine hundred and twenty-seven (P. L. 866), entitled "First Class City Magistrate's Court Law," by changing the time of holding the elections for the office of chief city magistrate and the term thereof, and terminating the term of the chief magistrate now in office.

Which was committed to the Committee on Municipal Government.

House Bill No. 1209 (Senate Bill No. 762), entitled:

An Act prohibiting collection agencies, as herein defined, from representing creditors or taking an assignment for the purpose of representing creditors in any action of proceeding, or in settlement or adjustment of the affairs of a debtor; from soliciting business for attorneys at law, and from threatening the debtor with legal proceedings; and providing penalties.

Which was committed to the Committee on Judiciary General.

## TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate April 1, 1935.

Resolved (if the House of Representatives concur), Ttat when the Senate adjourns this week it reconvene Monday evening, April 8, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 8, at nine o'clock.

## COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication:

Norristown, Pennsylvania,
April 1, 1935.

Hon. Thomas Kennedy,
President of the Senate,
Harrisburg, Pennsylvania.

Dear Mr. President:

Members of the family of the late James S. Boyd will appreciate it very much if you will thank the members of the Senate for their kindness and expressions of sympathy in our recent bereavement. We shall always hold in grateful remembrance their heartfelt feeling.

Sincerely yours,
ELSIE F. BOYD.

## REPORTS FROM COMMITTEE

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 184, entitled:

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 665, entitled:

A further supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College," and making an appropriation for carrying the same into effect.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 134, entitled:

An Act making an appropriation to the Home of Industry for Discharged Prisoners of the city of Philadelphia and State of Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 135, entitled:

An Act making an appropriation to the Western Temporary Home, of Philadelphia, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 186, entitled:

An Act making an appropriation to the Friends' Home for Children, of the city of Philadelphia, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 187, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Commercial Museum, Exhibition and Convention Halls, Philadelphia, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 290, entitled:

An Act making an appropriation to the Rush Hospital for Consumption and Allied Diseases, of Philadelphia.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 330, entitled:

An Act making an appropriation to the Women's Hospital of Philadelphia, Preston and Parrish Streets, Philadelphia, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 387, entitled:

An Act making an appropriation to the Mercy Hospital of Philadelphia, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 754, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 755, entitled:

An Act making an appropriation to the Temple University Garretson Hospital, Philadelphia Pennsylvania.

Mr. RANKIN, from the Committee on Banking reported as committed, Senate Bill No. 696 (House Bill No. 1061), entitled:

An act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances.

Mr. ARON, from the Committee on Banking, reported as committed, Senate Bill No. 701 (House Bill No. 1354), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share-holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

## BILLS INTRODUCED

Mr. STAUDENMEIER read in his place and presented to the Chair, Senate Bill No. 763, entitled:

An Act making an appropriation to the Coaldale State Hospital, Coaldale, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 764, entitled:

An Act making an appropriation to the Department of Welfare for use of Coaldale State Hospital for payment of an indebtedness incurred by, and lapsing a prior appropriation made to the Board of Trustees of Coaldale State Hospital.

Which was committed to the Committee on Appropriations.

Mr. COYNE read in his place and presented to the Chair Senate Bill No. 765, entitled:

An Act making an appropriation to the Elizabeth Steel Magee Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. RANKIN read in his place and presented to the Chair, Senate Bill No. 766, entitled:

An Act abolishing taxes on real estate for school purposes, except such as may be necessary to pay interest and sinking fund charges on the funded debt, and for the maintenance of grounds and buildings.

Which was committed to the Committee on Education.

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 767, entitled:

An Act providing for a Legislature Auditor and for his election by the General Assembly; defining his powers and duties; authorizing the employment of assistants; imposing certain duties and responsibilities upon the exeeeutive and administrative departments and agencies of the State government and upon agencies receiving State appropriations; and making an appropriation.

Which was committed to the Committee on State Government.

Mr. CLARK read in his place and presented to the Chair, Senate Bill No. 768, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. HUNSICKER read in his place and presented to the Chair, Senate Bill No. 769, entitled:

An Act to amend sections four, five, seven and twelve of the act, approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a Bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," as amended; changing the requirements of medical educational institutions and applicants for examinations and licensure; and defining new ground for the refusal or revocation of licenses.

Which was committed to the Committee on Public Health.

Mr. MILLER read in his place and presented to the Chair, Senate Bill No. 770, entitled:

An Act making an appropriation to the Shamokin Hospital, Shamokin, Pennsylvania.

Which was committed to the Committee on Appropriations.

## REPORTS FROM COMMITTEE

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on Judiciary General reported as committed, Senate Bill No. 441, entitled:

An act to define the liability of grantees of real estate to their grantors in certain cases.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

#### ALLEGHENY COUNTY

Miss Anne E. Blazer, Pittsburgh, 2306 Penn Ave.
H. E. Blose, Carnegie.
F. R. Cyphers, Pittsburgh, 108 Court House.
John Duggan, Pittsburgh, 702 Benedum-Trees Bldg.
Mrs. Marie Kristoff, Pittsburgh, 1827 Beaver Ave.
Miss H. Rosenblat, Pittsburgh, Law and Finance Bldg.
Richard A. Withum, Verona.
Miss Elizabeth E. Young, Pittsburgh, 709 Clark Bldg.
Frank N. Young, Avalon.

#### BEAVER COUNTY

Miss Inez M. Barkley, Rochester.

#### BERKS COUNTY

Edgar J. Connolly, Reading.

#### CAMBRIA COUNTY

W. M. Hakanen, Naty-Glo.

#### CHESTER COUNTY

Miss Dorothy M. Wray, Oxford.

#### CRAWFORD COUNTY

Mrs. Anna I. Bunce, Meadville.

#### DELAWARE COUNTY

Miss Edna L. Lewis, Norwood.

#### ERIE COUNTY

Miss Mary Agnes Coughlin, Erie.

LACKAWANNA COUNTY

Miss Hortense R. Clark, Scranton.
Philip V. Mattes, Scranton.

LANCASTER COUNTY

Miss Kathryn C. Fisher, Lancaster.

LUZERNE COUNTY

Miss Margaret Powell, Plains.
Mrs. Nettie Troski, Kingston.

LYCOMING COUNTY

Mrs. Hettie S. Nicely, Williamsport.

MONTGOMERY COUNTY

Mrs. Emma Hedrick, Telford.
Alphonso Santangelo, Norristown.

NORTHUMBERLAND COUNTY

Mrs. Emily Leona Waldron, Milton.

PHILADELPHIA COUNTY

George E. Bayer, Philadelphia Metropolitan Bldg.
Wm. E. Brockermann, Philadelphia, 1629 N. Bouvier St.
Frederick Dohrmann, Philadelphia, Irvin Bldg.
Mrs. Elsie T. DuTrieuille, Philadelphia, 761 N. 47th St.
Miss Nellie Emmerich, Philadelphia, 219 N. 10th St.
Miss Lillian M. Farnan, Philadelphia, 2004 Finance Bldg.
Laurence H. Fiske, Philadelphia, 1425 Arch St.
Joseph Greenfield, Philadelphia, 3719-25 Walnut St.
Edmund Hill, Philadelphia, 1522 Walnut St.
William Koerwer, Jr., Philadelphia, 6615 N. 13th St.
Albert Lightowler, Philadelphia, 6610 N. 17th St.
T. Walter McGrath, Philadelphia, 1324 N. Broad St.
H. S. Mehring, Philadelphia, 111 N. 49th St.
Miss Anne M. Mooney, Philadelphia, 502 Finance Bldg.
Alfred Sacks, Philadelphia, 2528 S. 6th St.
Richard B. Siegel, Jr., Philadelphia, 233 W. Nedro Ave.

SCHUYLKILL COUNTY

B. V. O'Hare, Shenandoah.

SOMERSET COUNTY

G. N. Zeigler, Windber.

WASHINGTON COUNTY

Mrs. Gayle Mankey, Amity.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Oliver W. Brown, Pittsburgh, April 1, 1935.
W. E. Thompson, Swissvale, April 1, 1935.

CARBON COUNTY

E. A. Boyer, Bowmanstown, April 1, 1935.

DELAWARE COUNTY

Miss Katharine Bitler, Sharon Hill, April 1, 1935.

LACKAWANNA COUNTY

Fred V. Lynn, Dunmore, April 1, 1935.

LANCASTER COUNTY

Mrs. Mary E. Ressler, Strausburg, April 1, 1935.

LEBANON COUNTY

Miss Sallie Kegerreis, Richland, April 1, 1935.

NORTHAMPTON COUNTY

Walter A. Smith, Bethlehem, April 1, 1935.

PHILADELPHIA COUNTY

Miss Ida V. Frank, Philadelphia, April 1, 1935.
Benjamin F. Stilling, Philadelphia, April 1, 1935.

SCHUYLKILL COUNTY

Miss M. D. Garretson, Pottsville, April 1, 1935.

WASHINGTON COUNTY

Miss M. P. Stange, Monongahela, April 1, 1935.

YORK COUNTY

C. U. S. G. Coulson, Dillsburg, April 1, 1935.

ALLEGHENY COUNTY

George Rese, Pittsburgh, April 2, 1935.

VENANGO COUNTY

Miss Helen G. Thompson, Oil City, April 3, 1935.

PHILADELPHIA COUNTY

Holman G. Knouse, Philadelphia, April 9, 1935.

FRANKLIN COUNTY

M. G. McDowell, Chambersburg, April 15, 1935.

CRAWFORD COUNTY

C. R. Church, Titusville, April 17, 1935.

PHILADELPHIA COUNTY

Miss Catharine M. Stely, Philadelphia, April 21, 1935

ALLEGHENY COUNTY

Walter C. Burson, Pittsburgh, April 28, 1935.

PHILADELPHIA COUNTY

Edward T. Sieber, Philadelphia, April 28, 1935.
George Williams, Philadelphia, April 30, 1935.

ALLEGHENY COUNTY

Charles O. Anderson, McKeesport, May 4, 1935.

GREENE COUNTY

Gilmore F. Bell, Nemacolin, May 4, 1935.

PHILADELPHIA COUNTY

Amos H. Williams, Philadelphia, May 5, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public for terms of four years to compute from the date set opposite their names:

NORTHAMPTON COUNTY

R. L. Hunsicker, Bethlehem, April 1, 1935.

ALLEGHENY COUNTY

R. E. Malone, Bellevue, April 7, 1935.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, that the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

## MOTION TO RECOMMIT

Mr. EALY. Mr. President, I move that Senate Bill No. 379, on third reading, entitled:

An Act providing for the purchase and distribution of milk to undernourished and needy children in the public schools imposing duties on boards of school directors teachers principals medical inspectors and the Department of Welfare and making an appropriation

be recommitted to the Committee on Appropriations.

Mr. BAUMER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, this bill was reported from the Committee on Public Health had cut out of it the appropriation of $1,500,000. An amendment, yesterday, which was not considered by the Senate except casually, to put in that appropriation of $1,500,000; and under the rules of the Senate this bill should go to the Committee on Appropriations. The motion I have made is for the purpose of recommitting the bill to the Committee on Appropriations so that they may consider the appropriation feature contained in the bill.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, is it the purpose of this motion to allow the bill to take a peaceful sleep, or is it simply to discuss whether the appropriation of a million and a half too large or too little?

Mr. EALY. Mr. President, that is a matter for the Committee to decide. Personally I do not like the putting of any more functions on the Department of Health as regards the control of the schools. I think that each school board has the right to determine matters as to the health of its children, and I believe that each community should furnish the material that is necessary; but that is a matter for the committee to decide, upon consideration of the bill before it.

Mr. SHAPIRO. Well, Mr. President, does the Senator from Somerset, Mr. Ealy, realize that this is not a question for the Committee on Appropriations?

Mr. EALY. Mr. President, those very questions were disposed of by the Committee on Public Health? I was not on the Committee on Public Health, and do not know what was discussed there; but in these times, when we are having trouble with the problem of finding money for unemployment relief, I should not lightly consider an appropriation of $1,500,000 for this matter.

Mr. SHAPIRO. Mr. President, the appropriation of $1,500,000, or any other sum which may be necessary to carry out this object, which, in my opinion, is a worthy one, will not, in a practical, economic sense, cost the Commonwealth of Pennsylvania one extra penny; because, as I understand the theory of relief, it is to furnish people who are unemployed milk and food, and to take care of the children who will not be properly nourished otherwise; and as a matter of practical operation, when the Department of Welfare furnishes the milk, that will not add to the cost of the milk; and, it would seem to me, therefore, that those who read this bill carefully will understand that the only function of the bill is to place the control of the milk distributed where it properly belongs—in the Department of Welfare, and that would give to the relief agencies in municipalities the opportunity to report to the Department of Welfare those children in schools who require milk. No discussion by the Committee on Appropriations could solve that problem or arrive at a better understanding of it. This is a bill which provides that the various superintendents of the schools in the various districts have a right to report to the Department of Welfare the names of those undernourished children who require milk; and the Department of Welfare is authorized to set up the procedure by which the milk can be delivered to the needy.

Now, I cannot understand how the Committee on Appropriations can help solve that problem. As far as the matter of the amount of the appropriation is concerned, as I said before, first, it limits the appropriation to a million and a half, secondly it reduces the amount of relief by the amount which will be spent for milk, and will not add a dollar of cost to the relief problem.

Mr. EALY. Mr. President, I understand the discussion by the Senator from Philadelphia, Mr. Shapiro, is outside the motion. I would like to discuss at some other time the great waste and great bureaucracy which has been built up by centralized relief and similar agencies of the departments at Harrisburg; but that is beside the question now, and, on that motion, I insist that the bill go back to

the Committee on Appropriations, in order that they may consider this appropriation feature of it.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

## BILL ON THIRD READING RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 149, recalled from the Governor, as follows:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if in any trial civil or criminal in any of the courts of common pleas municipal courts and county courts quarter sessions of the peace or oyer and terminer and general jail delivery of any county it is the opinion of the trial judge that the trial is likely to be a protracted one and the district attorney of counsel for the plaintiff or for the defendant or both shall request the selection of two additional jurors as alternates the court shall have power to allow the drawing of two additional jurors such alternate jurors shall be seated near the jury with equal power and facilities for seeing and hearing the proceedings in the case and shall take the same oath as the other jurors selected and must attend at all times upon the trial of the case in company with the other jurors They shall obey the orders of and be bound by the admonitions of the courts upon each adjournment of the courts but if the regular jurors are ordered to be kept in custody during the trial of the case such alternate jurors shall also be kept in confinement with the other jurors and except as hereinafter provided shall be discharged upon the final submission of the case to the jury Such alternate jurors shall be drawn from the same source in the same manner and have the same qualifications as the other jurors drawn and be subject to the same examinations but shall not retire with the jury of twelve after the case is submitted to it unless one or two of the jurors in the opinion of the trial judge shall have died or become ill so as to be unable to perform their duty or discharged for other legal cause in which case the thirteenth juror shall take the place of the first juror becoming incapacitated and the fourteenth juror shall take the place of the second juror becoming incapacitated Such juror or jurors so taking the place of any incapacitated juror or jurors shall thereafter be deemed to be members of the jury of twelve and shall have full power to take part in the deliberations of the jury and the finding of the verdict Any verdict found by any such jury having thereon alternates shall have the same force effect and validity as if found by the original jury of twelve

Where the court allows two alternate jurors in accordance with this act each side shall have one additional peremptory challenge in the selection of said two alternate jurors

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. BUCKMAN. Mr. President, in order to correct a typographical error, I ask unanimous consent to amend Section 1, page 1, line 9, by striking out after the word "attorney" the word "of" and inserting in lieu thereof the word "or."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 31, as follows:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for office from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation which was amended by the act approved the eighteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred forty-four) is hereby further amended to read as follows

Section 6 The names of candidates for nomination as President of the United States and the names of all other party candidates shall be printed upon the official ballot of a designated party upon the filing of nomination petitions in their behalf signed by qualified electors of the State or of the political district or division as the case may be within which the nomination is to be made or election is to be held and the filing of affidavits by the candidates as provided in this act and the names of no candidates shall be printed upon an official ballot of a political party to be used at any primary unless such petitions shall have been filed and unless such candidates except they be candidates for the office of President of the United States shall have filed affidavits as hereinafter provided

(a) Each signer of a nomination petition shall sign but one such petition for each office to be filled and shall declare therein that he is a member of the party designated in such petition Provided however That where there are to be elected two or more persons to the same office each

signer may sign petitions for as many candidates for such office as and no more than he could vote for at the succeeding election He shall also declare therein that he is a qualified elector of the county therein and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large of the political district or division therein named in which the nomination is to be made or the election is to be held He shall add his occupation and residence giving city borough or township with street and number if any and shall also add the date of signing No nomination petition shall be circulated prior to forty (40) days before the last day on which such petition may be filed and no signature shall be counted unless it bears date within forty (40) days of the last day for filing the same

Said nomination petition may be on one or more sheets and different sheets must be used for signers resident in different counties Each sheet shall have appended thereto the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth that the affiant is a qualified elector of the State or of the political district or division as the case may be referred to in said petition his residence giving city borough or township with street and number if any that the signers signed with full knowledge of the contents of the petition that their respective residences are correctly stated therein that they all reside in the county named in the affidavit and that each signed on the date set opposite his name and that to the best of affiant's knowledge and belief the signers are qualified electors and members of the designated party of the State or of the political district or division as the case may be

(b) Each candidate for United States Senator or Representative in Congress or for any State county [or] city borough incorporated town township school or poor district office shall file with his nomination petition his affidavit stating his residence with street and number if any and his postoffice address his election district the name of the office for which he consents to be a candidate that he is eligible for such office [and] that he will not knowingly violate any election law or any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith and unless he is a candidate for judge of a court of record that he is not a candidate for nomination for the same office of any party other than the one designated in such petition In no event shall petitions of any candidates except candidates for judge of a court of a record be accepted for filing for nomination by more than one party for the same office in no event shall the name of any person consenting to be a candidate for nomination for any one office except the office of judge of a court of record be printed as a candidate for such office upon the official primary ballot of more than one party and [Provided That] in no event shall any person's name be printed upon the official ballot of any party as a candidate for delegate State committeeman National committeeman or party officer unless he is a qualified elector of said party

In the case of a candidate for nomination as President of the United States it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates but the postoffice address of such candidate shall be stated in such nomination petition

(c) Each candidate for election as delegate or alternate delegate to a National party convention may include with his affidavit the statement hereinafter set forth in this section but his failure to include such statement shall not be a valid ground on the part of the Secretary of the Commonwealth for refusal to receive and file his nomination petition Such statement if any be made shall be in substantially the following form

Delegate's Statement

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania" if a delegate or alternate delegate at large otherwise insert ".....District") that if elected and in attendance as a delegate to the National convention of the party I shall with all fidelity to the best of my judgment and ability in all matters coming before the convention support that candidate for President of the United States who shall have received the highest number of votes cast in the (here insert "State" if a delegate or alternate delegate at large otherwise insert ".....District") by the voters of my party for said office at the ensuing primary and shall use all honorable means within my power to aid in securing the nomination for such candidate for President

.....

(Signature of candidate for delegate or alternate delegate)

On the ballot used at a primary after or under the name of each candidate for delegate or alternate delegate to a National party convention shall appear the words "Promises to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert ".....District") for President" or "Does not promise to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert ".....District") for president" according as if the candidate included or failed to include the above statement with the affidavit

Section 2 That section eight of said act is hereby amended to read as follows

Section 8 No nomination petition shall be refused or set aside except for

(a) Material error or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or

(b) Material alterations made after signing without the consent of the signers or

(c) Want of a sufficient number of genuine signatures of persons qualified with respect to age [sex] residence [and] citizenship and party membership to be [electors] signers or

(d) The fact that nomination petitions have been filed for printing of the name of the same person for the same office except the office of judge of a court of record upon the official ballot of more than one political party

The invalidity of any sheet of a petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet

Application to set aside any nomination petition shall be by petition to the court of common pleas of the county in which such nomination petition has been filed setting forth specifically the matters objected to and must be filed within five days after the last day for filing said nomination petition Upon the presentation of such a petition the court shall make an order fixing a time for hearing which shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing said nomination petition and specifying the same and manner of notice that shall be given to the candidate named in the nomination petition sought to be set aside

If the matters objected to are such as are specified in subdivision (a) of this section the court upon hearing the case may in its discretion permit amendments within such time and upon such terms as to payment of costs as the said court may specify

In case the petition to set aside a nomination petition is dismissed the petitioner shall pay the whole of the costs of the proceeding including all witness fees

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

## BILL POSTPONED

Mr. HOWELL. Mr. President, I move that the question together with the further consideration of the bill, be postponed for the present.

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED (Washington). Mr. President, will the Senator from Lackawanna, Mr. Howell, please state for what

purpose this bill is being placed on the postponed calendar.

Mr. HOWELL. Mr. President, this bill is being held on the calendar for the purpose of trying to find out the sentiment of the Judiciary of this state on the non-partisan bill.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, thirty Senators voted in the affirmative and ten in the negative,

Whereupon, the question was decided in the affiirmative.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 298, entitled:

An Act making an appropriation to the Zoar Home for Mothers Babies and Convalescents at Allison Park Pennsylvania

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 299, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in the Dixmont Hospital at Dixmont Allegheny County

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, at the request of the Senator from Allegheny, Mr. McGinnis, I ask unanimous consent that Senate Bill No. 352, on third reading, entitled:

An Act to reenact and amend the act approved the twenty-third day of March one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four) entitled

"An Act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases" extending said act to all courts of record

go over in order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bilil No. 364, entitled:

An Act making a deficiency appropriation to the Department of Welfare for the Dixmont Hospital Allegheny County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 367, entitled:

An Act making an appropriation to the Allegheny Valley Hospital at Tarentum Pennsylvania

And said having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Clark, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Coyne, | Mallery, | Rice, | Woodward, |
| Ealy, | McClure, | Roberts, | Ziesenheim, |
| Frey, | McCreesh, | | |
| Gelder, | McGinnis, | | |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 368, entitled:

An Act making an appropriation to the Sewickley Valley Hospital Association Incorporated of Allegheny County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Clark, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Coyne, | Mallery, | Rice, | Woodward, |
| Ealy, | McClure, | Roberts, | Ziesenheim, |
| Frey, | McCreesh, | | |
| Gelder, | McGinnis, | | |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 369, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County Pennsylvania

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

## BILL POSTPONED

Mr. RODGERS. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. RODGERS. Mr. President, as I read the bill apparently Senate Bill No. 299 and Senate Bill No. 369 are identical. I do not know how it got into the calendar in that shape. Nevertheless, I believe the bills are identical. I, therefore, make the motion to postpone.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 370, entitled:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Clark, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Coyne, | Mallery, | Rice, | Woodward, |
| Ealy, | McClure, | Roberts, | Ziesenheim, |
| Frey, | McCreesh, | | |
| Gelder, | McGinnis, | | |
| Graff, | Miller, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 371, entitled:

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh Pennsylvania for deficiencies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 498, (House No. 332), entitled:

An Act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Rodgers, |
| Batchelor, | Homsher, | Norton, | Rupp, |
| Baumer, | Howell, | Owlett, | Salus, |
| Bennett, | Huffman, | Pierson, | Sones, |
| Buckman, | Hunsicker, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Coyne, | Law, | Reed, | Thompson, |
| Ealy, | Mallery, | (Washington) | (Westmoreland) |
| Frey, | McClure, | Rice, | Woodward, |
| Gelder, | McCreesh, | Roberts, | Ziesenheim, |
| Graff, | McGinnis, | | |

NAYS—1.

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## BILL OVER IN ORDER

Mr. ROBERTS. Mr President, I ask unanimous consent that Senate Bill No. 516, (House Bill No. 648), on third reading, entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for certain hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by providing for the free licensing of certain dogs of blind persons

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 678 (House Bill No. 925), entitled:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for State and city and county purposes imposing taxes upon certain classes of personal property providing for the assessment collecion and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sections of the bill were read as follows and agreed to:

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property

of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation is hereby made taxable annually for State and county purposes and in cities coextensive with counties for State and city and county purposes at the rate of six mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section twenty hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section twenty hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank that may be liable to a tax on its shares for State purposes under the laws of this Commonwealth or relieved from the payment of tax on its shares for State purposes by the laws of this Commonwealth and except shares of stock in any corporation or limited partnership that may be liable to a franchise tax or a tax on its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of a franchise tax or a tax on its capital stock for State purposes by the laws of this Commonwealth to the extent of such a proportionate part of their value as the capital stock of such corporation or limited partnership employed within this Commonwealth and liable to a tax on capital stock or used as the taxable value in computing a franchise tax for State purposes or which is relieved from the payment of a franchise tax or a tax on capital stock for State purposes bears to the total capital stock of such corporation or limited partnership all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies all annuities yielding annually over two hundred dollars ($200.00) Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank or banking institution savings institution or trust company And provided That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but nothing herein contained shall be construed to relieve or exempt individual depositors in savings institutions having no capital stock from any taxation to which such depositors may be subject and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said six mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said six mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to a franchise tax or a tax on capital stock for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State and county purposes and in cities coextensive with counties for State and city and county purposes shall be taxed or taxable for any local purpose under the laws of this Commonwealth

Section 4 Returns (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of

(1) All the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning such property

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

Section 5 Listing Date The Department shall on or before the first day of February one thousand nine hundred thirty-six and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and assessed The day so fixed shall be between the first and the fifteenth days of the immediately preceding month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property if through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 Original Assessment Notice The department shall originally assess the tax imposed by the third section of this act on the basis of the return duly made Promptly after the date of such original assessment the department

shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 7 Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all property made taxable by the third section of this act or that such resident owned held or possessed no such taxable property it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the gross amount of taxable property returned with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter of defense whatsoever If a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment

Section 8 Additional Assessment Notice If any taxable resident shall fail to include in any return all of his property made taxable by the third section of this act the department shall make an additional assessment against such resident of the amount of such omitted property together with a penalty of ten pen centum of such amount and interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 Assessments Made at any Time within Five Years An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation nothwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and nothwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 10 Petition for Reassessment Appeal (a) Any resident against whom any original assessment or additional assessment is made may petition the department a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time the amount becomes due and payable to wit within ten (10) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of fact shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any resident against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any resident shall fail to give due notice of an intention to petition for a reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 11 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest and penalties as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgages assignees and per-

sons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting for the the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each any every county in the Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section 12 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment of lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum

Section 13 Payment and Due Date All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within ten (10) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within ten (10) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within ten (10) days after the expiration of the time within which a return may be made in such cases if no return is made and ten (10) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 Interest The tax imposed by the third section of this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 15 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon alleged to have been paid as the result of an error of law or of fact or of both law and fact Claims for such credits shall be made in accordance with the provisions of The Fiscal Code relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section 17 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section eleven of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section eleven of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who fails to file the affidavit with the register of wills as required by section eleven of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Enforcement Rules and Regulations Inquisi-

torial Powers of the Department (a) The Department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any mater or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 19 Disposition of Tax Interest Fees Fines Forfeitures and Penalties (a) Except as otherwise provided by the Constitution all fees fines penalties and bail forfeited that shall be received recovered paid or collected under the preceding sections of this act and all interest earned on deposits of the Personal Property Tax Fund hereinafter provided for shall be paid into the State Treasury through the department and credited to the General Fund

(b) All taxes and interest received recovered paid or collected under the preceding sections of this act shall be paid by the department into the State Treasury to be kept separate and apart from all other moneys in the State Treasury in a fund to be known as the "Personal Property Tax Fund"

(c) Quarterly each year on the first days of March June September and December one-half of the amount then standing in the Personal Property Tax Fund shall be paid to the respective counties of the Commonwealth in proportion to the amount of the tax imposed by the third section of this act actually collected in each county during the preceding quarter except that from the one-half so payable to the counties there shall be deducted one and one-half per centum of such half as compensation for the expense of collection such one and one-half per centum of such half to be added and credited to the current biennial appropriation for general administrative purposes for the Department of Revenue All such payments shall be made by the State Treasurer upon requisition of the department and after audit and approval by the Auditor General and State Treasurer in the usual manner The remaining one-half shall be immediately transferred to the General Fund

(d) The moneys in the Personal Property Tax Fund are hereby appropriated for the purposes set forth in this section

The twentieth section of the bill was read as follows:

Section 20 Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for the year one thousand nine hundred and thirty-six and annually thereafter for State purposes at the rate of six mills on each dollar of the nominal value thereof Provided That whenever under the provisions of this section any private corporations shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shal assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or in which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but nothing herein contained shall be construed to relieve or exempt individual depositors in savings institutions having no capital stock from any taxation to which such depositors may be subject and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said six mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall

be so construed as to relieve or exempt him it or them from paying the said six mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to a franchise tax or a tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 20, page 25, line 7, by inserting after the word "company" the following: "nor to interest-bearing accounts in any bank, banking institution, savings institution or trust company."

Mr. LANIUS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twenty-first, twenty-second, twenty-third and twenty-fourth sections of the bill were read as follows and agreed to:

Section 21 Collection of Tax The tax for State purposes imposed upon obligations of private and public corporations by section twenty of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act

Section 22 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 23 Act of Assembly Repealed The act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and all amendments thereto is hereby repealed but the provisions of this act as far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments. Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and nothing contained in this section shall be construed as relieving any person association or corporation from any taxes penalties and interest imposed for the year one thousand nine hundred thirty-five and prior years under the provisions of any act or parts of acts repealed by this act or to prevent the collection of such taxes penalties and interest due under such repealed acts in the manner provided in such acts

Section 24 Effective Date This act shall become effective on the first day of January one thousand nine hundred and thirty-six

The title of the bill was read as follows and agreed to:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for State and city and county purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## MOTION TO RECOMMIT BILL

Mr. OWLETT. Mr. President, I move that Senate Bill No. 693 (House Bill No. 132), on second reading, entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certificated after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties

be recommitted to the Committee on Judiciary Special.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STAUDENMEIER. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. STAUDENMEIER. Will the Senator from Tioga, Mr. Owlett, explain his reason for asking that this bill be recommitted to the Committee on Judiciary Special?

Mr. OWLETT. Mr. President, I would be very glad to. Several people came to me and said, that certain amendments should be made to this bill and that they desired a hearing, and I discussed it with some of my colleagues here in the Senate. They all think there should be a hearing on the bill and I, therefore, made the motion to recommit the bill for the purpose of a hearing.

Mr. STAUDENMEIER. Mr. President, my own impression of this bill is that there is nothing technical about it. We had this same situation in the anthracite coal fields for many years. However, if there is a sincere desire to have a hearing and possibly some amendments, I do not know that I have any serious objection to that,

but I think that a bill of this importance should not remain buried in committee. I, for one, serve notice that I will not become a party to it. I think the bill should be voted one way or the other. As I have said, I see absolutely nothing that in any way is technical in this bill to anybody. It is simply a question of whether the people that go into the mines shall be protected, whether John Jones has a right to go into the mines, and dig coal, when perhaps he is not a miner at all. The examining board, after giving examination, would determine whether or not he is qualified to go into the mines and risk the safety of others who perhaps are miners. That is all there is to this.

If there is a sincere thought that there should be a public hearing, I, as Chairman of the Judiciary Special Committee, will take the matter up with the committee this afternoon, and will arrange for a very early date to have that public hearing granted.

Mr. WOODWARD. Mr. President, I have a friend in the Department of Mines who criticizes the structure of this bill because he is an anthracite miner and not a bituminous miner. I would like to take the Senator from Schuylkill through the Department of Mines for an unofficial inspection to see whether the structure of the bill cannot be improved. I am very much interested in this bill because it recalls the fight over the anthracite miner's certificate, and I often wonder that the Lieutenant Governor would even speak to me, because I made the suggestion for miner's certificates. The real purpose of the bill, as everybody knows is that nobody but union men can strip coal from the earth, and I am for it myself.

Mr. OWLETT. Mr. President, I merely want to say that the sincerity of my motion is evidenced by the fact, I think, that I moved to put it back in the same committee that reported it out. The bituminous section of the State, I understand, want to be heard in this matter and if there is such a large interest who want to be heard, I think it is only fair that they should be.

Mr. HARRIS. Mr. President, I wish to disagree with my friend, Senator Woodward, of Philadelphia, that this is an effort to tie up the mining interests so that only union men can be employed. This is a safety measure. It provides that a man must be qualified to dig coal before he is permitted to do so. It also provides that the miner pay for the certificate himself. It puts no expense on the operator, on the miners' organizations, or on the consumer. The entire expense is borne by the man himself who receives the certificate. It is sound logic that the man having the certificate to be a miner possesses certain qualifications and would mine coal with greater safety to himself and the associates with whom he works. I just want to correct the idea that it is not for an ulterior purpose.

Mr. CAVALCANTE. Mr. President, I rise to a point of information, but before putting the point of information, I wish to interrogate the Senator from Schuylkill, Mr. Staudenmeier.

The PRESIDENT. Will the Senator from Schuylkill, Mr. Staudenmeier, be interrogated?

Mr. STAUDENMEIER. Mr. President, willingly.

Mr. CAVALACANTE. Mr. President, did the Committee on Judiciary Special deny any part of the public a hearing on this bill?

Mr. STAUDENMEIER. Mr. President, no, there have been no requests for a hearing.

Mr. CAVALCANTE. Mr. President, did the Committee on Judiciary Special wholly and seriously consider the bill before reporting it to this Senate?

Mr. STAUDENMEIER. Mr. President, I will state that the Committee on Judiciary Special as it is now constituted, in my humble opinion, gives serious and earnest consideration to every measure that is brought before the committee for its attention.

Mr. CAVALCANTE. Mr. President, does the Senator from Schuylkill, Mr. Staudenmeier, know of any request for a public hearing other than those which he has heard on the floor of this Senate?

Mr. STAUDENMEIER. Mr. President, in answer to the Senator from Fayette, Mr. Cavalcante, last evening I had three requests for public hearings, but not from the Senators.

Mr. CAVALCANTE. Mr. President, I thank the Senator from Schuylkill, Mr. Staudenmeier, very much.

Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett, before putting my point of information.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, be interrogated?

Mr. OWLETT. Mr. President, gladly.

Mr. CAVALCANTE. Mr. President, will the Senator from Tioga, Mr. Owlett, say to this Senate that the requests for public hearing were received by him?

Mr. OWLETT. Mr. President, no, I do not think that has been the practice. The committee Chairman told this Senate that he has had three requests for a hearing last evening.

Mr. CAVALCANTE. Mr. President, will the Senator from Tioga, Mr. Owlett, say to this Senate the date on which he received these requests for a public hearing?

Mr. OWLETT. Mr. President, the requests were not made to me, I am not Chairman of this committee. I was merely advised that hearings were desired on this bill, and in discussing the matter with some of my colleagues, they suggested in view of the fact that there are bituminous mines in my district, that I request that the bill should be recommitted for such a hearing.

Mr. CAVALCANTE. Mr. President, when this bill came up last Wednesday for second reading, the Senator from Armstrong, Mr. Graff, offered a motion to recommit the bill to the Committee on Mines and Mining.

The Journal of that date shows that when the motion was offered, it met with opposition, after some deliberation, however, the motion was withdrawn and another motion was agreed to sending the bill over in its order. My point of information is this: If during the consideration of this bill, a member of this Senate should leave his designated seat and in answer to inquiries by lobbyists standing without the enclosure reserved for Senators, he should make the following statement.

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, I submit that the discussion of the Senator from Fayette, Mr. Cavalcante, is out of order. This is a motion to recommit, and it is not open to discussion.

The PRESIDENT. The Chair understands that while this is a motion to recommit, that the point referred to by the Senator from Fayette, Mr. Cavalcante, has to do with that motion to recommit, and does not take into consideration the merits of the bill. The Senator from Fayette, Mr. Cavalcante, may proceed.

Mr. OWLETT. Mr. President, I appeal from the ruling of the Chair.

Mr. HARRIS. Mr. President, I would ask that the Senator from Tioga, Mr. Owlett, postpone his motion for the present, and I ask that the rule of the Senate be read.

The PRESIDENT. The point of order raised with respect to the statement of the Senator from Fayette, Mr. Cavalcante, has to do with the recommitting of the bill. Under the rules of the Senate, as the Chair understands, debate is limited to a narrow sphere. The merits of the bill are not to be debated, in the judgment of the Chair. The Senator from Fayette, Mr. Cavalcante, is not debating the merits of the bill, he is debating the question to recommit, and so far has been privileged to continue in that vein, and, therefore, the Chair ruled he was not out of order.

Mr. SHAPIRO. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of information.

Mr. SHAPIRO. On the motion of the Senator from Tioga, Mr. Owlett, I inquire what the rules require to overrule the Chair.

The PRESIDENT. The Chair understands that an appeal from the decision of the Chair requires four seconders.

Mr. BUCKMAN. Mr. President, I second the appeal.

Mr. CLARK. Mr. President, I second the appeal.

Mr. GRAFF. Mr. President, I second the appeal.

Mr. HUNSICKER. Mr. President, I second the appeal.

Mr. HUFFMAN. Mr. President, there seems to be a dispute about very little, nevertheless, this appeal, I submit, must be in writing when submitted to the Chair.

The PRESIDENT. The Chair rules that the appeal must be in writing.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. HARRIS. Mr. President, I second the motion.

Will the Senate agree to the motion?

A division being called for, thirty Senators voted in the affirmative and thirteen in the negative, whereupon the question was decided in the affirmative.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

Mr. OWLETT. Mr. President, at the request of some of my Democratic colleagues, I desire to withdraw the appeal from the ruling of the Chair.

Mr. BUCKMAN. Mr. President, I withdraw my second.

Mr. CLARK. Mr. President, I withdraw my second.

Mr. GRAFF. Mr. President, I withdraw my second.

Mr. HUNSICKER. Mr. President, I withdraw my second.

The PRESIDENT. The appeal is withdrawn.

The Senator from Fayette, Mr. Cavalcante, is recognized. The Chair would say, as a matter of parliamentary information, that both sides in discussing motions to recommit have strayed far afield, and the Chair would ask that hereafter the speakers confine their remarks to the motion before the Senate.

Mr. CAVALCANTE. Mr. President, I will again restate my point of information on the motion to recommit this bill: If during the consideration of this bill and the motion to recommit, a member of this Senate should leave his designated seat——

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, the Senator from Fayette, Mr. Cavalcante, has arisen on a question of information, and I submit that it is his duty to submit the question of information. I further want to raise the point against the Senator from Fayette that he is not allowed on this kind of a request from the Chair to criticize the members in any manner. I raise the point that he should immediately state his question of information to the Chair.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, is absolutely right, and the Senator from Fayette, Mr. Cavalcante, should transmit whatever information he has bearing on the recommitment of this bill to the Senate.

Mr. CAVALCANTE. Mr. President, I would like to state my point of information.

The PRESIDENT. The Chair is not aware of the kind of information that is desired, but in discussing the question to recommit the Senator from Fayette should transmit to the Senate any information he has bearing on the question to recommit.

Mr. CAVALCANTE. Mr. President, that is exactly what I intend to do, and I shall be kind enough to each and every member of this Senate not to mention any names unless I be requested to do so in submitting my point of information.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will proceed.

Mr. CAVALCANTE. Mr. President, I shall start again: if, during the consideration of this bill on the motion to recommit, a member of this Senate should leave his designated seat, and in answer to inquiries by lobbyists standing without the enclosure reserved for Senators, he should make the following statement; "Will send it back to the committee Monday night for permanent interment," is this conduct to be regarded as derogative and detrimental to the integrity of this Senate, and if so, would it be an abuse of personal privilege to expose the offending member?

Now, Mr. President, I intend to have great regard for the integrity of this body. I have submitted a point of order, and if those who are interested in the recommital of this bill can assure this body that the purpose of recommittal is not for permanent interment, I will be very glad to withdraw my point of information.

The PRESIDENT. Does the Senator from Tioga, Mr. Owlett, wish to answer the point?

Mr. OWLETT. Mr. President, I do not know what there is for me to answer on such a wild statement as that.

Mr. SHAPIRO. Mr. President, I submit that the Senator from Fayette has requested information from the Chair, and I suggest he is entitled to an answer.

The PRESIDENT. The Chair can only re-state the message delivered to the Senate by the Senator from Schuylkill, Mr. Staudenmeier, the Chairman of the Committee on Judiciary Special, who made a statement that if it is sent to his committee for a hearing, he would not

be a party to any "pickling" of that legislation. That substantially is the statement of the Chairman of the Committee, as I got it, and is the only information that the Chair can relay to the Senate.

Mr. HARRIS. Mr. President, I have been a member of this body for eight sessions, and one of the things that is most desirable is a full, free and public discussion of all matters of legislation. Time and time again I have asked for public hearings and that bills be recommitted for the purpose of public hearings.

I have absolute faith in the honesty of the Senator from Tioga, Mr. Owlett, when he asks that this bill be recommitted to the Committee on Judiciary Special. If he had any ulterior motives, if he desired to kill this bill, he would ask that it be sent to the Committee on Labor. There is a very grave question as to whether or not this bill should not have been sent to the Committee on Labor, or Mines and Mining. Now, in view of the fact that the Senator has made this request, I think it is the duty all of us to grant this request for a hearing before the Committee on Judiciary Special.

Mr. HUFFMAN. Mr. President, I just want to add my voice to what has been said by the Senator who has just seated. It has been the rule of this Senate for many years that when a request has been made for a hearing, that it be granted, and, for my part, this one is reasonable. I am for this bill—it is precisely as it is in the anthracite region, and I think we should have certificates granted to miners, but the request has been made here for a hearing, and I am for a hearing.

Mr. CAVALCANTE. Mr. President, I wish to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, be interrogated?

Mr. HARRIS. I will be pleased to be interrogated by the Senator from Fayette, Mr. Cavalcante.

Mr. CAVALCANTE. Mr. President, as this bill is now in possession and on the floor of the Senate for consideration, does the Senator from Allegheny think that this Senate is entitled to know the names of those who are seeking a public hearing on the bill?

Mr. HARRIS. Mr. President, I have never heard of that in my eight sessions as a member of this body. It is the first time that question has been raised.

Mr. CAVALCANTE. Mr. President, I thank the Sentaor from Allegheny, Mr. Harris.

And the question recurring,

Will the Senate agree to the motion to recommit?

The yeas and nays were required by Mr. CAVALCANTE and Mr. THOMPSON (Centre) and were as follows, viz:

YEAS—36

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Roberts, |
| Batchelor, | Homsher, | Norton | Rodgers, |
| Bennett, | Howell, | Owlett, | Rupp, |
| Buckman, | Huffman, | Pierson, | Salus, |
| Chapman, | Hunsicker, | Prince, | Shapiro, |
| Clark, | Kahle, | Rankin, | Sones, |
| Coyne, | Lanius, | Reed, | Staudenmeier, |
| Ealy, | Law, | (Dauphin) | Thompson, |
| Gelder, | Mallery, | Rice, | (Westmoreland) |
| Graff, | McClure. | | |

NAYS—3

| | | | |
|---|---|---|---|
| Baumer, | McCreesh, | Reed, | Thompson, |
| Cavalcante, | McGinnis, | (Washington) | (Centre) |
| Frey, | Pytko. | | |

So the question was determined in the affirmative.

## QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. (Centre). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON (Centre). This measure that we have just last voted upon is a matter of very great public consequence to a district like my own. While I hesitate to vote against the recommital of the bill for the purpose of a public hearing, because, after all, my voice will largely be found in favor of a public hearing, but I think sometimes a recommitment of bills is not given the proper consideration, and I would suggest on a matter such as this, where there is such a very vital public issue, that in order to avoid some of the unpleasantness that is forced upon some of us, that perhaps a way might be devised to hold these bills on the calendar pending a public hearing, rather than to recommit them to committees for that purpose. I offer that entirely as a suggestion, without any debate on the matter whatsoever.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceed to the second reading and consideration of Senate Bill No. 739 (House Bill No. 169), entitled:

An Act to validate certain proceedings improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT PRO TEMPORE (Mr. John C. Homsher), in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## REPORTS FROM COMMITTEES

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on Aeronautics re-reported as amended, Senate Bill No. 519, entitled:

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Public Health reported as committed, Senate Bill No. 649 (House Bill No. 1023), entitled:

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 668 (House Bill No. 88), entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 85, entitled:

An Act making an appropriation to the Board of Managers of the Seamen's Church Institute of Philadelphia, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 384, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases, of Philadelphia.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 385, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases, of Philadelphia.

Mr. RUPP. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP from the Committee on Judiciary General reported as committed, Senate Bill No. 442, entitled:

An Act providing for appeals in civil cases from the decisions of the courts of common pleas granting new trials.

## REPORTS FROM COMMITTEE

Mr. RANKIN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on County Government reported as committed, Senate Bill No. 222, entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; and abolishing the existing board for the assessment and revision of taxes, the department of assessors in cities of the second class and the city assessor in cities of the third class, in such counties.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Judiciary Special reported as committed, Senate Bill No. 617, entitled:

An Act to amend section three hundred and three of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by authorizing actions in trespass and punitive damages in certain cases.

## BILL INTRODUCED

Mr. NORTON (by Request). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON read in place and presented to the Chair, Senate Bill No. 771, entitled:

An Act authorizing guardians of minors to expend parts of the income of said minors in life insurance policies, with leave of the orphans' court, and stipulating the rights of such minors in regard thereto upon becoming of age.

Which was committed to the Committee on Insurance.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until 4:30 this afternoon.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILL RECOMMITTED

Mr. BATCHELOR. Mr. President, I move that Senate Bill No. 617, the bill just reported, be recommitted to the Committee on Labor and Industry.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

## REPORTS FROM COMMITTEE

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on County Government reported as committed, Senate Bill No. 246, entitled:

An Act to amend section eight of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended, by increasing the commission of the county treasurer; and providing that the same shall be for the use of the County.

Mr. LAW. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW from the Committee on Judiciary Special reported as committed, Senate Bill No. 743 (House Bill No. 835), entitled:

An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" by requiring three days to elapse between the application for and the issuance of the license.

Also from the Committee on Insurance reported as committed, Senate Bill No. 423 (House Bill No. 450), entitled:

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on County Government reported as committed, amended, Senate Bill No. 674 (House Bill No. 720), entitled:

An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended sections six hundred and fifty-four six hundred and fifty-five and six hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties to acquire lands for recreational purposes and to build parkways bridle paths and foot paths.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Insurance, reported as committed, Senate Bill No. 568 (House Bill No. 454), entitled:

An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities, townships and boroughs for payment of firemen's relief pension and retirement funds.

Mr. NORTON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON from the Committee on Insurance reported as committed, Senate Bill No. 321 (House Bill No. 552), entitled:

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

Also from the Committee on Insurance reported as committed, Senate Bill No. 771, entitled:

An Act authorizing guardians of minors to expend parts of the income of said minors in life insurance policies, with leave of the orphans' court, and stipulating the rights of such minors in regard thereto upon becoming of age.

Mr. HARRIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS from the Committee on County Government reported as committed, Senate Bill No. 749 (House Bill No. 1421), entitled:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor abolishing the elected directors of the poor and terminating the terms of those now in office but providing that certain directors shall continue as employes and repealing existing laws.

## BILLS INTRODUCED

Mr. CHAPMAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

Mr. PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN read in place and presented to the Chair Senate Bill No. 722, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Venango.

Which was committed to the Committee on Highways.

Mr. GRAFF. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF read in place and presented to the Chair, Senate Bill No. 773, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

John H. Schell, 1051 Dewey Avenue, Williamsport, Lycoming County, as Alderman of the 7th Ward of the City of Williamsport, Lycoming County, until the first Monday in January, 1936.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 2, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

S. S. Klein, 814 Brookline Blvd., Pittsburgh.

BERKS COUNTY

Mrs. Florence S. Balthaser, Virginville.
Harvey M. Bertolet, Oley.

BUCKS COUNTY

James G. Jackson, Bristol.

ERIE COUNTY

Chas. H. Leslie, Erie.
Miss Priscilla A. Reichert, Erie.

LACKAWANNA COUNTY

Miss Helen H. Tighe, Scranton.

LUZERNE COUNTY

Frank A. O'Neill, Plymouth.

MONROE COUNTY

Stuart D. Henry, East Stroudsburg.

PHILADELPHIA COUNTY

Miss Lucy Dougherty, 11th and Sansom Sts., Philadelphia.
Stephen J. Kovrak, 4624 Howell St., Philadelphia.
W. J. McElhinney, 1616 Walnut St., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 2, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

COLUMBIA COUNTY

Miss Cleo Nungesser, Berwick, April 4, 1935.

DELAWARE COUNTY

Miss Margaret G. Ford, Darby, April 7, 1935.

NORTHUMBERLAND COUNTY

O. W. Glass, Sunbury, April 7, 1935.

PHILADELPHIA COUNTY

Raymond Uzumecki, Philadelphia, April 8, 1935.

FRANKLIN COUNTY

Russell H. Frantz, Chambersburg, April 12, 1935.

PHILADELPHIA COUNTY

Samuel E. Weiner, Philadelphia, April 14, 1935.

BERKS COUNTY

Philip J. Auchter, Reading, April 17, 1935.

ALLEGHENY COUNTY

L. H. McMillen, Carnegie, April 28, 1935.

CARBON COUNTY

Clifford L. Snyder, Palmerton, May 6, 1935.

GEORGE H. EARLE.

## RECESS

Mr. REED (Dauphin). Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 51.

An Act to amend section eight of the act approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "Third class County Board Assessment Law," by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone.

HOUSE BILL No. 775.

An Act relating to the sale, delivery, weighing and importation of manure for mushroom growing; making certain practices in connection therewith misdemeanors, and fixing fines and penalties for the violation thereof; providing for the payment of such fines into the State Treasury; and requiring the Department of Agriculture to enforce the provisions of this act.

HOUSE BILL No. 332.

An Act to amend section two of the act, approved the second day of January, one thousand nine hundred and thirty-four 1933-34 (P. L. 200), entitled "An act authorizing officers, departments, boards and commissions of any political subdivision of the Commonwealth, and cities, counties, boroughs, incorporated towns, townships, school districts, to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances."

Whereupon, The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the prescence of the Senate signed the same.

## REPORTS FROM COMMITTEE

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM from the Committee on Municipal Government reported as committed, Senate Bill No. 669 (House Bill No. 224), entitled:

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 552 (House Bill No. 462), entitled:

An Act to validate and confirm certain contracts expenditures or payments heretofore made ratified or approved by councils of cities of the third class and to direct payments thereunder by the fiscal officers of such cities in certain cases.

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on County Government reported as committed, Senate Bill No. 560, entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens, one to be known as the general judgment or lien index or docket, and the other to be known as the in rem judgment or lien index or docket.

Mr. McCLURE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on Judiciary General reported as committed, Senate Bill No. 756, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest, and the allowing of discounts on certain county, city, borough, town, township, school district and poor district taxes.

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Judiciary General reported as amended, Senate Bill No. 616, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest, and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 768, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system; and making an appropriation.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Cyrus E. Dunlap, of R. D. 3, Mercer County, as Justice of the Peace in the Township of Jackson, Mercer County, until the first Monday in January, 1936.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE

That the Senate do advise and consent to the nomination reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Homsher, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Salus, |
| Bennett, | Huffman, | Prince, | Shapiro, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff. | Miller. | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

Mr. NORTON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON from the Committee on Judiciary General reported as amended, the following Resolution:

In the House of Representatives, March 12, 1935.

Whereas, A number of bills have been introduced in the House and Senate having a single purpose—to provide for the abatement of penalties and interest, in whole or in part, on delinquent taxes if these delinquent taxes are paid; and

Whereas, Taxpayers should be encouraged to pay their taxes in order that government may function, and legislation should be adopted at the earliest possible time to spur delinquent taxpayers to use every effort possible to pay their taxes; and

Whereas, Bills have passed the Senate and repose in House committees, bills have passed the House and repose in Senate committees, others are on the calendars and still others are in committee awaiting committee action; and

Whereas, It is apparent that confusion exists not only between the House and Senate as to the proper measure to be adopted, but as well among Members of the same House in passing more than one bill to accomplish substantially the same object; therefore be it

Resolved, (if the Senate concur), That the Speaker appoint five Members of the House, and the President pro tem of the Senate appoint five Members of the Senate, who together shall constitute a special committee, whose duty it shall be to draft a new bill or select an introduced bill, either House or Senate, which in its present or an amended form the committee deems to be a proper measure on the subject of abating penalties and interest on delinquent taxes, and to make report thereof to the Senate and House of Representatives as early as possible.

Mr. NORTON. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions lie on the table one day be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

The PRESIDENT. On behalf of the President Pro Tempore, the Chair announces as said Committee on the part of the Senate the Senator from Philadelphia, Mr. Salus, the Senator from Allegheny, Mr. Coyne, the Senator from Philadelphia, Mr. Shapiro, and the Senator from Westmoreland, Mr. Thompson.

Ordered, That the Clerk inform the House of Representatives accordingly.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 85, entitled:

An Act making an appropriation to the Board of Managers of the Seamen's Church Institute of Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 134. entitled:

An Act making an appropriation to the Home of Industry for Discharged Prisoners of the city of Philadelphia and State of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 135, entitled:

An Act making an appropriation to the Western Temporary Home, of Philadelphia, Pennsylvania.

And sid bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 184, entitled:

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 186, entitled:

An Act making an appropriation to the Friends' Home for Children, of the city of Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 187, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Commercial Museum, Exhibition and Convention Halls, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 222, entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class, and abolishing the existing board for the assessment and revision of taxes, the department of assessors in cities of the second class and the city assessors in cities of the third class, in such counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 246, entitled:

An Act to amend section eight of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return

to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended, by increasing the commission of the county treasurer; and providing that the same shall be for the use of the county.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 290, entitled:

An Act making an appropriation to the Rush Hospital for Consumption and Allied Diseases, of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 321 (House Bill No. 552), entitled:

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 330, entitled:

An Act making an appropriation to the Women's Hospital of Philadelphia, Preston and Parrish Streets, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 384, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases, of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 385, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases, of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 387, entitled:

An Act making an appropriation to the Mercy Hospital of Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 423 (House Bill No. 450), entitled:

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 441, entitled:

An Act to define the liability of grantees of real estate to their grantors in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 442, entitled:

An Act providing for appeals in civil cases from the decisions of the courts of common pleas granting new trials.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 552 (House Bill No. 462), entitled:

An Act to validate and confirm certain contracts expenditures or payments heretofore made ratified or approved by councils of cities of the third class and to direct payments thereunder by the fiscal officers of such cities in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 560, entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens, one to be known as the general judgment or lien index or docket, and the other to be known as the in rem judgment or lien index or docket.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 568 (House Bill No. 454), entitled:

An Act to amend subdivision (d) of article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by withdrawing from the assets of certain companies and associations carrying workmen's compensation insurance which have become insolvent a sum sufficient to pay all claims which may arise under policies issued by them and providing for the handling of such fund.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 616, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest, and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 649 (House Bill No. 1023), entitled:

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 665. entitled:

A further Supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College," and making an appropriation for carrying the same into effect.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 668 (House Bill No. 88), entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 669 (House Bill No. 224), entitled:

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 674 (House Bill No. 720), entitled:

An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended sections six hundred and fifty-four six hundred and fifty-five and six hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties to acquire lands for recreational purposes and to build parkways bridle paths and foot paths.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 696 (House Bill No. 1061), entitled:

An Act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 701 (House Bill No. 1354), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill 743 (House Bill No. 885), entitled:

An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of of the clerk of the orphans' court" by requiring three days to elapse between the application for and the issuance of the license.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 749 (House Bill No. 1421), entitled:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor abolishing the elected directors of the poor and terminating the terms of those now in offices but providing that certain directors shall continue as employes and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid asid for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 754, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 755, entitled:

An Act making an appropriation to the Temple University Garretson Hospital, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 756, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest, and the allowing of discounts on certain county, city, borough, town, township, school district and poor district taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 768, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 771, entitled:

An Act authorizing guardians of minors to expend parts of the income of said minors in life insurance policies, with leave of the orphans' court, and stipulating the rights of such minors in regard thereto upon becoming of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:23 P. M. until Wednesday, April 3, 1935, at 11 o'clock A. M.

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# HOUSE OF REPRESENTATIVES

TUESDAY, April 2, 1935

The House met at 11:00 o'clock A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend J. N. Faust, pastor of Lechey's Reformed Charge, Spring Grove, offered the following prayer:

Almighty God, searcher of hearts, guide of all who place their trust in Thee, ruler of States and nations. We thank Thee for the blessings Thou hast bestowed upon the people of our state and nation in the times of prosperity. We bless Thee for the guidance of our rulers in times of stress and grave responsibilities. We praise Thee for the spirit of Thy Love that is giving the spirit of true loyalty that people may enjoy the blessings from Thy Fatherly hand, through obedience to the laws of the state and the laws of God.

Look mercifully upon this assembly bowed in the spirit of worship, waiting for guidance and wisdom from God that they may legislate aright for the best interests of the people of our commonwealth. Give to each one a full sense of responsibility toward their fellowman and toward God.

Bless the President of the United States; the members of our national congress; the governor of our state and all members of the state legislature. Bless the people of our state and of our nation that they will be obedient to law as Jesus taught obedience when he said, "Render to Caesar the things that are Caesars and unto God the things that are God's". This we ask in the spirit of the love of the Triune God. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. Robert Boyd the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. JOHN J. BAKER. HOUSE BILL No. 1867.

An Act relating to bowling on Sunday; prohibiting bowling on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same, and, in certain cases a license has first been secured from the municipal authorities;

providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws.

Referred to the Committee on Law and Order.

By Mr. WEISS. HOUSE BILL No. 1868.

An Act to amend section nine hundred and five of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorderes of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations"

Referred to the Committee on Corporations.

By Mr. TURNER. HOUSE BILL No. 1869.

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements; defining the powers and duties of the Department of Highways and the Water and Power Resources Board; authorizing political sub-divisions, persons, copartnerships, associations, corporations and the Board of Fish Commissioners to contribute to the cost of the construction, maintenance and repair of any such dam; providing for acceptance by agencies of the Commonwealth of gifts and lease of lands; and making appropriations from the Motor License Fund and the Fish Fund.

Referred to the Committee on Forestry.

By Mr. ROBINSON. HOUSE BILL No. 1870.

An Act to establish as a State highway a certain section of public road in the County of Allegheny, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 1871.

An Act requiring each relief organization or agency, authorized to distribute or furnish direct or work relief from State or Federal moneys, to have their records open to public inspection.

Referred to the Committee on Judiciary Special.

By Mr. SHAW (By Request). HOUSE BILL No. 1872.

An Act providing for and regulating the appointment, promotion, reduction in rank, and removal of the paid members of the bureau of fire, bureau of police, bureau of detectives, bureau of electricity, bureau of electricity in connection with fire and police departments, police telephone operators and their assistants, and police radio operators and their assistants in cities of the second class; second class, the members thereof to receive salaries to be payable by cities of the second class; defining the powers and duties of such civil service commissions; imposing certain duties and expenses on cities of the second class; imposing penalties; and repealing inconsistent laws.

Referred to the Committee on Cities.

By Mr. HOLLAND. HOUSE BILL No. 1873.

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by limiting the hours of service of operators of commercial motor vehicles, motor omnibuses, motor buses and tractors; requiring such operators to keep certain records; and imposing penalties.

Referred to the Committee on Highways.

By Mr. FRANK P. HAMILTON. HOUSE BILL No. 1874.

An Act to repeal the act, approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "An act regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto."

Referred to the Committee on Judiciary General.

By Mr. ZAPPALA. HOUSE BILL No. 1875.

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts, where such minimum wage stipulations are violated, and for the recovery of such penalties.

Referred to the Committee on Municipal Corporations.

By Mr. NAGEL. HOUSE BILL No. 1876.

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, asso-

ciation, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties, the interest charges shall be stricken off.

Referred to the Committee on Ways and Means.

By Mr. COAKLEY. HOUSE BILL No. 1877.

An Act to establish as a State highway a certain section of public road in the County of Northampton; and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. GATES and ATKINS.
HOUSE BILL No. 1878.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Armstrong.

Referred to the Committee on Highways.

By Mr. SUMNEY. HOUSE BILL No. 1879.

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

Referred to the Committee on Appropriations.

By Mr. POWERS. HOUSE BILL No. 1880.

An Act making an appropriation to the New Future Association, located on Sherman Avenue, North Side Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. POWERS. HOUSE BILL No. 1881.

An Act to amend section two of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled, "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," limiting the effect of dishonorable discharge.

Referred to the Committee on Military Affairs.

By Mr. MALE. HOUSE BILL No. 1882.

An Act relating to rag dolls, teddy bears, and toys and playthings of a similar kind; regulating the making, remaking, renovating, sterilizing, disinfecting, sale, leasing, delivering, consigning and having in possession thereof with intent to sell, lease, deliver or consign the same; providing for the tagging of such toys and playthings, and fixing the fees for such tags and for adhesive stamps; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. MALE. HOUSE BILL No. 1883.

An Act relating to cats and the preservation of poultry and birds from destruction by cats providing for the licensing of cats and providing a penalty.

Referred to the Committee on Game.

By Mr. POWERS. HOUSE BILL NO 1884.

An Act making certain prisoners liable for their maintenance.

Referred to the Committee on Judiciary General.

By Mr. STEVENS. HOUSE BILL No. 1885.

An Act to amend section two hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by exempting from the provisions thereof persons fishing in the waters of the Delaware River, lying between New York and Pennsylvania; holding a fishing license issued by the State of New York.

Referred to the Committee on Fisheries.

By Mr. SOWERS. HOUSE BILL No. 1886.

An Act relating to criminal procedure; imposing upon magistrates, aldermen, and pustices of the peace conducting preliminary hearing the duty of obtaining two names of persons whom defendants desire notified of time of trial; and imposing upon the district attorney the duty of notifying such persons.

Referred to the Committee on Judiciary General.

By Mr. FURMAN. HOUSE BILL No. 1887.

An Act requiring assessors and registry assessors performing duties with respect to the assessment, registration and enrollment of voter to attend at their election polls on the day of any municipal, general, and primary election; and fixing their compensation payable by counties.

Referred to the Committee on Elections.

By Mr. O'NEILL. HOUSE BILL No. 1888.

An Act to prohibit the manufacture, importation, sale and possession of stench bombs and sneezing and itching powder; and prescribing penalties.

Referred to the Committee on Judiciary Local.

By Mr. ALEXANDER. HOUSE BILL No. 1889.

An Act to decrease the expenses of the Commonwealth by providing that mercantile appraisers' lists shall not be published in newspapers in any city or county of the Commonwealth and repealing acts and parts of acts relating thereto.

Referred to the Committee on Ways and Means.

By Mr. McCREARY. HOUSE BILL No. 1890.

An Act adjourning county treasurers sales of seated and unseated lands in counties of the fourth class to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six until the time fixed by law for such sales in the year one thousand nine hundred and thirty-seven or any later date to which such sales may be adjourned, and suspending existing laws.

Referred to the Committee on Counties.

By Mr. HAGERTY. HOUSE BILL No. 1891.

An Act to provide revenue by taxation by an assessment of two per centum tax on premiums of foreign insurance companies doing what is commonly known as automobile, theft, property and accident insurance, and to further provide for the distribution of the said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships within the Commonwealth.

Referred to the Committee on Ways and Means.

By Mr. McCREARY. HOUSE BILL No. 1892.

A Joint Resolution proposing an amendment to articles two and three of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. McCREARY. HOUSE BILL No. 1893.

An Act to amend section one thousand six hundred and five of the act, approved the eighteenth day or May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" further regulating the daily school hours according to standard time.

Referred to the Committee on Education.

By Mr. DENT. HOUSE BILL No. 1894.

An Act to amend section thirteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, providing that at primary elections in boroughs, towns, or townships any elector not enrolled as a member of a political party or whose name is not on the assessors registry list may vote by proving his right thereto in the same manner as at general elections and making affidavit as to his party membership.

Referred to the Committee on Elections.

By Mr. MOUL. HOUSE BILL No. 1895.

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended.

Referred to the Committee on Appropriations.

By Mr. WESTRICK. HOUSE BILL No. 1896.

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

Referred to the Committee on Appropriations.

By Mr. EROE. HOUSE BILL No. 1897.

An Act to amend paragraph (b) of section eleven of article three of the act, approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven, and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other

legislation inconsistent with or supplied by this act," by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies, or affiliated interests, involving loans of money to such public service companies.

Referred to the Committee on Public Utilities.

By Mr. BURKE. HOUSE BILL No. 1898.

An Act providing for the assessment of benefits against land adjacent to any land taken by a municipality for any municipal purpose including parks or playgrounds and providing for the making of such assessments by the Board of View and the entry of such assessments as liens.

Referred to the Committee on Municipal Corporations.

By Mr. BURKE. HOUSE BILL No. 1899.

An Act authorizing and empowering cities of the first class to purchase or acquire by condemnation proceedings such real estate within the city limits as they may need upon which to erect or construct municipal buildings, fire engine houses, gas and electric light works and for playgrounds, public parks or other municipal purposes (other than laying out, opening, altering or maintaining roads, highways, streets or alleys), and within or without the city limits upon which to erect hospitals, water works and power houses, and for the purpose of a poor farm or farms or penal institutions, providing and regulating the procedure in purchase and condemnations, the right on the part of the city to rescind such condemnations, and governing the time and manner of taking possession.

Referred to the Committee on Cities.

By Mr. BURKE. HOUSE BILL No. 1900.

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking, injury or destruction of private property under the right of eminent domain, where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

Referred to the Committee on Judiciary General.

By Mr. BURKE. HOUSE BILL No. 1901.

An Act regulating the procedure in the court of common pleas in cases where there shall be divers claimants in different rights for all or part of a single award of damages or verdict in favor of any one of such claimants in matters arising under the exercise of the right of eminent domain.

Referred to the Committee on Judiciary General.

By Mr. BURKE. HOUSE BILL No. 1902.

An Act providing for the introduction in evidence of the report of a board of view upon the trial of any appeal therefrom, which report shall be prima facie evidence of benefits.

Referred to the Committee on Judiciary General.

By Mr. BURKE. HOUSE BILL No. 1903.

An Act providing for the assessment of costs and expenses of owners and tenants of property which it has been proposed to condemn under the right of eminent domain when the proposed condemnation has been rescinded or abandoned.

Referred to the Committee on Judiciary General.

By Mr. TUMELTY. HOUSE BILL No. 1904.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board; further defining the powers and duties of such board and its members; and transferring certain powers of the board over referees from the board to the Departmnt of Labor and Industry.

Referred to the Committee on State Government.

By Mr. SIMON. HOUSE BILL No. 1905.

An Act to amend sections six and seven of the act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws, six hundred sixty-one), entitled "An act relating to the maintenance of insane, feeble-minded, and other persons confined to the various institutions of the Commonwealth; fixing liability for their support; providing for the collection of the moneys due the Commonwealth therefor, and for proceedings relating thereto," by defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth for the maintenance and support of insane, feeble-minded, and other persons confined in various institutions of the Commonwealth.

Referred to the Committee on Judiciary General.

By Mr. MENTZER. HOUSE BILL No. 1906.

An Act to amend the act, approved the nineteenth day of July, one thousand nine hundred thirteen (Pamphlet Laws, eight hundred forty-three), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees, and prescribing a penalty for non-compliance therewith," by further defining the duty of employers to make reports of injuries received by their employes; requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so; and clarifying the provisions of the act pertaining to the evidential value of such reports.

Referred to the Committee on Corporations.

By Mr. TRONZO. HOUSE BILL No. 1907.

An Act to further amend section eleven of the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by eliminating the provision making the fund available for payment to the Treasury Department of the cost of making disbursements out of the fund.

Referred to the Committee on Insurance.

By Mr. OMINSKY. HOUSE BILL No. 1908.

An Act to amend subdivision (d) of article six of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by requiring workmen's compensation insurers to set apart funds sufficient to pay established claims; making such insurers trustees of such funds; and relieving such funds of liability for the general debts of such insurers.

Referred to the Committee on Insurance.

By Mr. EROE. HOUSE BILL No. 1909.

An Act to amend section three of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and re-conviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentaries," as amended; authorizing the appointment of additional probation officers and clerks, providing that probation officers shall be furnished with suitable offices and supplies, and requiring them to keep records and accounts.

Referred to the Committee on Judiciary General.

By Mr. EROE. HOUSE BILL No. 1910.

An Act to amend sections three and four of the act, approved the twelfth day of June, one thousand nine hundred and thirteen (P. L. 502), entitled "An act to increase the powers of courts in summary proceedings for desertion or non-support of wives, children, or aged parents, by directing that imprisonment in such cases by at hard labor in such institution as the court shall name, with the wages payable to the wives, children, or parents; providing for the disbursement of moneys collected on forfeitures of bonds, bail-bonds, or recognizances; and by empowering such courts to appoint desertion probation officers for the performance of such duties as the court shall direct; and providing for the payment of the expenses incident to the carrying out of this act," requiring such probation officers to keep records and accounts, providing that they shall be furnished with offices and supplies; and authorizing the appointment of clerks for such officers.

Referred to the Committee on Judiciary General.

By Messrs. DENT and BALDI. HOUSE BILL No. 1911.

An Act permitting, licensing, regulating and controlling horse racing and betting and wagering on such races; creating a State racing commission with jurisdiction over the same; defining its powers and duties; imposing certain license fees and State taxes; providing penalties; providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon; and making an appropriation.

Referred to the Committee on Ways and Means.

By Mr. RUTH. HOUSE BILL No. 1912.

An Act to control and regulate the dispensing of alcoholic beverages at retail under licenses, as defined; dividing the Commonwealth into Retail Licensing Districts; creating District Retail Licensing Boards, defining their powers and duties and providing for employees of such boards and fixing salaries; imposing certain duties upon the Department of Public Instruction; authorizing and restricting certain classes of licenses for the dispensing of alcoholic beverages, and the issuing, transferring, revoking and suspending of such licenses; limiting the number of such licenses of certain classes which may be granted upon a basis of proportion to population; fixing certain license fees for different classes of such licenses and providing for the payment thereof; prohibiting certain practices in dispensing liquors, certain interests therein and connections therewith, by licensees and others; providing for the submission to the electors of certain municipalities and counties of the question of whether certain classes of such licenses shall or shall not be granted for such municipalities; making disposition of license fees and other monies; and imposing penalties.

Referred to the Committee on Law and Order.

By Mr. HARMUTH. HOUSE BILL No. 1913.

An Act to promote the general welfare by establishing a State Employment Authority, to investigate causes of unemployment, and provide productive work in factories and mines for the unemployed, the products of which shall be distributed under the supervision of the Authority to the unemployed and needy persons, to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress; imposing a penalty; and making an appropriation.

Referred to the Committee on Judiciary Special.

By Mr. RUTH. HOUSE BILL No. 1914.

An Act to amend clause seven of section one of the act approved the eighteenth day of July, one thousand nine hundred and seventeen, (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof, establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds, imposing powers and duties upon boards having the employment of public school employes, exempting annuities, allowances, returns, benefits and rights from taxation and judicial process, and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System to be reimbursed for moneys which they have paid in.

Referred to the Committee on Pensions and Gratuities.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 4. (HOUSE BILL No. 1915).

An Act to amend sections twenty-six twenty-nine and thirty of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of

damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended providing for the payment of claims for damages for live stock dying from or killed because of rabies.

Referred to the Committee on Agriculture.

SENATE BILL No. 141. (HOUSE BILL No. 1916).

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 329. (HOUSE BILL No. 1917).

An Act making an appropriation to the Trustees of the University of Pittsburgh for the maintenance of the Falk Clinic of the University of Pittsburgh including instruction of the students in the School of Medicine of the University of Pittsburgh in the departments of the Falk Clinic not included in the instruction given in hospitals.

Referred to the Committee on Appropriations.

SENATE BILL No. 620. (HOUSE BILL No. 1918).

An Act making an appropriation to the South Side Hospital of Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 621. (HOUSE BILL No. 1919).

An Act making an appropriation to the Saint Francis Hospital of the City of Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 702. (HOUSE BILL No. 1920).

An Act making an appropriation to the Reading Hospital of Reading Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 703. (HOUSE BILL No. 1921).

An Act to amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by extending the provisions thereof to license fees erroneously and inadvertently paid and making such extension retroactive for a certain period.

Referred to the Committee on Counties.

SENATE BILL No. 708. (HOUSE BILL No. 1922).

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisors and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended.

Referred to the Committee on Appropriations.

SENATE BILL No. 710. (HOUSE BILL No. 1923).

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation.

Referred to the Committee on Military Affairs.

SENATE BILL No. 712. (HOUSE BILL No. 1924).

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examinaiton licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to corporations not perviously licensed.

Referred to the Committee on Education.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. JOHN E. BROWN (Concurrent).

RESOLUTION No. 109.

In the House of Representatives, April 1, 1935.

Whereas, The General Assembly is required to recognize the urgent need of $5,000,000 of additional revenue not later than April 15th to meet the requirements of the Federal Emrgency Relief Administration for further Federal funds; and

Whereas, If the present custom is followed, but six legislative days intervene before that time, thus making it impossible to pass the necessary legislation; therefore be it

Resolved, (if the Senate concur), That the Senate and House of Representatives remain in continuous session, without adjournment, until the necessary revenue measures have been passed to meet the need recited in the preamble hereof.

Referred to the Committee on Rules.

By MR. HORST (Concurrent) RESOLUTION No. 110.

In the House of Representatives, April 1, 1935.

Whereas, A number of investigating committees have been created by the House of Representatives to investigate the affairs of local relief boards in particular counties; and

Whereas, It is apparent, from the widespread dissatisfaction, that some inherent defect exists in the present system of relief distribution, and that enormous sums of public money are being expended and are requested for the next fiscal biennium when no taxpayer appears to be assured that such expenditures are actually needed; and

Whereas, Taxpayers are demanding that the light of publicity be thrown upon the whole system of distributing public relief and that some system be devised to cull from the list of recipients of relief those who are unworthy, those who abuse the aid extended to them, and those who paint false pictures of economic conditions in order to fasten a dole system, foreign to American traditions, on the body politic; and

Whereas, The system of investigating relief distribution in particular localities, while beneficial to the locality affected, fails to approach the task of placing relief upon a sound State-wide business basis, whereby red tape may be eliminated and those actually in need aided in a manner suitable to an American citizen; therefore, be it

Resolved (if the Senate concur), That the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint three members of their respective Houses, whose duty it shall be (a) to make a searching and impartial study and investigation of the distribution of public relief throughout this Commonwealth, (b) to ascertain whether, and in what respect, the present system is open to abuse, (c) to ascer-

tain whether additional legal safeguards should be provided, (d) to ascertain whether appropriations for relief may be reduced, (e) to collate and digest reports of other investigating committees, and (f) to investigate such other facts and circumstances as may be deemed necessary and advisable to enable the General Assembly to act with some degree of certainty and establish an impartial, unpolitical, unwasteful, and business system of aiding those of our unfortunates in need and eradicating and punishing those who take advantage of distressing economic conditions for their personal, selfish ends, whether as recipients of relief or as distributors thereof.

Resolved, That said committee shall make a report of its findings to this General Assembly as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Judiciary Special.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 51.

An act to amend section eight of the act approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes, providing for the appointment of the members of such board by the county commissioners; providing for their salaries payable by the county, abolishing existing boards, defining the powers and duties of such board, regulating the assessment of persons, property and occupations for county, borough, town, township, school and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers and clerks, providing for their compensation payable by such counties, abolishing the office of ward, borough and township assessors so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities," by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone.

HOUSE BILL No. 775.

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act.

With the information that the Senate has passed the same without amendment.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk:

### STREAM POLLUTION

A resolution from the City Council of Pittsburgh advocating the passage of legislation for the abatement of stream pollution.

Referred to the Committee on Public Health and Sanitation.

### BLUE LAWS

A resolution from members of the Jefferson Center Presbyterian Church addressed to Mr. Murrin protesting amendment of Blue Laws.

Referred to the Committee on Law and Order.

## LEAVE OF ABSENCE

Mr. Alexander asked and obtained leave of absence for Mr. HETRICK.

## REPORTS FROM COMMITTEES

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 1278, entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys.

Mr. VAN SICKLE from the Committee on Judiciary General reported as committed, House Bill No. 1689, entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568), entitled "An act relating to the commencement of actions," requiring more specific statements in the return of writs of summons.

Mr. OMINSKY from the Committee on Judiciary General reported as committed, House Bill No. 1078, entitled:

An Act relating to judgments by agreement.

Mr. RUFFENNACH from the Committee on Judiciary General reported as committed, House Bill No. 1737, entitled:

An Act to amend the title and the act approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by extending the scope of the title; defining and further prohibiting the practice of law and providing additional penalties, including the forfeiture of corporate charters for violations of the act

Mr. HOMER S. BROWN from the Committee on Judiciary General reported as committed House Bill No. 1419, entitled:

An Act to further amend section one thousand seven hundred four of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of

accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by imposing penalties upon certain corporations and associations for failure to pay taxes imposed upon them.

Mr. EBERHARTER from the Committee on Judiciary General reported as committed, House Bill No. 1195, entitled:

A Supplement to the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," providing for the return of summons in actions brought before justices of the peace, aldermen and magistrates.

Mr. EBERHARTER from the Committee on Judiciary General reported as amended, House Bill No. 49, entitled:

An act to amend the title and section one of the act, approved the nineteenth day of June, one thousand nine hundred and thirteen (P. L. 528), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," by extending the provisions of said act to cases of kidnapping punishable by death.

Mr. EBERHARTER from the Committee on Judiciary General reported as amended, House Bill No. 50, entitled:

An act to amend section one of the act approved the fourth day of April, one thousand nine hundred and one, (P. L. 65), entitled "An act to punish kidnappers, their aiders, assistors, and abettors," by imposing the penalty of death in all cases of kidnapping with intent to extort money or other valuable thing.

Mr. COHEN from the Committee on Judiciary General, reported as committed, House Bill No. 694, entitled:

An Act to amend section two of the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, providing for the service of process upon the Secretary of Revenue by registered mail.

Mr. STANK from the Committee on Ways and Means reported as committed, House Bill No. 95, entitled:

An act to add clause (p) to section two hundred two, and to amend sections seven hundred two, seven hundred seven, paragraph (d) of section eight hundred one and section eight hundred four of act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale. the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by providing for the settlement and collection of a franchise tax on foreign corporations; requiring such corporations to file reports, and providing a penalty for failure to do so.

Mr. GEORGE E. DOWNEY from the Committee on Ways and Means reported as committed, House Bill No. 1631, entitled:

An Act to provide revenue by imposing a State excise tax upon all gifts, as herein defined, made within this Commonwealth, or of property situated therein; providing for the collection and lien of the tax, and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties upon certain persons, associations, partnerships, corporations, and State departments, and imposing penalties.

Miss BRANCATO from the Committee on Judiciary General reported as committed, House Bill No. 1654, entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury, regulating such trials, and conferring a jurisdiction upon the judges of the several courts in such cases.

Mr. BAINE from the Committee on Ways and Means reported as amended, House Bill No. 1611, entitled:

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth, establishing Ports of Entry to aid in the collection of said taxes; conferring powers, and imposing duties upon certain officials, boards and departments of this Commonwealth and political subdivisions thereof; providing for the collection and disposition of the tax and for the administration and enforcement of the act; providing penalties and making an appropriation.

Mr. HOOPES from the Committee on Judiciary General reported as committed, House Bill No. 1415, entitled:

An Act to amend section thirty-one of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled, "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and annulment of bigamous marriages thereto;" providing that the entry of an appearance for the respondent shall not be deemed collusive.

Mr. TAHL from the Committee on Judiciary General reported as committed, House Bill No. 1722, entitled:

An Act making voidable certain releases of damages for personal injuries or for death resulting from such injuries.

Mr. BLUMBERG from the Committee on Judiciary General reported as committed, House Bill No. 1798, entitled:

An Act to promote public morals, abolishing civil causes of action for alienation of affections except in certain cases, seduction, criminal conversation, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file or threaten to cause to be filed, any such action fixing a time for the commencement of such causes of action heretofore accrued, declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties.

Mr. BLUMBERG from the Committee on Judiciary General reported as committed, House Bill No. 1279, entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings; and phohibiting duplicate payments.

Mr. BAINE from the Committee on Elections reported as committed, Senate Bill No. 71 (House Bill No. 1810), entitled:

An Act to amend section forty-two of and to add section thirty-five A to the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors and changing certain penalties.

## RESOLUTIONS

### MEMORIALIZING CONGRESS TO DESIGNATE GENERAL PULASKI MEMORIAL DAY

Mr. BARBER asked and obtained unanimous consent to offer the following resolution which was twice read, as follows:

In the House of Representatives, April 2, 1935.

Whereas, A resolution providing for the President of the United States of America to proclaim October 11th of each year as "General Pulaski's Memorial Day" for the observance and commemoration of the death of Brigadier General Casimir Pulaski, is now pending in the present session of the United States Congress; and

Whereas, The 11th day of October, 1779, is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Georgia; and

Whereas, The States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and other States of the Union, through legislative enactment, designated October 11th of each year as "General Pulaski's Memorial Day;" and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

Whereas, The Congress of the United States of America has, by legislative enactment, designated October 11th, 1929, October 11th, 1931; October 11th, 1932; and October 11th, 1934, to be "General Pulaski's Memorial Day" in the United States of America; now, therefore, be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, the "General Pulaski's Memorial Day" resolution now pending in the United States Congress;

Resolved, That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and each of the United States Senators and Representatives from Pennsylvania.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

### TO DISCHARGE COMMITTEE ON WAYS AND MEANS

Mr. ROONEY offered resolution which was twice read by the Clerk as follows:

In the House of Representatives, April 2, 1935.

Resolved, That the Committee on Ways and Means be discharged from further consideration of House Bill No. 722, entitled "An act providing for the levy and collection of a tax upon sales of tangible personal property at retail for school purposes; requiring vendors to be licensed and imposing duties on vendors; imposing duties on county treasurers, on the fiscal officers and agencies of the Commonwealth, and on the Department of Public Instruction; prescribing penalties; making appropriations of the proceeds of said tax, and prohibiting school districts receiving proceeds from said tax from levying taxes on real property and other subjects of taxation except to pay funded indebtedness;" said bill having been in the hands of said Committee ten days and more, having been committed to said Committee February 12th, 1935.

On the question,

Will the House adopt the resolution?

Mr. COHEN. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Rooney?

The SPEAKER. Will the gentleman from Allegheny, Mr. Rooney, permit himself to be interrogated?

Mr. ROONEY. Mr. Speaker, I will.

Mr. COHEN. Mr. Speaker, I desire to ask the gentleman if he at any time consulted either with the gentleman from Berks, Mr. Ruth, or the gentleman from Greene, Mr. Furman, who was the acting chairman of the Committee on Ways and Means, during Mr. Ruth's illness,

and expressed his desire to have this bill reported out of committee?

Mr. ROONEY. Mr. Speaker, in answer to the gentleman's question, I think that from February 12th until now, a period of two months, was sufficient time for your committee to go over this bill.

Mr. COHEN. Mr. Speaker, may I ask that the gentleman from Allegheny give an answer to the question which I ask him?

The SPEAKER. That is a matter for the gentleman himself, what answer he wishes to make.

Mr. ROONEY. Mr. Speaker, I think I gave the gentleman a proper answer to his question.

Mr. COHEN. Mr. Speaker, may I ask again, did the gentleman at any time consult with Mr. Ruth or with Mr. Furman and express to them his desire to have this bill reported out of committee?

Mr. ROONEY. I did not, Mr. Speaker, but I think that by my offering this bill it was sufficient when I presented it to the clerk, that your Committee should have gone over the bill, looked it over and given us a chance to vote on it.

Mr. COHEN. Mr. Speaker, may I ask the gentleman how many bills he has presented?

## POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, will state his point of order.

Mr. WITKIN. The question asked is not pertinent to the question now before the House.

Mr. COHEN. Mr. Speaker, may I ask the gentleman from Allegheny, Mr. Rooney, whether he has done anything in an effort to have those bills reported out of committee or have this bill reported out of committee except to file this motion now?

## RESOLUTION WITHDRAWN

Mr. ROONEY. Mr. Speaker, I will withdraw my resolution and offer my bill again next Monday to the Ways and Means Committee of this House.

## TO EXTEND PRIVILEGE OF FLOOR

Mr. BURKE offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 2, 1935.

Whereas, The members of the House of Representatives desire to extend to the executive officers of the Commonwealth, and their immediate subordinates; and past members of the House and their families, the privilege of being on the floor of the Hall of the House; therefore be it

Resolved, That the Chief Sergeant-at-Arms be directed to admit the executive officers of the Commonwealth and their immediate subordinates; past members of the House and their families, to the Hall of the House and if seats are not available, such persons may stand at the rear of the Hall of the House.

The SPEAKER. The Chair will direct the Clerk to read Rule No. 91, which we adopted and which contains practically all that is contained in this resolution with few exceptions.

The Clerk read Rule of the House No. 91 as follows:

"None but members of the Senate, their officers, the Governor and heads of the State departments, Judges of the courts of this Commonwealth, and families of the members of the present House and Senate, former members of the Legislature when introduced by a member of the present House and others who may be especially introduced by a member, by permission of the Speaker, shall be permitted to come upon the floor of the House during its session; and no person shall be permitted to occupy the seats of the members; or interrupt a member by speaking to him in his seat, while the House is in session; and it shall be the duty of the Sergeant-of-Arms to give notice to any person offending against this rule."

The SPEAKER. The Chair very much deplores the introduction of this resolution, because if it is passed it would break down everything that we accomplished a week ago in the way of preserving order. However, if the House wishes to pass it that is up to the House. The House is its own boss.

## RESOLUTION WITHDRAWN

Mr. BURKE. Mr. Speaker, I wish to withdraw the resolution.

## RESOLUTION NO. 79

Mr. SHREINER. Mr. Speaker, I desire to call up at this time Resolution No. 79, Printer's No. 450.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 5, 1935.

Whereas, The present session of the General Assembly is composed of members elected from political parties which have all gone on record as favoring legislation protecting the rights of labor and labor organizations; now therefore be it

Resolved (if the Senate concur), That the administrative authorities in charge of the printing for the Commonwealth be urged to have printed all stationery, envelopes and other desk materials used by the various branches of the Executive, Judicial and Legislative Departments of the State Government, in printing shops that can furnish the Allied Printing Trades Council Label or Typographical Union Label and that such labels be displayed thereon.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION No. 96

Mr. HALUSKA. Mr. Speaker, I desire to call up at this time Resolution No. 96, Printer's No. 419.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 19, 1935.

Whereas, The State Emergency Relief Board expends large sums of money for the purchase of supplies, which if expended for Pennsylvania products will afford work for the unemployed and lessen expenditures for unemployment relief, therefore be it

Resolved, That the House of Representatives requests the State Emergency Relief Board to specify, wherever possible, in its purchase of supplies for distribution to the unemployed, products of Pennsylvania manufacture where such products are equal in quality and not in excess of the price of products manufactured in other states.

On the question,

Will the House adopt the resolution?

It was adopted.

Mr. ANDREWS in the Chair.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1151, entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and non-residents and providing for their exceptions to the tax on transient merchants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1152, entitled:

An Act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1153, entitled:

An Act to amend section two thousand nine hundred ten as amended and section two thousand nine hundred twenty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## TIME EXTENDED ON BILL

Mr. MOOMAW asked and obtained consent for an extension of time for House Bill No. 1045 Printer's No. 338 page No. 2 bill on second reading, to remain on the calendar.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 932, as follows:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

Article I

Procedure for Adoption or Discontinuance

Section 101 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in pursuance of the authority granted by section one of article fifteen of the Constitution of the Commonwealth any city of third class may adopt the city manager plan of government by the following procedure

Section 102 Question to be Voted on for Adoption Any city of the third class shall become subject to all the provisions of this act upon submission to the electors of such city at a public election and the adoption by a majority vote of the electors voting thereon of the following question

"Shall the city of .....adopt the city manager plan of government"

Section 103 Procedure for Securing Submission The county commissions of the proper county shall submit such question to the electors of such city upon the adoption of a resolution by the council of such city requesting the holding of such an election and the filing of a duly certified copy thereof with the county commissioners or upon the filing with the county commissioners of a petition making such request signed by qualified electors of the city equal in number to at least ten per centum of the population of the city according to the last United States census

Section 104 Regulations Concerning Petitions for Submission Petitions for such purpose shall be signed in ink or indelible pencil Each elector signing shall give his occupation place of residence and date of signing No signature shall be valid unless affixed thereto within thirty days of the filing thereof Any number of such petitions may be circulated among the electors contemporaneously and all separate original petitions when filed shall be treated together as one original petition Each separate petition paper shall be verified by the affidavit of the circulator thereof before any officer authorized to administer oaths Such affidavit shall set forth the residence of the circulator by street and number or other description sufficient to identify the place and shall state that each signature on the nomination paper was made in his presence on the date indicated and is the genuine signature of the person whose name it purports to be

Section 105 Time and Manner of Submission The question shall be submitted to the electors at the next general or municipal election occurring not less than sixty days after the filing of the petition or resolution The question shall be placed on the ballot votes cast thereon and returns made and computed in the manner and under the regulations provided by law for the submission of constitutional amendments or other questions to a vote of the people

Section 106 Resubmission Permitted The failure of the electors to adopt the city manager plan at any election shall not prevent the submission of the question under the provisions hereof at any general or municipal election occurring at least three years thereafter

Section 107 Effective of Adoption If the electors of the city vote affirmatively on the adoption of the city manager plan the city shall thereafter be governed under the provisions of Article II of this act which shall take effect therein on the first Monday of January folloking the next succeeding election of city councilmen

Section 108 Transition to Manager Plan All officers and employes of any city holding office at the time the city manager plan goes into effect therein under the provisions of this act shall continue in office until superseded by the appointment or election of their successors or the termination of their offices as herein provided The council shall have power to provide by ordinance for any details of the transition to the manager plan not specified by law

Section 109 Procedure for Discontinuance Any city which has adopted the city manager plan may discontinue its use by a vote of the electors thereof initiated by a resolution or petition requesting such a vote under the requirements prescribed herein for a vote on the adoption of the plan The question printed on the ballot in such cases shall be

"Shall the city manager plan of government be continued in the City of ....."

No proceedings shall be taken to discontinue the plan until it has been in effect at least two years

Section 110 Effect of Discontinuance If the electors of the city vote against continuing the city manager plan of government the city shall cease to be governed by the provisions of Article II of this act on the first Monday in January following the next succeeding election of city councilmen and the city shall then be governed as provided by

general law The city council shall have power to provide for the transition by ordinance A city which has adopted the city manager plan of government under the provisions of this act and subsequently discontinued it may readopt it by the same procedure as that provided for its original adoption but no proceedings shall be taken to readopt the plan until at least two years after it has been discontinued

Section 111 Notice of Election Notice by advertisement of the holding of each election for the adoption or discontinuance of the city manager plan shall be given in the manner and under the regulations provided by law for the giving of notice of the holding of elections for the election of public officers and the adoption of constitutional amendments or other questions

Section 112 Watchers Electors filing petitions for the adoption or discontinuance of the city manager plan under the provisions of this act may in any such petition designate not less than three nor more than twenty-five of their number as a political committee which committee shall have the same rights as political parties to appoint watchers in the manner required by law at any election to be held for the adoption or discontinuance of the city manager plan under the provisions of this act Such a political committee with the same power to appoint watchers may also be designated by a petition filed with the county commissioners for that purpose and signed by qualified electors of the city at least equal in number to one-tenth of the number required for submission of the question of adoption or discontinuance of the city manager plan by petition under the provisions of this act Any such petition shall be signed verified and filed in the manner prescribed for petitions requesting the submission of the said question Watchers appointed under the provisions of this section shall have the same rights as watchers appointed under the general laws regulating general and municipal elections except that they shall serve without compensation and need not be residents of the election districts in which they serve

Article II

The City Manager Plan

Section 201 Short Ballot In a city in which the city manager plan is in effect under the provisions of this act no city officials shall be elected at the polls except members of the council (including the mayor) and in the discretion of council the controller All other officials (including the treasurer after the expiration of the term of the treasurer in office at the time of the adoption of the city manager plan) shall be appointed as hereinafter provided The controller holding office at the time of the adoption of the city manager plan shall complete his term but thereafter the duties of controller may be performed by a controller or other officer appointed by the city manager as the council may by ordinance prescribe In case the controller is not elected at the polls there shall be an annual independent audit of the city's finances as provided in section two hundred and fifteen

Section 202 City Manager The council of any city in which the city manager plan is in effect under the provisions of this act shall appoint by majority vote of all its members a city manager who shall be the chief executive and administrative officer of the city The manager shall receive such compensation as the council shall determine He shall be chosen solely on the basis of his executive and administrative qualifications and need not be at the time of his appointment a resident of the city or of the state He shall not engage in any other business or profession so long as he shall hold the office of city manager No person elected to the council shall be eligible for the office of city manager during the term for which he was elected

Section 203 Removal of Manager The manager shall hold office for an indefinite term but may be removed at any time by vote of a majority of all members of the council Provided however That he shall not be removed until the reasons for his proposed removal have been placed of record on the minutes of council and a copy thereof has been furnished him and until he has received a public hearing thereon before the council if he so requests Pending and during such a hearing the council may suspend him from office for a period not exceeding thirty-days

Section 204 Powers and Duties of Manager The manager shall be responsible to the council for the entire administration of the city government except as herein otherwise provided He shall

I Prepare and recommend to council an annual budget

II Execute and enforce all laws ordinances and contracts of the city

III Appoint and remove the heads of all departments boards and bureaus and all other officers and employes of the city except those elected at the polls and except as otherwise provided in this act and supervise and control his appointees

IV Make such recommendations to council as he may deem expedient or necessary make reports or recommendations to council upon request and at least once a year present a record of his work for the information of council and of the public and

V Perform such other duties as may be required by ordinance or resolution of council

Section 205 Control of Manager and his Subordinates by Council Neither the council nor any of its committees or members shall direct or dictate the appointment of any person to or his removal from office by the manager or any of his subordinates Except for the purpose of inquiry or receiving information or advice council and its members shall deal with the administrative services under the manager solely through the manager and neither the council nor any member thereof shall give orders to any of the manager's subordinates

Section 206 Attendance of Officials at Council Meetings The manager and such other officers as the council shall determine shall meet regularly with the council and have full privilege of discussion but no vote

Section 207 Temporary Appointments In case of absence or disability of the manager the council may appoint a qualified person to perform the duties of manager temporarily If the office of manager becomes vacant the council shall appoint without delay either a new manager or an acting manager to fill the office until a new manager is chosen

Section 208 Appointments by Council In Addition to the city manager the council shall appoint the city clerk or clerk of council and such other officers of council and committees thereof as it shall deem necessary or advisable The appointment of a city solicitor by the city manager shall be subject to confirmation by the council

Section 209 Mayor The mayor shall continue to be the titular head of the city government and its representative at public functions but shall have no administrative duties and shall make no appointments in the administrative service

Section 210 Transfer of Administrative Functions No member of the council shall have any administrative powers or duties Any such powers or duties vested in members of the council before the adoption of the city manager plan of government shall be transferred by ordinance to the city manager or his subordinates

Section 211 Combination of Offices The council may authorize the manager to act himself in the capacity of any appointive officer or officers of the city or to combine the functions of any two or more such officers in any one of his appointees

Section 212 Reorganization of City Government the council may by ordinance from time to time on recommendation of the manager create new departments bureaus and offices under the manager fix the powers duties number of employes and compensation therefor abolish any existing departments bureaus or appointive offices not specifically provided for in this act or redistribute the powers and duties of existing departments bureaus and appointive officers When any department bureau or office is thus abolished any duties performed thereby which are required of the city by law shall be allotted by ordinance to some other department bureau or office under the manager or to the manager himself

Section 213 Term of Office of Manager's Appointees All officers appointed by the manager shall hold office for an indefinite term and shall be subject to removal by the manager at any time

Section 214 Elective Officers Except as herein otherwise provided officers elected at the polls shall continue to enjoy the powers and perform the duties of their offices as theretofore

Section 215 Independent Audit As soon as practicable

after the close of each fiscal year an independent audit may be made and if there is no elective controller shall be made of all accounts of the city government by qualified public accountants selected by the council who have no personal interest directly or indirectly in the financial affairs of the city government or of any of its officers The results of this audit shall be made public immediately upon its completion

Section 216 Salaries The compensation of all officers and employes of the city shall be fixed by ordinance but shall not exceed any maximum limits imposed by law for the same officers in cities which have not adopted the city manager plan The compensation of any officer or employe may be changed at any time but any increase in the salary of councilmen shall not take effect until the terms of a majority of the members of the council making the increase have expired All councilmen shall receive the same salary except that a greater salary not to exceed the maximum allowed in cities which have not adopted the manager plan may be given the mayor

Section 217 Courts and Schools not Affected This act shall not affect the organization of the courts or of the public schools

Section 218 Laws and Ordinances to Remain in Effect All laws affecting the city now or hereafter enacted and all ordinances previously enacted by the legislative body thereof shall remain in effect until amended or repealed except in so far as they are inconsistent with the provisions of this act

Article III

General Provisions

Section 301 Application of General Laws No provision of any law hereafter enacted which conflicts or is inconsistent with any of the provisions of this act shall affect the government of cities in which the city manager plan of government is in effect under the provisions of this act unless such law specifically designates such cities and general references in such conflicting or inconsistent provisions to all cities or to cities of a class shall not be deemed to include cities in which the manager plan is in effect under the provisions of this act

General provisions of law relating to cities which are not in conflict or inconsistent with the provisions of this act shall apply to all cities which come under the terms thereof including those in which the city manager plan is in effect under the provisions of this act

Section 302 Legislative Intent in Case of Partial Invalidity It is the intention of the general assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 303 Meaning of Terms Wherever used in this act masculine pronouns shall be deemed to include the feminine A reference to the council of a city shall be deemed to refer to the legislative body thereof whether ordinarily designated by that term or not A reference to any county official shall be deemed to refer to the specified official of the county in which the city concerned is situated

Section 304 Short Title This act may be known and cited as the City Manager Act for Third Class Cities

Section 305 Effective Date This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## BILL POSTPONED

Mr. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 38, as follows:

An Act to amend clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended providing an expiration date of licenses defining the qualifications of applicants for licensure and providing for the examination and licensure of those who desire to engage in the occupation of real estate brokers and real estate salesmen conferring powers and duties upon the Department of Public Instruction in connection therewith and eliminating penalties for failure to renew

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand four hundred ten) are hereby further amended to read as follows

(b) Applications for licenses as real estate brokers shall be made in writing to the department upon a blank provided for the purpose by the department and shall contain such information as to the applicant or when the application is made by a copartnership association or a corporation as to its members or officers as the department shall require The application shall be signed by the applicant and shall be accompanied by the recommendation of at least two citizens not related to the applicant or in the case of a copartnership or corporation to any member or officer thereof who shall be owners of real estate within and residents of the county in which the applicant resides or has his their or its place of business certifying to the honesty truthfulness and good repute of the applicant or in the case of a copartnership or association or corporation its members or officers by name and recommending that a license be granted the applicant If the applicant or in the case of a copartnership or corporation any of its members or officers shall have resided or shall have engaged in business for less than one year in the county from which the application is made such application shall also be accompanied by the recommendation of at least two (2) real estate owners not related to the applicant of each of the counties where he or each of such members or officers has formerly resided or engaged in business during the said period of one year prior to the filing of such application certifying to the honesty truthfulness and good repute of the applicant or its members or officers by name and recommending that the license be granted Where the applicant for a real estate broker's license maintains more than one place of business within the Commonwealth he shall be required to apply for and procure a duplicate license for each branch office so maintained by him such duplicate license to be issued with an additional charge of two dollars and fifty cents ($2.50) for each additional office or place of business Every such application shall state the name of the person copartnership association or corporation and the location of the place or places of business for which such license is desired and the license shall expire December thirty-first of the year issued unless sooner revoked or suspended by the department or renewed annually as hereinafter described

(c) Application for license as real estate salesman shall be made in writing to the department signed by the appli-

cant setting forth the period of time during which he has been engaged in the business stating the name of the last employer and the name and place of business of the person firm copartnership association or corporation then employing him or into whose employ he is then about to enter All applications shall be made upon a blank provided for the purpose by the department and shall contain such information as to the applicant in addition to the above prescribed as the department shall require The applications shall be accompanied by the recommendation of his employer or prospective employer certifying that the applicant is honest truthful and of good repute and recommending that such license be granted All such licenses shall expire December thirty-first of the year issued unless sonner revoked or suspended by the department or renewed annually as hereinafter described

No person may hereafter be licensed as a real estate salesman and no person copartnership association or corporation may hereafter be licensed as a real estate broker by the department unless such person and all of the members of any such copartnership or association and all of the officers of any such corporation intending to actually engage in or actually engaging in the real estate business as a real estate broker or salesman shall first submit to and pass an examination conducted by the department Provided however That any person who has been licensed as a real estate salesman or real estate broker for a period of six (6) months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registration as a broker or a salesman without an examination provided such person shall make application to the department for registration within ninety (90) days after the effective date of this act The department shall hold examinations on the second Saturdays in January April July and October in the cities of Philadelphia Pittsburgh Harrisburg Wilkes-Barre and Erie at such hours and under such rules and regulations as the department shall prescribe The examination for a broker's license shall differ from the examination for a salesman's license in that it shall be of a more exacting nature and require higher standards of knowledge of real estate Provided however That in event the license of any real estate broker or salesman shall be cancelled by the department subsequent to the enactment of this act no new license shall be issued to such person unless he complies with the provisions of this act Provided further however That the department may waive these requirements in the case of an application from a nonresident broker of those states having similar requirements under the laws of which similar recognition and courtesies are extended to licensed real estate brokers and real estate salesmen of this State

An individual may apply for and receive from the department a temporary permit to operate as a real estate broker or as a real estate salesman until the next regular examination but not more than two successive temporary permits shall be issued to any individual Any individual who fails to pass the examination at two successive examinations shall be ineligible for a similar examination until after the expiration of one full year from the time such individual took the last examination Provided however That any applicant who fails to pass a salesman's examination shall be ineligible to apply for or operate under a temporary broker's certificate

Section 8 The fees to be charged by and paid to the department by licensees for all licenses and renewals thereof issued shall be as follows

(1) [For each real estate broker's license a fee of ten dollars ($10.00) and an annual fee of five dollars ($5.00) for the renewal thereof] A fee of ten dollars ($10.00) shall accompany an application for examination for a real estate broker's license and in event that the applicant successfully passes the examination no additional fee shall be required for the issuance of a certificate of registration Provided That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee Provided That there shall be an additional license fee of two and one-half ($2.50) dollars annually for each additional office or place of business

(2) [For each license as real estate broker issued to an officer of a corporation or association or member of a copartnership other than the officer or member named in the license issued to such association corporation or copartnership a fee of five dollars ($5.00) and an annual fee of two and one-half dollars ($2.50) for the renewal thereof] A fee of five dollars ($5.00) shall accompany an application for examination for a real estate salesman's license and in event that the applicant successfully passes the examination no additional fee shall be required for the issuance of a certificate of registration Provided however That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee

(3) [For each real estate salesman's license a fee of five dollars ($5.00) and an annual fee of two and one-half dollars ($2.50) for the renewal thereof] It shall be the duty of all persons licensed to practice as a real estate broker or real estate salesman to register annually with the department and pay for each such annual registration as a real estate broker the sum of five dollars ($5.00) and pay for each such annual registration as a real estate salesman the sum of two dollars and one-half ($2.50) Said application for renewal of real estate broker's or salesman's license shall be made to the department annually on or before January first of the next succeeding year

[(4) Upon failure of any broker or salesman to renew his her or its license annually the department shall notify the licensee of such failure to apply for the renewal of said license Unless the licensee shall make application for renewal of such license within thirty (30) days of the giving of such written notice by the department the department may revoke his her or its license for such failure to renew but the licensee may be reinstated by complying with the provisions specified in this act for original licensure]

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1088, as follows:

An Act to amend the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred four) entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits and to the proceedings for the enforcement of this act" by adding section three and one-tenths thereto providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred four) entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam power development of dams and

changes in streams hereafter constructed or made otherwise than under limited power permits and to proceedings for the enforcement of this act" is hereby amended by adding thereto section three and one-tenths to read as follows

Section 3.1 All moneys hereafter received by the Treasury Department from the Department of Revenue arising from the annual charges on limited power permits and limited water supply permits as provided in the two preceding sections shall be credited to the State Forests and Waters Fund

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 518, as follows:

An Act to amend section eight hundred and eight of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by adding a paragraph thereto permitting the Department of Banking to limit modify or qualify its orders of segregation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and eight of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" is hereby amended by adding a new paragraph thereto to read as follows

G The department in its order of segregation may impose all or any part of the directions authorized by this section or may limit modify or qualify them and may also from time to time after an order of segregation has been issued by an amended order or orders limit modify or qualify directions already given In the event that a limited modified or qualified order of segregation is issued by the department the association shall have the right to conduct its business in accordance with such order or amended order of segregation as limited modified or qualified

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1730, as follows:

An Act Requiring State-aided hospitals to admit any indigent person who is seriously ill and who requires hospitalization

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all State-aided hospitals shall admit any indigent person having a legal residence in this Commonwealth who is seriously ill and who requires hospitalization

Section 2 It shall be the duty of any State-aided hospital within this Commonwealth which has facilities available for the treatment of the disease with which the indigent person is afflicted immediately to admit such person if seriously ill and requiring hospitalization

Section 3 Every State-aided hospital which cares for and treats an indigent person under the provisions of this act shall be compensated for such care and treatment as heretofore

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 889, as follows:

An Act To amend sections one and six of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" including dining cars under the provisions of this act and making it unlawful to sleep or to permit persons to sleep in a room where food is prepared or served

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the words "public eating or drinking place" shall mean any place within this Commonwealth where food or drink is served to or provided for the public with or without charge including among others hotels restaurants cafes dining cars cafeterias boarding houses ice-cream saloons soda-water or soft drink fountains and bars or taverns

The word "proprietor" shall mean any person firm or corporation conducting or operating within this Commonwealth a public eating or drinking place

The word "employe" shall include any cook waiter kitchen help chambermaid house servant or other employe of any kind of or in a public eating or drinking place who in any manner whatever handles or comes in contact with any food or drink served to or provided for the public and any member of the proprietor's family who handles said food or drink

The masculine pronoun shall be interpreted to include the feminine and neuter pronouns

Section 2 That section six of the said act is hereby amended to read as follows

Section 6 In every public eating or drinking place the kitchen dining-room cellar ice box refrigerator and all places where foods are prepared kept or stored shall be kept clean and in a sanitary condition All garbage tin cans and kitchen refuse shall be kept in a tight metal container securely covered and the contents thereof shall be removed at least once during each day The dining-rooms kitchens and pantries where food is served prepared kept or stored shall be thoroughly screened from flies and insects All serving trays tables trucks boxes buckets knives saws cleavers choppers pots pan dishes and other utensils and machinery used in moving handling cutting chopping mixing preparing or serving foods shall be thoroughly sterilized daily by hot water or steam and shall at all times be kept clean The clothing and hands of employes shall at all times be clean and sanitary All foods on display and for distribution or sale shall have full protection from dust dirt flies and vermin by being kept under glass or cover No domestic pets or other animals shall be permitted where food or drink is prepared handled or stored No person shall sleep or be permitted by a proprietor to sleep in a room where food is prepared or served

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1633, as follows:

An Act To amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-five) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-five) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" is hereby amended to read as follows

Section 11 Justices of the peace in office in each of such boroughs shall continue in office until the expiration of their respective commissions and no election for justices of the peace shall be held in such borough until the number has been reduced to [two] one in either portion of the borough located entirely within the same county by the expiration of the commissions of the persons in office and thereafter there shall be two justices of the peace in such new borough one to be elected in each portion of the borough located entirely within the same county who shall have jurisdiction in the county of their election hold their offices for the term and the elected and qualified in the manner provided by law

And said bill having been read at length the second tmie and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1478, as follows:

An Act To amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing authority to township commissioners by resolution to issue certificates of indebtedness

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand seven hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1704 Power to Create Indebtedness Sinking Fund Temporary Indebtedness The board of township commissioners may by ordinance borrow money and issue evidences of indebtedness therefor to the extent and in the manner in which municipal districts are now authorized to incur or increase the same for the purpose of permanent improvements but the total indebtedness so created shall not exceed two per centum of the county valuation of the property within the township without the assent of the electors of the township or by resolution of the board of township commissioners they may authorize payment for permanent improvements or for other contracted obligations of the township by the issuance of certificates of indebtedness payable on a certain date not exceeding one year from the date of issue Provided That the total indebtedness so created by the township commissioners together with other indebtedness created by them does not exceed two per centum of the county valuation of the property within the township without the assent of the electors thereof The rate of interest on such indebtedness shall not exceed six per centum per annum In authorizing the issue of obligations or securities for such loans the township commissioners shall provide that moneys subsequently derived from assessments upon parties benefited by such improvements shall be deposited in the sinking fund for the payment of the principal and interest of said obligations or securities

Whether the township funds have been exhausted the township commissioners may borrow on the credit of the township money in anticipation of taxes levied and to be collected for the current fiscal year and issue a certificate of indebtedness payable on a certain date not exceeding one year from the date of issue to the end that work may be performed in proper season

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1026, entitled:

An Act to amend sections four and five as amended and section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collet such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purhase such lands and resell the same under certain circumstances" by providing for the period during which such taxes shall remain liens on real estate and authorizing the filing of such liens in the prothonotary's office

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That sections four and five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended by section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred forty) are hereby further amended to read as follows

Section 4 All taxes unpaid and so returned and docketed as aforesaid shall be a first lien subject as hereinafter stated on said real estate liable for the payment thereof together with all charges interest expenses and fees added thereto for failure to pay promptly and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable save and except only the costs of the sale and of the writ upon which it is made and liens in favor of the Commonwealth of Pennsylvania which shall have priority to such tax liens All taxes returned under this or any previous statue supplied hereby shall be first liens [for a period of five years] from the date of their return [unless sooner discharged or extended as hereinafter provided]

Section 5 Such tax so returned and filed and entered upon said docket shall remain a lien upon said property until fully paid and satisfied or until the property shall be sold in accordance with provisions hereof [Provided however That no such lien shall continue for a longer period than five years from the date of the entry of such return in said return docket unless within such period of five years such lien is extended as herein provided If for any reason any property subject to such lien has not been sold during a period of five years from the date of the return of the taxes the county treasurer may before the expiration of such period file such taxes as liens in the office of the prothonotary whereupon the lien thereof shall continue for another period of five years from the date of filing in the prothonotary's office] or transferred to the prothonotarys office as hereinafter provided The respective taxing authorities may at any time jointly or severally file such taxes as liens in the office of the prothonotary and may thereafter in addition to the provisions hereof proceed to collect the same in accordance with the provisions of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefore the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly"

Any joint lien so filed shall set forth the amount of tax penalties and interest due the respective taxing authorities The fees of the prothonotary for such a joint lien shall be the same as those charged for the filing of several liens and no more The costs and expenses of filing such joint liens shall be paid equally by the taxing authorities joining therein in such manner as the respective taxing authorities may determine Joint liens may be filed hereunder by two or more taxing authorities

On the question,

Will the House agree to the section?

Mr. ROAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 5, line 5 by striking out the word "return," and inserting in lieu thereof the following: "returns."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 Section twenty-one of said act is hereby amended to read as follows

Section 21 No tax collector shall make any return of taxes as provided in this act if the taxing authorities shall notify such tax collector in writing that return shall not be made but that delinquent taxes are to be collected by the filing of liens in the office of the prothonotary After such notice the provisions of this act shall not apply for the collection of delinquent taxes but in the event no such notice is given the provisions of this act shall apply exclusively for the collection of delinquent taxes

Section 3 This act shall become effective immediately upon its final enactment

An Act to amend sections four and five as amended and section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by providing for the period during which such taxes shall remain liens on real estate and authorizing the filing of such liens in the prothonotary's office

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the secoond reading and consideration of House Bill No. 1105, as follows:

A Supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" providing for the payment of fees for the granting of permits under the provisions of said act regulating the collection and disposition of such fees and limiting the time such permits are effective

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each application for a permit from the Water and Power Resources Board of the Department of Forests and Waters for the construction of a dam or for any change in or addition to a dam made in accordance with the provisions of the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) to which this is a supplement shall in addition to other data and information required by the board set forth the estimated cost as hereinafter defined of the dam or change in or addition to the dam and shall be accompanied by a filing fee based upon said estimated cost and according to the following schedule For the first one hundred thousand dollars a fee of one per cent of the estimated cost for the next nine hundred thousand dollars a fee of one-half of one per cent for the next four million dollars a fee of one -tenth of one per cent and for all costs in excess of five million dollars a fee of one-twentieth of one per cent In no case however shall the minimum fee be less than five dollars For the purpose of this act the estimated cost of the dam or change in or addition to the dam shall include the cost of all labor and materials entering into the construction of the dam and appurtenant works the cost of preliminary investigations and surveys and the cost of the construction plant properly chargeable to the cost of the dam and any and all other items entering directly into the cost of the dam provided that the cost of land right of way roads and railroads acording access to the dam shall not be included among the items used in the determination of cost An application shall not be considered by the board until this filing fee is received In the event that the actual cost exceeds the estimated cost by more than ten per cent a further fee shall be required by the board and shall be one hundred and ten per cent of the amount by which the original fee is less than it would have been had the cost it was based upon been the same as the actual cost

Section 2 The construction of the dam or a change in or addition to the dam shall be completed within the time specified in the permit which shall be not less than one year from the date of the permit otherwise the permit shall become null and void unless extended by the board upon written application and for good cause shown

Section 3 All moneys received by the Treasury Department under the provisions of this act shall be credited to the State Forests and Waters Fund

Section 4 The provisions of this act shall not apply to applications for limited power permits and limited water supply permits made in accordance with the provisions of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred four)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1383, entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 227 In Counties of the Second Class Appointment of Minute Clerks by [Prothonotary and Clerk of Courts] The Courts of Common Pleas and Courts of Quarter Sessions and Oyer and Terminer [The Prothonotary and the Clerk of Courts of quarter sessions and oyer and terminer in counties of the second class may with the approval of the court of common pleas and or the courts of quarter sessions and oyer and terminer as the case may be] In counties of the second class the court of common pleas and the court of quarter sessions and oyer and terminer shall respectively appoint minute clerks of said courts Such clerks shall receive such salaries as the courts [authorizing] making their appointment may fix and shall give bond in such sum as the respective courts may direct This act shall not affect the power of the prothonotary of Allegheny County to appoint clerks of the county court for the County of Allegheny under the provisions of section five of the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred and ninety-eight) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" or its amendments

On the question,

Will the House agree to the section?

Mr. EBERHARTER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 16 by striking out the word "courts" and inserting in lieu thereof the following: "court"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 401, as follows:

An Act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" as amended extending the provisions of said act to townships of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" as last amended by the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred seventy-three) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where any county city borough township of the first class muncipality or school district in this Commonwealth has by virtue of any general or special act of Assembly issued bonds or other interest-bearing evidences of indebtedness with or without interest coupons attached to secure any indebtedness of any such county city borough township of the first class muncipality or school district which may have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any county city borough township of the first class muncipality or school district shall have the option to redeem or pay any such bonds or interest-bearing evidences of indebtedness or whenever holders of any bonds or interest-bearing evidences of indebtedness of any county city borough township of the first class muncipality or school district which may not have matured or become redeemable are willing to surrender the whole or any part of such issue of bonds or interest-bearing evidences of indebtedness it shall be lawful for any such county city borough township of the first class municipality or school district for the purpose of redeeming or paying off any or all of the bonds or other interest-bearing evidences of indebtedness payable redeemable or offered for redemption as aforesaid to issue and sell either registered or coupon bonds bearing interest at a rate not exceeding six per centum per annum and payable at any time not exceeding twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds or other evidences of indebtedness so redeemed or paid and the said bonds so issued or sold in accordance with the provisions of this act shall be exempt from taxation except for State purposes Provided however That all moneys for the redemption of the issue of bonds proposed to be refunded placed in the sinking fund if any shall be first applied to the payment as far as applicable of the principal of such bonds and the balance of such issue only shall be redeemed by the issue of new bonds.

Section 2 All acts or parts of acts inconsistent with this act are repealed

Section 3 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 750, as follows:

An Act To amend the title and sections one two three six nine ten eleven and twelve of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred eighty-four) entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish and defining the powers and duties of the Department of Forestry the Board of Game Commissioners and the Department of Fisheries respectively in relation thereto" extending said act to the condemnation of lands for State park purposes and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one two three six nine ten eleven and twelve of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred eighty-four) entitled, "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish and defining the powers and duties of the Department of Forestry the Board of Game Commissioners and the Department of Fisheries respectively in relation thereto" are hereby amended to read as follows

An Act Providing for the condemnation by the Commonwealth of lands suitable and desirable for forest and State park purposes or game preserve purposes or the perpetuation and protection of fish and defining the powers and duties of the Department of [Forestry] Forests and Waters the Board of Game Commissioners and the [Department of Fisheries] Board of Fish Commissioners respectively in relation thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the [State Forest Commission] Department of Forests and Waters the Board of Game Commissioners or the [Department of Fisheries] Board of Fish Commissioners desires to acquire land suitable and desirable for State forest purposes for State park purposes for game preserve purposes or for the perpetuation or protection of fish respectively and a price for such lands cannot be agreed upon with the owner or owners thereof or where such owner or owners cannot be found in all such cases the [State Forest Commission] Department of Forests and Waters the Board of Game Commissioners or the [Department of Fisheries] Board of Fish Commissioners is authorized to acquire the said respective classes of lands by condemnation

Section 2 The [Commissioner of Forestry] Secretary of Forests and Waters the Executive Secretary of the Board of Game Commissioners or the Commissioner of Fisheries on behalf of the Commonwealth may respectively enter upon any of such lands and take possession thereof Thereupon the [Commissioner of Forestry] Secretary of Forests and Waters the Executive Secretary of the Board of Game Commissioners or the Commissioner of Fisheries respectively through the Attorney General or any of the owners if known may apply to the court of common pleas of the county wherein such lands are located for the appointment of viewers The court shall appoint three viewers and shall appoint a time not less than twenty nor more than thirty days after the presentation of such petition when the viewers shall meet upon the lands and view the same and all improvements in connection therewith

Section 3 The viewers shall give at least ten days notice of their first meeting to the [Commissioner of Forestry] Secretary of Forests and Waters the Executive Secretary of the Board of Game Commissioners or the Commissioner of Fisheries as the case may be and to the Attorney General and to the owners of such land if known If the owners of such lands are unknown notice shall be given in at least two newspapers in such manner as the court may direct The viewers having been sworn or affirmed

faithfully justly and impartially to decide and a true report to make concerning all matters to be submitted to them in relation to which they are authorized to inquire and having viewed the lands and premises shall hear the parties and their witnesses and shall estimate and determine the value of the property so taken Where the owner of such lands and premises is unknown the viewers shall estimate and determine the value of the land and improvements upon the testimony of the witnesses for the Commonwealth and any witnesses called by the viewers

Section 6 When the report is filed notice thereof shall immediately be given to the [Commissioner of Forestry] Secretary of Forests and Waters the Executive Secretary of the Board of Game Commissioners or the Commissioner of Fisheries as the case may be the Attorney General and the owners of the land where known which notice shall state that unless exceptions be filed thereto within thirty days after the filing of the report the same will be confirmed absolutely Where any owners of such lands are unknown notice shall be given in at least two newspapers in such manner as the court shall direct

Section 9 Within thirty days after any report of viewers is filed under this act the Commonwealth or the owners of such land may appeal to the court of common pleas and demand a trial by jury Within six months after a confirmation absolute on exceptions or within six months after a verdict and final judgment on appeal for a jury trial the [Commissioner of Forestry] Secretary of Forests and Waters the Executive Secretary of the Board of Game Commissioners or the Commissioner of Fisheries as the case may be or the owners of such land may appeal to the Supreme or to the Superior Court as in other cases

Section 10 When the amount payable to the owner of such land has been finally determined the same shall be paid by the [Commissioner of Forestry] Secretary of Forests and Waters the Executive Secretary of the Board of Game Commissioners or the Commissioner of Fisheries as the case may be from appropriations for such purposes or from the [Resident Hunter's License Fund or the Fish License Fund] Game Fund or the Fish Fund All costs in connection with any such proceedings shall be paid by the Commonwealth in like manner

Section 11 When the owners of such lands are unknown the [Commissioner of Forestry] Secretary of Forests and Waters the Executive Secretary of the Board of Game Commissioners or the Commissioner of Fisheries as the case may be may enter upon and appropriate the lands for the use of the State as herein provided In all cases where the owners of lands are unknown and the report of viewers has been finally confirmed the Commonwealth shall be liable for all damages awarded therein If at any time after the final confirmation of the report of viewers any person appears and proves title to said lands such persons shall be entitled to and receive from the Commonwealth the sum so awarded by the viewers Any such claimant of the land may petition the court of common pleas of the county wherein the land is located giving a brief outline of the facts upon which the claim is based Thereupon the court shall direct an issue to be framed wherein the claimant shall appear as plaintiff and the Commonwealth of Pennsylvania as defendant Such issue shall be tried according to the rules of procedure and evidence governing trials in ejectment with a right of appeal by either party to the proper appellate court If the final judgment on such issue is in favor of the plaintiff the sum awarded by the report as finally confirmed shall be paid by the Commonwealth to said claimant The party to the action against whom the judgment is entered shall be liable for the costs as provided by law in other civic actions

Section 12 The Department of [Forestry] Forests and Waters or the Board of Game Commissioners or the [Department of Fisheries] Board of Fish Commissioners respectively shall have the control and supervision of all such lands acquired under the provisions of this act All income and revenue derived from said lands shall be expended in the same manner and for the same purposes as provided by law for the expenditure of the income from the State forests State parks or the receipts of said Board of Game Commissioners or [Deparment of Fisheries] Board of Fish Commissioners respectively and for such purposes such income derived from lands acquired by the Board of Game Commissioners is hereby specifically appropriated and shall be paid into the ["Resident Hunter's License Fund"] Game Fund and the income derived from lands acquired by the Department of Fisheries is hereby specifically appropriated and shall be paid into the Fish [License] Fund

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1084, as follows:

An Act To amend sections one and two of the supplement approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-one) entitled "A supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' by discontinuing the necessity of securing permits for the erection of certain dams"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the supplement approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-one) entitled "A supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' by discontinuing the necessity of securing permits for the erection of certain dams" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That nothing contained in the act to which this is a supplement shall be construed to require the securing of a permit from the Water and Power Resources Board of the Department of Forests and Waters for the right to construct any dam not exceeding [three] five feet in height measured from the bed of the stream to the crest of the spillway in a stream not exceeding fifty feet in width [where such dam is constructed for the sole purpose of creating a pool in such stream for fish and fishing purposes] when the storage capacity is less than one million gallons

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed but nothing contained in this act shall be construed to repeal any of the provisions of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred four)

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 676, as follows:

An Act to amend sections one and two of the act approved the fifth day of May one thousand nine hundred and thirty-one (Pamphlet Laws ninety-one) entitled "An act authorizing the Department of Forests and Waters in certain instances and with the approval of the Governor to construct improve or repair at the expense of the Commonwealth portions of roads or highways connecting roads or highways lying within areas of State forest lands with State county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the fifth day of May one thousand nine hundred and thirty-one (Pamphlet Laws ninety-one) entitled "An act authorizing the Department of Forests and Waters in certain instances and with the approval of the Governor to construct improve or repair at the expense of the Commonwealth portions of roads or highways connecting roads or highways lying within areas of State forest lands with State county or township roads or highways near such areas" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Forests and Waters is hereby authorized to construct improve or repair at the expense of the Commonwealth any portion of a road or highway connecting a road or highway lying within the area of a State forest with any State county or township road or highway not lying within the area of a State forest whenever such connection is deemed necessary by the Department of Forests and Waters for the development protection or use by the public of any State forests now owned or hereafter acquired by the Commonwealth and to construct improve or repair forest protection roads or fire lanes on or across the lands of any person association or corporation for forest protection purposes The Department of Forests and Waters is hereby authorized and empowered to construct improve or repair any such connecting or protection road or highway or fire lane by the employes of such department or under the control and direction of the department

Section 2 Before the Department of Forests and Waters shall proceed to construct improve or repair any such road or highway or lane the Secretary of Forests and Waters shall cause to be prepared a plan or draft of such connecting road or highway or lane showing concisely the construction improvement or repair which in his judgment is necessary under the provisions of this act and shall submit such plan or draft to the Governor for his approval before any expenditure of State moneys is authorized for the contemplated construction improvement or repair

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1462, entitled:

An Act To amend sections one thousand three hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" prohibiting the recording of deeds in certain cases and extending the right to execute insurance contracts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand three hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 1315 Registry of Properties Sold at Judicial Sales Duty of County Officers [Penalty] The sheriffs of the respective counties in which such townships are situated shall present for registry the deeds of all properties within the township limits sold by them at judicial sales whether by execution or in partition or otherwise and the prothonotaries and recorders of deeds of such counties shall not admit for record any deeds of any property in such township bearing a date subsequent to the approval of an ordinance providing for the establishment of such registry unless the same shall first have been duly stamped as hereinbefore provided

XXIII Insurance To make contracts with any fire insurance company including mutual companies insuring any building or property of the township to make contracts with any insurance company insuring any public liability of the township to expend public funds to secure workmen's compensation insurance for the benefit of its employes including volunteer firemen killed or injured while going to or returning from or attending fires within the township or territory adjacent thereto [and to enter into contracts of group insurance for the benefit of its employes] and to make contracts with any insurance company for group insurance retirement insurance and pensions for the benefit of its employes who may be required to contribute thereto or in lieu thereof to set aside and expend public funds to carry out said purposes without entering into contracts with an insurance company or insurance companies

On the question,

Will the House agree to the section?

Mr. WEIDEMANN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 3, line 17, by striking out with light-faced brackets the words "expend public funds to secure" and insert in lieu thereof "make contracts with any insurer for"

Amend sec. 1, page 3, line 18, by inserting after the word "compensation" the following: "accident and health, retirement and group"

Amend sec. 1, page 3, line 19, by inserting after the part-word "ploves" the following: "who may be required to contribute thereto"

Amend sec. 1, page 3, line 23, by inserting after the word "employes" the following: "and to expend public funds for all of these purposes"

Amend sec. 1, page 3, lines 23 and 24, by striking out with heavy-faced brackets the words "contracts with any insurance company for group insurance, retirement insurance and" and insert in lieu thereof "donations to funds for"

Amend sec. 1, page 3, line 25, by inserting after the part-word "sions" the following: "and retirement allowances"

Amend sec. 1, page 3, lines 25, 26 and 27, by striking out with heavy-faced brackets the words "who may be

required to contribute thereto or in lieu thereof, to set aside and expend public funds to carry out said purposes"

Amend sec. 1, page 4, lines 1 and 2, by striking out with heavy-faced brackets both of said lines

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend sections one thousand three hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" prohibiting the recording of deeds in certain cases and extending the right to execute insurance contracts

On the question,

Will the House agree to the section?

Mr. WEIDEMANN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 13 of title, by inserting after the word "contracts" the following: "and to contribute to pension and retirement funds"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

## BILL ON FINAL PASSAGE

The SPEAKER (Wilson G. Sarig) in the Chair.

Mr. KANE. Mr. Speaker, I desire to call up at this time House Bill No. 749, Printer's No. 316, on page 9 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Kane.

The House resumed the consideration on final passage of House Bill No. 749, entitled:

An Act to amend section two hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended reducing the number of assistant district attorneys in counties of the fifth and sixth class.

On the question recurring,

Shall the bill pass finally?

## RECONSIDERATION OF VOTE

Mr. KANE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. KANE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by striking out the word "section" and insert in lieu thereof "sections two hundred and forty-six and"

Amend title, page 1, line 7 of title, by inserting after the word "amended" the following: "further defining the qualifications of district attorneys"

Amend title, page 1, line 9 of title, by inserting after the word "class" the following: "and fixing their salaries"

Amend sec. 1, page 1, line 4, by striking out the word "section" and insert in lieu thereof "sections two hundred and forty-six and"

Amend sec. 1, page 2, line 1, by striking out the word "was" and insert in lieu thereof "were"

Amend sec. 1, page 2, line 3, by striking out the word "is" and insert in lieu thereof "are"

Amend sec. 1, page 2, by inserting after line 4 the following section:

Section 246. Qualifications; Eligibility; Compensation. The district attorney shall be a person learned in the law, who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth at the time of his election or appointment for at least two years, and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county.

In counties of the third class, the district attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum.

In counties of the fourth class, the district attorney shall receive a salary of six thousand dollars ($6,000) per annum.

In counties of the sixth class, the annual salary of the district attorney shall be as follows:

(a) In counties having a population of fifty thousand inhabitants and more but less than sixty thousand, two thousand five hundred dollars ($2,500).

(b) In counties having a population of sixty thousand inhabitants and more, but less than seventy thousand, two thousand seven hundred and fifty dollars ($2,750).

(c) In counties having a population of seventy thousand inhabitants and more but less than eighty thousand, three thousand dollars ($3,000).

(d) In counties having a population of eighty thousand inhabitants and more, but less than ninety thousand, three thousand two hundred and fifty dollars ($3,250).

(e) In counties having a population of ninety thousand inhabitants and more, but less than one hundred thousand, three thousand five hundred dollars ($3,500).

In all other classes of counties, the district attorney shall receive the salary now provided by law.

No district attorney shall be eligible to a seat in the Legislature, or to any other office under the laws and Constitution of the State, excepting an office or commission in the militia of the State, during his continuance in office.

Amend sec. 1, page 3, line 18, by inserting a light-faced bracket before the word "and" thus "[" 

Amend sec. 1, page 3, line 19, by striking out the light-faced bracket before the word "with"

Amend sec. 1, page 3, by inserting after line 26, the following: "In counties of the sixth class the district attorney shall have authority to appoint one assistant district attorney who shall receive a salary of one thousand five hundred dollars ($1,500)."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 811, as follows:

An Act To amend section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prohibiting mayors from holding other public offices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 1201 Qualifications the mayor shall be at least twenty-five years of age and shall be elected at large by the electors of the city He shall have been a resident and inhabitant of the city wherein he shall be elected one year and of the State for four years next before his election and shall reside in the city during his term of service He shall not be eligible to nor hold any other office or position of trust or profit, under the government of the United States under this Commonwealth or under any political subdivision thereof during the term for which he is elected

Section 2 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. ANDREWS. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 687, entitled:

An Act authorizing parties to equity suits to dismiss claims or counter claims and providing that claims shall remain in force as to parties not joining in the dismissal

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

### YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Forrest, | Melchiorre, | Simpson, |
| Baine, | Furman, | Mentzer, | Sloan, |
| Baker, F. T., | Gates, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gerard, | Moomaw, | Smith, W. G., |
| Baldi, | Gillette, | Mooney, | Snyder, F. E., |
| Barber, | Green, | Moore, | Snyder, J. L., |
| Barnhardt, | Greenstein, | Moran, | Sowers, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Haluska, | Munley, | Stevens, |
| Boyer, | Hamilton, F. P., | Murrin, | Stewart, |
| Bradley, | Hamilton, R. S., | Nagel, | Stockham, |
| Brancato, | Harkins, | Nothnagle, | Stone, |
| Brennan, | Harmuth, | O'Keefe, | Stott, |
| Brown, H. S., | Hart, | Ominsky, | Sumney, |
| Brown, J. E., | Hartman, | O'Neill, | Surface, |
| Brownfield, | Hefferon, | Panton, | Tahl, |
| Brumbaugh, | Hermansen, | Parks, | Terry, |
| Burke, | Hetrick, | Patterson, C., | Tronzo, |
| Cannon, | Hindman, | Patterson, J. W., | Trout, |
| Caputo, | Hirsch, | Pearson, | Tumelty, |
| Carr, | Hoffner, | Perry, | Turner, |
| Carson, | Holland, | Peters, | Van Allsburg, |
| Castor, | Holstrom, | Pfaff, | Van Sickle, |
| Chervenak, | Hoopes, | Phillips, | Walker, |
| Coakley, | Horst, | Piole, | Wall, |
| Cochran, | Jackson, | Powers, | Wasserman, |
| Cohen, | Jones, | Reising, | Weidemann, |
| Coleman, | Kane, | Reynolds, | Weiss, |
| Condon, | Kelder, | Rhys, | Welliver, |
| Conner, | Kelso, | Rinn, | Welsh, |
| Coolahan, | Kilroy, | Roan, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Rooney, | Wickersham, |
| Decker, | Kobelak, | Root, | Wilson, |
| Denning, | LaRue, | Ruffennach, | Witkin, |
| Dent, | Linderman, | Ruth, | Wood, |
| Diehl, | Long, | Sarraf, | Woodside, |
| Dilley, | Longaker, | Scanlon, | Yeakel, |
| Downey, G. E., | Lovett, | Schrock, | Yourishin, |
| Downey, J. J., | Lynch, | Schrope, | Zappala, |
| Duffort, | Male, | Schwab, | Zimmerman, |
| Eberharter, | Mallen, | Schwartz, | Sarig, |

### NAYS—2

Blumberg, Hagerty,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 751, entitled:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERMANSEN. Mr. Speaker, I would like to have the sponsor of this bill state to the House what his object is in presenting it.

Mr. TRONZO. Mr. Speaker, the purpose of the bill seems to be very well expressed in the act. It applies merely to the business of selling and leasing furniture and household articles. It has been customary if a certain party were to buy a suite of furniture, to put that on a bailment lease. This suite being about paid for the party would attempt to buy another one, probably six or seven months later. That is also placed on the old

bailment lease, and in the case of failure to pay on the last lease it has been the practice to take over the old and the new suite. This bill is an attempt to remedy that, forbidding the placing of more than one sale on a bailment lease.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shaw, |
| Alexander, | Falkenstein, | Mason, | Shepard, |
| Allen, | Ferko, | McCreary, | Shortz, |
| Altenburg, | Finnerty, | McDermott, | Shreiner, |
| Andrews, | Fitch, | McDevitt, | Shugarts, |
| Arnold, | Flanagan, | McElroy, | Siegel, |
| Atkins, | Flinchbaugh, | McHenry, | Simon, |
| Aukerman, | Forrest, | Melchiorre, | Simpson, |
| Baine, | Furman, | Mentzer, | Sloan, |
| Baker, F. T., | Gates, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gerard, | Moomaw, | Smith, W. G., |
| Barber, | Gillette, | Mooney, | Snyder, F. E., |
| Barnhardt, | Green, | Moran, | Snyder, J. L., |
| Bernhard, | Greenstein, | Moul, | Sowers, |
| Blumberg, | Habbyshaw, | Muir, | Sproul, |
| Boose, | Haberlen, | Munley, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stockham, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stone, |
| Brennan, | Harkins, | Ominsky, | Stott, |
| Brown, H. S., | Harmuth, | O'Neill, | Sumney, |
| Brown, J. E., | Hart, | Panton, | Surface, |
| Brownfield, | Hartman, | Parks, | Tahl, |
| Brumbaugh, | Hefferon, | Patterson, C., | Terry, |
| Burke, | Hetrick, | Patterson, J. W., | Tronzo, |
| Cannon, | Hindman, | Pearson, | Trout, |
| Caputo, | Hirsch, | Perry, | Tumelty, |
| Carr, | Hoffner, | Peters, | Turner, |
| Carson, | Holland, | Pfaff, | Van Allsburg, |
| Castor, | Holstrom, | Phillips, | Van Sickle, |
| Chervenak, | Hoopes, | Piole, | Walker, |
| Coakley, | Horst, | Powers, | Wall, |
| Cochran, | Jackson, | Reising, | Wasserman, |
| Cohen, | Jones, | Reynolds, | Weiss, |
| Coleman, | Kane, | Rhys, | Welliver, |
| Condon, | Kelder, | Rinn, | Welsh, |
| Conner, | Kelso, | Roan, | Westrick, |
| Coolahan, | Kilroy, | Robinson, | White, |
| Cordier, | Kinney, | Rooney, | Wickersham, |
| Davies, | Klingler, | Root, | Wilson, |
| Decker, | Kobelak, | Ruffennach, | Wood, |
| Denning, | LaRue, | Ruth, | Woodside, |
| Dent, | Linderman, | Sarraf, | Yeakel, |
| Diehl, | Long, | Scanlon, | Yourishin, |
| Downey, G. E., | Longaker, | Schrock, | Zappala, |
| Downey, J. J., | Lovett, | Schrope, | Zimmerman, |
| Duffort, | Lynch, | Schwab, | Sarig, |
| Eberharter, | Male, | Schwartz, | |

NAYS—7

| | | | |
|---|---|---|---|
| Baldi, | Hermansen, | Moore, | Witkin, |
| Dilley, | McKinney, | Weidemann, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 934, entitled:

An Act to amend section two of the act approved the twenty-second day of April one thousand eight hundred and seventy-four (P. L. 109), entitled "An act to provide for the submission of civil cases to the decision of the court and to dispense with trial by jury" providing that upon request of counsel the decision of the court in such cases shall state separately the facts found the answers to points submitted and the conclusions of law.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Schwartz, |
| Alexander, | Falkenstein, | Mason, | Shaw, |
| Allen, | Ferko, | McCreary, | Shepard, |
| Altenburg, | Finnerty, | McDermott, | Shortz, |
| Andrews, | Fitch, | McDevitt, | Shreiner, |
| Arnold, | Flanagan, | McElroy, | Shugarts, |
| Atkins, | Flinchbaugh, | McHenry, | Siegel, |
| Aukerman, | Forrest, | McKinney, | Simon, |
| Baine, | Furman, | Melchiorre, | Simpson, |
| Baker, F. T., | Gates, | Mentzer, | Sloan, |
| Baker, J. J., | Gerard, | Merrell, | Smith, J. A., |
| Baldi, | Gillette, | Moomaw, | Smith, W. G., |
| Barber, | Green, | Mooney, | Snyder, F. E., |
| Barnhardt, | Greenstein, | Moore, | Snyder, J. L., |
| Bernhard, | Habbyshaw, | Moran, | Sowers, |
| Blumberg, | Haberlen, | Moul, | Sproul, |
| Boose, | Hagerty, | Muir, | Stank, |
| Boyd, R., | Haluska, | Munley, | Stevens, |
| Boyer, | Hamilton, F. P., | Murrin, | Stewart, |
| Bradley, | Hamilton, R. S., | Nagel, | Stockham, |
| Brancato, | Harkins, | Nothnagle, | Stone, |
| Brennan, | Harmuth, | O'Keefe, | Stott, |
| Brown, H. S., | Hart, | Ominsky, | Sumney, |
| Brown, J. E., | Hartman, | O'Neill, | Surface, |
| Brownfield, | Hefferon, | Panton, | Tahl, |
| Brumbaugh, | Hermansen, | Parks, | Terry, |
| Burke, | Hetrick, | Patterson, C., | Tronzo, |
| Cannon, | Hindman, | Patterson, J. W., | Trout, |
| Caputo, | Hirsch, | Pearson, | Tumelty, |
| Carr, | Hoffner, | Perry, | Turner, |
| Carson, | Holland, | Peters, | Van Allsburg, |
| Castor, | Holstrom, | Pfaff, | Van Sickle, |
| Chervenak, | Hoopes, | Phillips, | Walker, |
| Coakley, | Horst, | Piole, | Wall, |
| Cochran, | Jackson, | Powers, | Wasserman, |
| Cohen, | Jones, | Reising, | Weidemann, |
| Coleman, | Kane, | Reynolds, | Weiss, |
| Condon, | Kelder, | Rhys, | Welliver, |
| Conner, | Kelso, | Rinn, | Welsh, |
| Coolahan, | Kilroy, | Roan, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Rooney, | Wickersham, |
| Decker, | Kobelak, | Root, | Wilson, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | | | |

NAYS—1

Witkin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 987, as follows:

An Act To amend section ten of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees hereinafter designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof

sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and resignation of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents" by changing the number of times required to advertise the granting of letters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

Section 10 The executors or administrators of every decedent shall immediately after the granting of letters testamentary or of administration to them cause notice thereof to be given in one newspaper published at or near the place where such decedent resided and in the legal periodical if any designated by rule of court for the publication of legal notices once a week during at least [six] four successive weeks together with their names and places of residence and in every such notice they shall request all persons having claims or demands against the estate of the said decedent to make known the same and all persons indebted to the said decedent to make payment to them without delay

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—20

| | | | |
|---|---|---|---|
| Aukerman, | Harkins, | Lovett, | Ruffennach, |
| Barber, | Hoopes, | Melchiorre, | Schwab, |
| Brown, H. S., | Kilroy, | Nagel, | Stone, |
| Caputo, | Kobelak, | O'Keefe, | Tronzo, |
| Hagerty, | Long, | Reising, | Wilson, |

NAYS—148

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Sloan, |
| Alexander, | Finnerty, | McDermott, | Smith, J. A., |
| Allen, | Fitch, | McElroy, | Smith, W. G., |
| Altenburg, | Flinchbaugh, | McHenry, | Snyder, F. E., |
| Andrews, | Forrest, | McKinney, | Snyder, J. L., |
| Arnold, | Furman, | Mentzer, | Sowers, |
| Atkins, | Gates, | Moomaw, | Sproul, |
| Baine, | Gillette, | Mooney, | Stevens, |
| Baker, F. T., | Greenstein, | Moore, | Stewart, |
| Baldi, | Habbyshaw, | Moran, | Stockham, |
| Barnhardt, | Haberlen, | Muir, | Stott, |
| Bernhard, | Haluska, | Munley, | Sumney, |
| Blumberg, | Hamilton, F. P., | Murrin, | Surface, |
| Boose, | Hamilton, R. S., | Nothnagle, | Tahl, |
| Boyd, R., | Harmuth, | Ominsky, | Trout, |
| Boyer, | Hart, | O'Neill, | Tumelty, |
| Brennan, | Hartman, | Parks, | Turner, |
| Brownfield, | Hindman, | Patterson, J. W., | Van Allsburg, |
| Brumbaugh, | Hirsch, | Pearson, | Van Sickle, |
| Cannon, | Hoffner, | Peters, | Walker, |
| Castor, | Holland, | Pfaff, | Wall, |
| Coakley, | Holstrom, | Phillips, | Wasserman, |
| Cohen, | Horst, | Piole, | Weidemann, |
| Coleman, | Jackson, | Powers, | Weiss, |
| Conner, | Jones, | Reynolds, | Welliver, |
| Coolahan, | Kane, | Rhys, | Welsh, |
| Cordier, | Kelder, | Rinn, | Westrick, |
| Davies, | Kelso, | Roan, | White, |
| Decker, | Kinney, | Robinson, | Wickersham, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Diehl, | LaRue, | Scanlon, | Wood, |
| Dilley, | Linderman, | Schrock, | Woodside, |
| Downey, J. J., | Longaker, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwartz, | Yourishin, |
| Duffort, | Male, | Shortz, | Zappala, |
| Eberharter, | Mallen, | Shreiner, | Zimmerman, |
| Falkenstein, | Mason, | Simon, | Sarig, |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1024, entitled:

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shaw, |
| Alexander, | Falkenstein, | Mason, | Shepard, |
| Allen, | Ferko, | McCreary, | Shortz, |
| Altenburg, | Finnerty, | McDermott, | Shreiner, |
| Andrews, | Fitch, | McDevitt, | Shugarts, |
| Arnold, | Flanagan, | McElroy, | Siegel, |
| Atkins, | Flinchbaugh, | McHenry, | Simon, |
| Aukerman, | Forrest, | McKinney, | Simpson, |
| Baine, | Furman, | Melchiorre, | Sloan, |
| Baker, F. T., | Gates, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gerard, | Merrell, | Smith, W. G., |

| | | | |
|---|---|---|---|
| Baldi, | Gillette, | Moomaw, | Snyder, F. E., |
| Barber, | Green, | Mooney, | Snyder, J. L., |
| Barnhardt, | Greenstein, | Moore, | Sowers, |
| Bernhard, | Habbyshaw, | Moran, | Sproul, |
| Blumberg, | Haberlen, | Moul, | Stank, |
| Boose, | Hagerty, | Muir, | Stevens, |
| Boyd, R., | Haluska, | Munley, | Stewart, |
| Boyer, | Hamilton, F. P., | Murrin, | Stockham |
| Bradley, | Hamilton, R. S., | Nagel, | Stone, |
| Brancato, | Harkins, | Nothnagle, | Stott, |
| Brennan, | Harmuth, | O'Keefe, | Sumney, |
| Brown, H. S., | Hart, | Ominsky, | Surface, |
| Brown, J. E., | Hartman, | O'Neill, | Tahl, |
| Brownfield, | Hermansen, | Panton, | Terry, |
| Brumbaugh, | Hindman, | Parks, | Tronzo, |
| Burke, | Hirsch, | Patterson, C., | Trout, |
| Cannon, | Hoffner, | Patterson, J. W., | Tumelty, |
| Caputo, | Holland, | Pearson, | Turner, |
| Carr, | Holstrom, | Perry, | Van Allsburg, |
| Carson, | Hoopes, | Peters, | Van Sickle, |
| Castor, | Horst, | Pfaff, | Walker, |
| Coakley, | Jackson, | Phillips, | Wall, |
| Cochran, | Jones, | Piole, | Wasserman, |
| Cohen, | Kane, | Powers, | Weidemann, |
| Coleman, | Kelder, | Reising, | Weiss, |
| Condon, | Kelso, | Reynolds, | Welliver, |
| Conner, | Kilroy, | Rhys, | Welsh, |
| Coolahan, | Kinney, | Rinn, | Westrick, |
| Cordier, | Klingler, | Robinson, | White, |
| Davies, | Kobelak, | Rooney, | Wickersham, |
| Decker, | LaRue, | Root, | Wilson, |
| Denning, | Linderman, | Ruffennach, | Wood, |
| Dent, | Long, | Ruth, | Woodside, |
| Diehl, | Longaker, | Sarraf, | Yeakel, |
| Dilley, | Lovett, | Scanlon, | Yourishin, |
| Downey, G. E., | Lynch, | Schrock, | Zappala, |
| Duffort, | Male, | Schrope, | Zimmerman, |
| Eberharter, | | Schwab, | Sarig, |
| | | Schwartz, | |

NAYS—1

Witkin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## GRIDIRON DINNER ACT.

The SPEAKER. The members will find on their desks a bill, File of the 4th Estate, No. 40. In order to hurry up the passage of this bill, which is very important, the Chair now refers this bill to the Committee on Health and Sanitation. The Clerk will read the bill for the information of the House.

The Clerk read the bill as follows:

Printer's No.—A1

Pennsylvania Legislative Correspondents' Association

FILE OF THE 4TH ESTATE

No. 40 Razz of 1935

Place, Penn-Harris Hotel, April 24, 1935.

B. Y. O. L., 6:30 P. M.

An Act to provide relief (substantial and easy-flowing) and entertainment (rough and ready) by imposing a special tax on many and sundry persons prescribing the method and manner of collection conferring certain obligations and extending certain privileges to taxables and providing penalties

Section 1 Be it enacted by the Pennsylvania Legislative Correspondents' Association in celebration of the Fortieth Anniversary of its Founding and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Gridiron Dinner Act"

Section 2 The following words terms and phrases when used in this act and certain pointed remarks to the employed at the "Gridiron Dinner" hereinbefore and hereinafter mentioned shall have the meanings ascribed to them herewith

"Gridiron Dinner" A sizzling scorching libelous rollicking not-to-be-missed burlesque vaudeville and stunt show to be written staged directed and enacted by the members of the Pennsylvania Legislative Correspondents' Association

"Association" Pennsylvania Legislative Correspondents' Association composed of all newspapermen assigned to report the affairs of the General Assembly of one thousand nine hundred and thirty-five and the State Capitol and otherwise to look after the members and employes thereof

"Taxable" All members of the Senate and the House the Governor and all his Cabinet lobbyists former legislators defeated candidates job-hunters hangers-on friends foes men-about-town and divers other persons who have [ten] [eight] five bucks to spend

Section 3 The Association hereby imposes a soak-the-rich sock-the-poor tax of [$10] [$8] $5 (share the wealth) on all taxable for the purpose of providing a Gridiron Dinner with food and you-know-what at the Penn-Harris Hotel the evening of April twenty-fourth one thousand nine hundred and thirty-five at six-thirty post meredian

Section 4 By joint action of the Senate House and Assiocation and by decree of His Excellency the Governor it is hereby agreed and ordained that no State business legislative or serious will be conducted after the hour of four o'clock post meridian on that date

Section 5 All taxables will pay the herein imposed tax of [$10] [$8] $5 by mail addressed to Walter Roos Post Office Box two hundred twenty-one Harrisburg or in person at the Capitol News Room E Floor at once or as soon as possible thereafter Only a fixed number of tickets are available and no tax will be accepted after the quota is filled

Section 6 All taxables who fail to pay the tax herein imposed within the shortest possible time hereby are made subject to a penalty of missing the Gridiron Dinner and thereby remaining unenlightened on what-the-hell-this-is-all-about

The SPEAKER. The Chair now refers the bill to the Committee on Libel and Slander.

Mr. DENT. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Section 3, line 12, by inserting after the figure "$5" the words: "in stamps."

The SPEAKER. The Chair rules the amendment out of order.

On the question,

Shall the bill pass finally?

The bill passed finally.

Ordered, That the Clerk present the same to the Senate for concurrence.

## STATEMENT BY MR. WELLIVER

Mr. WELLIVER asked and obtained consent to make the following statement:

Mr. Speaker and members of the House, forty years ago I represented my district in this House and they claim I burned the capitol down. I want to say that I have a friend here that was with me forty years ago. I thought I was the only one who was resurrected from the dead to come back here, but I have a visitor here by the name of B. W. Dambly, who served with me in the House forty years ago. It is a pleasure to meet him today. I thank you.

The SPEAKER. The Chair will be very glad if the gentleman from Montour will present the gentleman to the members of the House.

Mr. WELLIVER. Mr. Speaker and members of the House, I have the privilege of introducing a gentleman who has come back to life forty years after he served as a member in this House. He was a member when I was a

member. The question arises, who burned the Capitol, he or I. I wish to introduce my friend, Mr. Dambly of Montgomery County, who will say a word to you.

REMARKS BY HON. B. W. DAMBLY

Mr. B. W. DAMBLY. Mr. Speaker and ladies and gentlemen, I had the honor of serving in this House under two administrations,—part of two administrations, that of Governor Patterson and of Governor Daniel H. Hastings, so that I am absolutely nonpartisan. I saw Governor Hastings back yonder plant a sapling about an inch and a half in circumference. What is now the Museum was then the Executive Office. On Arbor Day, which was then a new institution in Pennsylvania, Governor Hastings came down from his office, and with a spade and shovel.—a spade or some other tool in his hand, and planted that poplar there. It is now sixteen to eighteen inches in diameter.

So, I might reminisce, but I will not confess to setting the Capitol on fire. I thought that honor was reserved for Senator Saylor of Montgomery County, who is still living. I won't take that honor from Senator Saylor, but I am willing to leave it in the hands of the gentleman from Montour County, Judge Welliver.

The SPEAKER. The Chair wishes to thank the gentleman from Montgomery County, Mr. Dambly, for his kind remarks to the members of the House.

## SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1461, as follows:

An Act To further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by extending the period of revocation of operating privilege for operating while under the influence of intoxicating liquor or narcotic or habit producing drugs

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 614 Revocation of Operating Privilege

(a) The secretary shall forthwith revoke for a period of one (1) year from the date of revocation for the first offense for a period of two (2) years from the date of revocation for the second offense and for a period of three years from the date of revocation for the third offense and each subsequent offense the operating privilege of any person upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of the crime of operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug

[(a)] (b) The secretary shall forthwith revoke for a period of one (1) year from date of revocation the operating privilege of any person upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of any of the following crimes

1 [Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting] Permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2 Using a false or fictitious name or giving a false or fictitious address in any application or form required under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3 Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident

[(b)] (c) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle while the operator's license or learner's permit of such person is revoked shall immediately extend the period of such first revocation for an additional like period

[(c)] (d) The secretary upon revoking any operator's license or learner's permit shall require that such license of any operator whose license or permit is so revoked shall immediately be surrendered to and retained by the department

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERMANSEN. Mr. Speaker, I would like to interrogate the sponsor of this bill, Mr. Flinchbaugh.

The SPEAKER. Will the gentleman from York, Mr. Flinchbaugh, permit himself to be interrogated?

Mr. FLINCHBAUGH. I will, Mr. Speaker.

Mr. HERMANSEN. Mr. Speaker, do I understand by Section b on page 4, from line 10 on, that this makes the owner of a car responsible for all of the operators that he may have under him whom he may have employed?

Mr. FLINCHBAUGH. Mr. Speaker, I didn't hear the gentleman. What line was that?

Mr. HERMANSEN. Mr. Speaker, this is on page 4 of the bill. Commencing on line 10, it strikes out the following: "Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting." Then it adds: "Permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control."

Mr. FLINCHBAUGH. Mr. Speaker, the words "any person who may be under the influence of intoxicating liquor" apply to persons who permit any one wilfully, knowing them to be under the influence of liquor. In answer to the gentleman who has just interrogated me, "permitting any person who may be under the influence of intoxicating liquor," of course, applies when they allow knowingly and wilfully any one who is under the influence of liquor to operate a car.

Mr. HERMANSEN. Mr. Speaker, it doesn't say "knowingly" in the bill, and my impression is that if this bill becomes a law, operators like Martz, or these fellows running big busses, if one of their drivers happens to become intoxicated or influenced by a drug, they become responsible for the action of that operator, that they would lose their license, due to the action of the chauffeur.

Mr. FLINCHBAUGH. Mr. Speaker, in answer to the gentleman, I want to say that the act, I think, is sufficiently clear. It means knowingly permitting any person under the influence. If I give my car to some one to drive and he afterwards becomes intoxicated without my knowledge, naturally I wouldn't be responsible.

Mr. HERMANSEN. Mr. Speaker and members of the House, I think that there is great danger of a wrong interpretation of the act. It doesn't say "knowingly" here, and it may get some owner of a car into serious trouble. I can not see my way clear to vote for it.

Mr. VAN SICKLE. Mr. Speaker and members of the House, the act reads: "permitting any person * * * to operate." Then after the words "any person" are found the words "who may be under the influence of intoxicating liquor or narcotic or habit producing drug." This clause modifies the word "person," so that the person must be under the influence of that intoxicating liquor or narcotic. If a man permits a person to operate his car who is not under that influence, then he is not responsible. If he permits a person to operate the car while under the influence, then he is responsible. That clause modifies the word "person," and the word "permitting" would take care of the objection of the gentleman.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—108

| | | | |
|---|---|---|---|
| Achterman, | Finnerty, | Male, | Schwab, |
| Allen, | Flanagan, | Mason, | Shortz, |
| Altenburg, | Flinchbaugh, | McCreary, | Shreiner, |
| Andrews, | Furman, | McDevitt, | Siegel, |
| Arnold, | Gates, | McHenry, | Simon, |
| Atkins, | Gerard, | McKinney, | Sloan, |
| Aukerman, | Gillette, | Merrell, | Smith, J. A., |
| Baker, F. T., | Greenstein, | Moomaw, | Smith, W. G., |
| Barber, | Habbyshaw, | Moul, | Snyder, F. E., |
| Bernhard, | Haberlen, | Muir, | Snyder, J. L., |
| Boose, | Haluska, | Munley, | Stewart, |
| Boyer, | Hamilton, R. S., | Murrin, | Stone, |
| Brancato, | Harmuth, | Nagel, | Stott, |
| Brennan, | Hart, | Ominsky, | Sumney, |
| Brown, J. E., | Hartman, | O'Neill, | Surface, |
| Brownfield, | Hermansen, | Panton, | Van Allsburg, |
| Brumbaugh, | Hindman, | Parks, | Van Sickle, |
| Burke, | Hirsch, | Patterson, C., | Walker, |
| Carson, | Hoffner, | Perry, | Wall, |
| Coakley, | Horst, | Peters, | Wasserman, |
| Cohen, | Jones, | Phillips, | Weidemann, |
| Coleman, | Kelso, | Reising, | Welliver, |
| Cordier, | Kinney, | Rinn, | Welsh, |
| Davies, | Klingler, | Robinson, | Westrick, |
| Diehl, | LaRue, | Ruffennach, | Wood, |
| Dilley, | Longaker, | Ruth, | Woodside, |
| Downey, G. E., | Lynch, | Schrock, | Sarig, |
| Falkenstein, | | | |

NAYS—67

| | | | |
|---|---|---|---|
| Baine, | Eberharter, | McDermott, | Shugarts, |
| Baker, J J., | Ferko, | McElroy, | Sowers, |
| Baldi, | Fitch, | Melchiorre, | Sproul, |
| Barnhardt, | Forrest, | Mentzer, | Stank, |
| Blumberg, | Hagerty, | Mooney, | Stevens, |
| Boyd, R., | Hamilton, F. P., | Moore, | Stockham, |
| Bradley, | Harkins, | Moran, | Tronzo, |
| Cannon, | Holland, | Patterson, J. W., | Trout, |
| Caputo, | Holstrom, | Pfaff, | Tumelty, |
| Carr, | Jackson, | Piole, | Turner, |
| Castor, | Kelder, | Powers, | Weiss, |
| Cochran, | Kilroy, | Reynolds, | White, |
| Condon, | Kobelak, | Rhys, | Wickersham, |
| Conner, | Linderman, | Scanlon, | Witkin, |
| Dent, | Long, | Schrope, | Yeakel, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shepard, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1114, as follows:

An Act to amend the title of and sections one and seventeen of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" extending the provisions of said act to cities of the first class

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureau of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" is hereby amended to read as follows

An Act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the first second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties

Section 2 That sections one and seventeen of said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the first day of July one thousand nine hundred and thirty-three appointments to and promotions in all paid fire departments or as fire alarm operators and fire box inspectors in the bureaus of electricity of cities of the first second and [the] third class shall be made according to qualifications and fitness to be ascertained by examinations which so far as practicable shall be competitive as hereinafter provided On and after said date no person shall be reinstated appointed promoted demoted or discharged as a paid member of any fire department (except the chief and deputy chiefs) regardless of rank or position in any fire department or as a fire alarm operator or fire box inspector in the bureau of electricity in any city of the first second or third class in any manner or by any means other than those prescribed in this act

Section 17 All acts and parts of acts general special or local inconsistent with this act are hereby repealed It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction removal and reinstatement of all officers firemen or other employes of fire departments and of all fire alarm operators and fire box inspectors in the bureaus of electricity in all cities of the first second and third class wherein such officers and employes are paid

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, may I ask the sponsor of this bill to explain its provisions?

Mr. FITCH. Mr. Speaker and members of the House, this bill is for the purpose of rectifying a mistake that has been made so far as a first class city is concerned, and giving to the firemen and the protected employees of the city of Philadelphia the same privilege that they have in second and third class cities.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simon, |
| Aukerman, | Forrest, | Melchiorre, | Simpson, |
| Baine, | Furman, | Mentzer, | Sloan, |
| Baker, F. T., | Gates, | Merrell, | Smith, J. A., |
| Baker, J J., | Gerard, | Moomaw, | Smith, W. G., |
| Baldi, | Gillette, | Mooney, | Snyder, F. E., |
| Barber, | Green, | Moore, | Snyder, J. L., |
| Barnhardt, | Greenstein, | Moran, | Sowers, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Munley, | Stevens, |
| Boyd, R., | Haluska, | Murrin, | Stewart, |
| Boyer, | Hamilton, F. P., | Nagel, | Stockham, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stone, |
| Brancato, | Harkins, | O'Keefe, | Stott, |
| Brennan, | Harmuth, | Ominsky, | Sumney, |
| Brown, H. S., | Hart, | O'Neill, | Surface, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hefferon, | Parks, | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, C., | Trout, |
| Burke, | Hindman, | Patterson, J. W., | Tumelty, |
| Cannon, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carr, | Holland, | Peters, | Van Sickle, |
| Carson, | Holstrom, | Pfaff, | Walker, |
| Castor, | Hoopes, | Phillips, | Wall, |
| Coakley, | Horst, | Piole, | Wasserman, |
| Cochran, | Jackson, | Powers, | Weidemann, |
| Cohen, | Jones, | Reising, | Weiss, |
| Coleman, | Kane, | Reynolds, | Welliver, |
| Condon, | Kelder, | Rhys, | Welsh, |
| Conner, | Kelso, | Rinn, | Westrick, |
| Coolahan, | Kilroy, | Robinson, | White, |
| Cordier, | Kinney, | Rooney, | Wickersham, |
| Davies, | Klingler, | Root, | Wilson, |
| Decker, | Kobelak, | Ruffennach, | Witkin, |
| Denning, | LaRue, | Ruth, | Wood, |
| Dent, | Linderman, | Sarraf, | Woodside, |
| Diehl, | Long, | Scanlon, | Yeakel, |
| Dilley, | Longaker, | Schrock, | Yourishin, |
| Downey, G. E., | Lovett, | Schrope, | Zappala, |
| Downey, J. J., | Lynch, | Schwab, | Zimmerman, |
| Duffort, | Male, | Schwartz, | Sarig, |
| Eberharter, | Mallen, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 28, entitled:

An Act to amend article nine of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by adding a new section thereto for protecting the safety of the public by prohibiting the operation of certain commercial motor vehicles on Sundays and legal holidays between the hours of nine o'clock ante meridian and nine o'clock post meridian.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. FURMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of a hearing.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 528, entitled:

An Act to amend section seven hundred and ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts making an appropriation and providing for refunds," changing the dates when registrations may be made for less than the full yearly fee.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shaw, |
| Alexander, | Falkenstein, | Mason, | Shepard, |
| Allen, | Ferko, | McCreary, | Shortz, |
| Altenburg, | Finnerty, | McDermott, | Shreiner, |
| Andrews, | Fitch, | McDevitt, | Shugarts, |
| Arnold, | Flanagan, | McElroy, | Siegel, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Forrest, | McKinney, | Sloan, |
| Baine, | Furman, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Gates, | Mentzer, | Smith, W. G., |
| Baker, J. J., | Gerard, | Merrell, | Snyder, F. E., |
| Baldi, | Gillette, | Moomaw, | Snyder, J. L., |
| Barber, | Green, | Mooney, | Sowers, |
| Barnhardt, | Greenstein, | Moore, | Sproul, |
| Bernhard, | Habbyshaw, | Moran, | Stank, |
| Blumberg, | Haberlen, | Moul, | Stevens, |
| Boose, | Hagerty, | Muir, | Stewart, |
| Boyd, R., | Haluska, | Munley, | Stockham, |
| Boyer, | Hamilton, F. P., | Murrin, | Stone, |
| Bradley, | Hamilton, R. S., | Nagel, | Stott, |
| Brancato, | Harkins, | Nothnagle, | Sumney, |
| Brennan, | Harmuth, | O'Keefe, | Surface, |
| Brown, H. S., | Hart, | Ominsky, | Tahl, |
| Brown, J. E., | Hartman, | O'Neill, | Terry, |
| Brownfield, | Hefferon, | Panton, | Tronzo, |
| Brumbaugh, | Hermansen, | Parks, | Trout, |
| Burke, | Hindman, | Patterson, C., | Tumelty, |
| Cannon, | Hirsch, | Patterson, J. W., | Turner, |
| Caputo, | Hoffner, | Pearson, | Van Allsburg, |
| Carr, | Holland, | Perry, | Van Sickle, |
| Carson, | Holstrom, | Peters, | Walker, |
| Castor, | Hoopes, | Pfaff, | Wall, |
| Coakley, | Horst, | Phillips, | Wasserman, |
| Cochran, | Jackson, | Piole, | Weidemann, |
| Cohen, | Jones, | Powers, | Weiss, |
| Coleman, | Kane, | Reising, | Welliver, |
| Condon, | Kelder, | Reynolds, | Welsh, |
| Conner, | Kelso, | Rhys, | Westrick, |
| Coolahan, | Kilroy, | Rinn, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| Eberharter, | | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 883, entitled:

An Act to amend section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for the annulment of void and voidable marriages.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, I would like to ask the sponsor of this bill to explain it.

Mr. SOWERS. Mr. Speaker and members of the House, the present divorce code provides for annulment only in cases of bigamy. The bill before the House provides for annulment of void and voidable mariages. In Newlin's Estate and Pitcairn and Pitcairn, and a number of cases in Pennsylvania, it was decided that void mariages could not be annulled unless the cause was bigamy, and the purpose of the bill is to correct the existing error in the law and permit annulment on grounds that under the law are recognized by the courts as reasons to declare a marriage void.

Mr. HOLLAND. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Sowers, permit himself to be interrogated?

Mr. SOWERS. I will, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, may I ask the gentleman from Philadelphia, if this is going to make more business for the lawyers?

Mr. SOWERS. Mr. Speaker, this bill will tend to make less business for lawyers, because at the present time, if a marriage is void on the ground of insanity or fraud or some other reason, and the parties fail to live together, or if they live together and one dies, then the lawyer makes plenty in the settlement of the estate and having the marriage adjudicated, in the Orphans Court, as void.

Mr. HOLLAND. Mr. Speaker and members of the House, I think the members of this House should give the sponsor of this bill, being a lawyer, a vote of thanks.

The SPEAKER. Thanks are extended to the gentleman from Philadelphia, Mr. Sowers.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shepard, |
| Alexander, | Falkenstein, | McCreary, | Shortz, |
| Allen, | Ferko, | McDermott, | Shreiner, |
| Altenburg, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Sproul, |
| Bernhard, | Habbyshaw, | Moul, | Stank, |
| Blumberg, | Haberlen, | Muir, | Stevens, |
| Boose, | Hagerty, | Munley, | Stewart, |
| Boyd, R., | Haluska, | Murrin, | Stockham, |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hefferon, | Parks, | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, C., | Trout, |
| Burke, | Hindman, | Patterson, J. W., | Tumelty, |
| Cannon, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carr, | Holland, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Coakley, | Horst, | Powers, | Wasserman, |
| Cochran, | Jackson, | Reising, | Weidemann, |
| Cohen, | Jones, | Reynolds, | Weiss, |
| Coleman, | Kane, | Rhys, | Welliver, |
| Condon, | Kelder, | Rinn, | Welsh, |
| Conner, | Kelso, | Robinson, | Westrick, |
| Coolahan, | Kilroy, | Rooney, | White, |
| Cordier, | Kinney, | Root, | Wickersham, |
| Davies, | Klingler, | Ruffennach, | Wilson, |
| Decker, | Kobelak, | Ruth, | Witkin, |
| Denning, | LaRue, | Sarraf, | Wood, |
| Dent, | Linderman, | Scanlon, | Woodside, |
| Diehl, | Long, | Schrock, | Yeakel, |
| Dilley, | Longaker, | Schrope, | Yourishin, |
| Downey, G. E., | Lovett, | Schwab, | Zappala, |
| Downey, J. J., | Lynch, | Schwartz, | Zimmerman, |
| Duffort, | Male, | Shaw, | Sarig, |
| Eberharter, | Mallen, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1236, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds." by providing certain exemptions from the payment of fees provided for therein.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shaw, |
| Alexander, | Eroe, | Mason, | Shepard, |
| Allen, | Falkenstein, | McCreary, | Shortz, |
| Altenburg, | Ferko, | McDermott, | Shreiner, |
| Andrews, | Finnerty, | McDevitt, | Shugarts, |
| Arnold, | Fitch, | McElroy, | Siegel, |
| Atkins, | Flanagan, | McHenry, | Simpson, |
| Aukerman, | Flinchbaugh, | McKinney, | Sloan, |
| Baine, | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J. J., | Gates, | Merrell, | Snyder, F. E., |
| Baldi, | Gerard, | Moomaw, | Snyder, J. L., |
| Barber, | Gillette, | Mooney, | Sowers, |
| Barnhardt, | Green, | Moore, | Sproul, |
| Bernhard, | Greenstein, | Moran, | Stank, |
| Blumberg, | Habbyshaw, | Moul, | Stevens, |
| Boose, | Haberlen, | Muir, | Stewart, |
| Boyd, R., | Hagerty, | Munley, | Stockham, |
| Boyer, | Haluska, | Murrin, | Stone, |
| Bradley, | Hamilton, F. P., | Nagel, | Stott, |
| Brancato, | Hamilton, R. S., | Nothnagle, | Sumney, |
| Brennan, | Harkins, | O'Keefe, | Surface, |
| Brown, H. S., | Harmuth, | Ominsky, | Tahl, |
| Brown, J. E., | Hart, | O'Neill, | Terry, |
| Brownfield, | Hartman, | Panton, | Tronzo, |
| Brumbaugh, | Hermansen, | Parks, | Trout, |
| Burke, | Hindman, | Patterson, C., | Tumelty, |
| Cannon, | Hirsch, | Patterson, J. W., | Turner, |
| Caputo, | Hoffner, | Pearson, | Van Allsburg, |
| Carr, | Holland, | Perry, | Van Sickle, |
| Carson, | Holstrom, | Peters, | Walker, |
| Castor, | Hoopes, | Pfaff, | Wall, |
| Coakley, | Horst, | Phillips, | Wasserman, |
| Cochran, | Jackson, | Piole, | Weidemann, |
| Cohen, | Jones, | Powers, | Weiss, |
| Coleman, | Kane, | Reising, | Welliver, |
| Condon, | Kelder, | Reynolds, | Welsh, |
| Conner, | Kelso, | Rhys, | Westrick, |
| Coolahan, | Kilroy, | Rinn, | White, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Klingler, | Rooney, | Wilson, |
| Decker, | Kobelak, | Root, | Witkin, |
| Denning, | LaRue, | Ruffennach, | Wood, |
| Dent, | Linderman, | Ruth, | Woodside, |
| Diehl, | Long, | Sarraf, | Yeakel, |
| Dilley, | Longaker, | Scanlon, | Yourishin, |
| Downey, G. E., | Lovett, | Schrock, | Zappala, |
| Downey, J. J., | Lynch, | Schrope, | Zimmerman, |
| Duffort, | Male, | Schwab, | Sarig, |
| | | Schwartz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## TIME EXTENDED ON BILL

Mr. OMINSKY asked and obtained consent for an extension of time for House Bill No. 375, Printer's No. 206, page No. 2, bill on second reading, to remain on the calendar.

## TIME EXTENDED ON BILL

Mr. BLUMBERG asked and obtained consent for an extension of time for House Bill No. 979, Printer's No. 196, page No. 2, bill on second reading, to remain on the calendar.

## BILL ON THIRD READING

Mr. ANDREWS. Mr. Speaker, I desire to call up House Bill No. 932, Printer's No. 383 which was postponed this morning.

## RECONSIDERATION OF VOTE

Mr. ANDREWS. Mr. Speaker, I move that the vote by which House Bill No. 932, Printer's No. 383, on page 2, of today's calendar, was ordered to be transcribed for third reading, to be reconsidered.

The motion was agreed to.

Mr. ANDREWS. Mr. Speaker, I move that the vote by which this bill was agreed to on second reading be reconsidered.

The motion was agreed to.

Mr. ANDREWS. Mr. Speaker, I move that the vote by which the House agreed to the title be reconsidered.

The motion was agreed to.

Mr. ANDREWS. Mr. Speaker, I move that the vote by which the separate sections were read and agreed to be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the first section?

## BILL POSTPONED

Mr. ANDREWS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No 51.

An Act to amend section eight of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-nine) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and providing for the acceptance of this act by cities" by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone

HOUSE BILL No. 775.

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## SENATE MESSAGE

### HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 332.

An Act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (P. L. 200, 1933-1934) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances"

With the information that the Senate has passed the same without amendment.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Cities will meet immediately after the session in Room 324.

The Committee on State Government will meet in Room 323 on Wednesday, April 3, 1935, at 10:00 A. M.

The Committee on Insurance will meet tomorrow, Wednesday, April 3, 1935, at 10:00 A. M. in Room 325.

The Committee on Judiciary General will meet tomorrow, Wednesday, April 3, 1935, at 10:00 A. M. in Room 326.

The Committee on Boroughs and Townships will meet tomorrow, Wednesday, April 3, 1935, at 10:15 A. M. in Room 326.

The Committee on Health and Sanitation will meet tomorrow, Wednesday, April 3, 1935, after the morning session, in Room 325.

The Committee on Education will meet tomorrow, Wednesday, April 3, 1935, at 9:15 A. M. in Room 326.

The Committee on Military Affairs will meet tomorrow, Wednesday, April 3, 1935, at 9:30 A. M. in Room 324.

The Committee on Law and Order will meet tomorrow, Wednesday, April 3, 1935, at 5:00 P. M. in Room 324.

A public hearing on House Bill 688 will be held on Wednesday, April 3, 1935, at 2:00 P. M. in the Senate caucus room.

There will be no meeting of the Judiciary Special Committee today.

There will be no meeting of the Judiciary Local Committee today.

There will be no meeting of the Municipal Corporations Committee today.

The Secretary of Banking wishes to meet with all of the members of the Committee on Banking in Room 521, "E" Floor, at 2:00 P. M. today.

In connection with the proposed baseball contest between the Democrats and the Republicans, it is requested that the following announcement be made:

Harry O'Neill, as Manager of the Democrats, and John Haluska, as Captain of the Democrats, Mr. Bernhard as Manager of the Republicans, and Mr. Longaker as Captain of the Republicans, will meet after this morning's session in the Conference Room in the rear of the House.

Mr. BURKE. Mr. Speaker, I would like to suggest an amendment to the announcement just read, by adding the gentleman from Erie, Mr. McCreary, as umpire.

The SPEAKER. The amendment will be accepted by the Chair.

## ADJOURNMENT

Mr. FRANK P. HAMILTON. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11:00 o'clock A. M.

The motion was agreed to, and (at 1:19 o'clock P. M.) the House adjourned until Wednesday, April 3, 1935, at 11:00 o'clock A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, APRIL 3, 1935 No. 39

## SENATE

WEDNESDAY, APRIL 3, 1935

The Senate met at 11 o'clock A. M.

The PRESIDENT (Pro Tempore John G. Homsher) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D.D., offered the following prayer:

Preserve us, O God, from undue self-reliance. We desire to be manly men—men who have confidence in their own powers of thought and judgment. Yet, in making supreme decisions and passing judgment upon questions of vital importance to ourselves and our fellow men, we need to rely upon the wisdom and discretion of Him who is the source of all mental and spiritual discernment.

Make these men willing to be so led by Thy great mind and heart that the actions taken by them during these days of law enactment may be such as to challenge criticism. When we are on Thy side and Thou art on our side we can meet the adverse opinions of opposition with silent confidence in the righteousness of our cause.

May every action of this Senate be rooted and grounded in faith in Thee, the Great Giver of all good laws. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WOODWARD, the further reading was dispensed with, and the Journal was approved.

### PETITIONS

#### FAVORING LEGISLATION TO PREVENT STREAM POLLUTION

The Chair cleared his table and laid before the Senate petitions signed by 3500 citizens of Philadelphia favoring legislation to prevent stream pollution.

Which were referred to the Committee on Forests and Waters.

#### OPPOSING HOUSE BILL NO. 936

The Chair also laid before the Senate petition of numerous citizens of Philadelphia opposing House Bill 936.

Which was referred to the Committtee on Finance.

#### PROTEST AGAINST ANTI-SABBATH BILLS

Mr. GRAFF presented petitions from residents of Armstrong County protesting against Anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

### NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

#### MEMBERS OF THE BOARD OF TRUSTEES OF THE PHILIPSBURG STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 2, 1935.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation.

John Scollins, of Houtzdale, Clearfield County, as a member of the Board of Trustees of the Philipsburg State Hospital, vice Andrew Frendberg, whose term expired, for the term of four years, and until his successor is qualified.

Charles E. Freeman, of Philipsburg, Centre County, as a member of the Board of Trustees of the Philipsburg State Hospital, vice Mrs. Viola Lewis Martin, whose term expired, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

#### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 3, 1935.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Leon H. Fleming, Coraopolis, April 7, 1935.
L. M. Shoemaker, Aspinwall, April 16, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 3, 1935.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ARMSTRONG COUNTY

Miss Ethel F. Coulter, Apollo.

BUTLER COUNTY

D. M. Lord, Butler.

CARBON COUNTY

Horace D. Obert, Lehighton.

LANCASTER COUNTY

Ellsworth E. Gates, Lancaster.

LEBANON COUNTY

Cyrus E. Shenk, Annville.

MONTGOMERY COUNTY

Miss Mary Y. May, Rosemont.

NORTHAMPTON COUNTY

Adrian Strausburg, Easton.

NORTHUMBERLAND COUNTY

Conrad G. Graeber, Shamokin.

PHILADELPHIA COUNTY

Mrs. Mary Milano, 5946 Chester Ave., Philadelphia.

SCHUYLKILL COUNTY

George C. Shoemaker, Ashland.

WESTMORELAND COUNTY

Peter Buck, Webster.
Harry Wind, Monessen.

ERIE COUNTY

Mrs. Kathryn M. Bassow, Erie.

GEORGE H. EARLE.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 528 (Senate Bill No. 774), entitled:

An Act to amend section seven hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," changing the dates when registration may be made for less than the full yearly fee.

Which was committed to the Committee on Highways.

House Bill No. 687 (Senate Bill No. 775), entitled:

An Act authorizing parties to equity suits to dismiss claims or counter claims; and providing that claims shall remain in force as to parties not joining in the dismissal.

Which was committed to the Committee on Judiciary General.

House Bill No. 751 (Senate Bill No. 776), entitled:

An Act relating to the business of selling or leasing furniture, and household articles on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times.

Which was committed to the Committee on Judiciary General.

House Bill No. 883 (Senate Bill No. 777), entitled:

An Act to amend section twelve of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "Divorce Law," providing for the annulment of void and voidable marriages.

Which was committed to the Committee on Judiciary Special.

House Bill No. 934 (Senate Bill No. 778), entitled:

An Act to amend section two of the act approved the twenty-second day of April, one thousand eight hundred and seventy-four (P. L. 109), entitled "An act to provide for the submission of civil cases to the decision of the court, and to dispense with trial by jury," providing that upon request of counsel, the decision of the court in such cases shall state separately the facts found, the answers to points submitted and the conclusions of law.

Which was committed to the Committee on Judiciary General.

House Bill No. 1024 (Senate Bill No. 779), entitled:

An Act to amend section two of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads."

Which was committed to the Committee on Highways.

House Bill No. 1114 (Senate Bill No. 780), entitled:

An Act to amend the title of, and sections one and seventeen of the act approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," extending the provisions of said act to cities of the first class.

Which was committed to the Committee on Municipal Government.

House Bill No. 1236 (Senate Bill No. 781), entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by providing certain exemptions from the payment of fees provided for therein.

Which was committed to the Committee on Highways.

House Bill No. 1461 (Senate Bill No. 782), entitled:

An Act to further amend section six hundred and fourteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by extending the period of revocation of operating privilege for operating while under the influence of intoxicating liquor or narcotic or habit producing drugs.

Which was committed to the Committee on Highways.

## HOUSE MESSAGES

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on State Government:

### RESOLUTION RELATIVE TO PRINTING OFFICIAL STATIONERY

In the House of Representatives, March 5, 1935.

Whereas, The present session of the General Assembly is composed of members elected from political parties which have all gone on record as favoring legislation pro-

tecting the rights of labor and labor organizations; now therefore be it

Resolved (if the Senate concur), That the administrative authorities in charge of the printing for the Commonwealth be urged to have printed all stationery, envelopes and other desk materials used by the various branches of the Executive, Judicial and Legislative Departments of the State Government, in printing shops that can furnish the Allied Printing Trades Council Label or Typographical Union Label and that such labels be displayed thereon.

ACTING CHAIRMAN OF COMMITTEE ON LABOR AND INDUSTRY

The Chair announces the appointment of the Senator from Philadelphia, Dr. Hunsicker, as acting Chairman of the Committee on Labor and Industry.

## REPORTS FROM COMMITTEES

Mr. ZIESENHEIM, from the Committee on Highways, reported as committed, Senate Bill No. 139, entitled:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for refunds of taxes paid on liquid fuels, consumed for purposes other than the operation of motor vehicles on the public highways of this Commonwealth and providing penalties.

Mr. CLARK, from the Committee on Appropriations, reported as committed, or as amended, Senate Bill No. 763, entitled:

An Act making an appropriation to the Coaldale State Hospital, Coaldale, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 764, entitled:

An Act making an appropriation to the Department of Welfare for use of Coaldale State Hospital for payment of an indebtedness incurred by, and lapsing a prior appropriation made to the Board of Trustees of Coaldale State Hospital.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 765, entitled:

An Act making an appropriation to the Elizabeth Steel Magee Hospital, Pittsburgh, Pennsylvania.

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 770, entitled:

An Act making an appropriation to the Shamokin State Hospital, Shamokin, Pennsylvania.

Mr. PRINCE, from the Committee on Agriculture, reported as committed, or as amended, Senate Bill No. 402 (House Bill No. 441), entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof

Also from the Committee on Agriculture, reported as committed, Senate Bill No. 631, entitled:

An Act to amend sections five and six of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act.

## BILL INTRODUCED

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 783, entitled:

An Act authorizing municipal corporations to appropriate moneys out of general revenue to pay bonds and obligations issued by such municipal corporations for the payment of the costs of a public improvement, which were to rest alone for their security upon payment of assessments for benefits.

Which was committed to the Committee on Municipal Government.

RESOLUTION GRANTING USE OF SENATE CHAMBER FOR A PUBLIC HEARING

Mr. STAUDENMEIER offered the fololwing resolution, which was read twice, considered and agreed to:

In the Senate, April 3, 1935.

Resolved, That the use of the Senate Chamber be granted to the Senate Judiciary Special Committee, Tuesday afternoon, April sixteen, at 2 P. M., for the purpose of a public hearing.

RESOLUTION RELATIVE TO INVESTIGATION OF THE PENNSYLVANIA LIQUOR CONTROL ACT

Mr. REED (Dauphin) offered the following resolution, which was read twice read:

In the Senate, April 3, 1935.

Whereas, Administration of the Pennsylvania Liquor Control Act of 1933 has been the subject of considerable discussion throughout the Commonwealth, and

Whereas, It is essential that the Senate of Pennsylvania ascertain facts with relation to the method of handling the liquor business in Pennsylvania during the past two years, and whether the present system can be improved upon, and

Whereas, It is the desire to put into operation the best possible method by which the purchase and distribution of liquor can be effected in Pennsylvania, and

Whereas, It is deemed advisable to create a committee to study from time to time as occasion may arise, the question of the purchase and sale of liquor in the Commonwealth, therefore be it

Resolved, That the President pro tempore of the Senate be and he is hereby authorized to appoint a special committee of five Senators to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate in considering proposed legislation into the matters afore-

said and all others having any bearing thereon which may come to the notice of said Committee; and be it further

Resolved, That such committee shall have authority to call upon such of the members of the Senate as are learned in the law in prosecution of the inquiry and ascertainment of the facts for the information of the Senate and to require of any officers of the Senate such service as may be necessary to the same end,

That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee, and to produce such books, papers, records and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

That the said Committee shall make report of its finding to the Senate as occasion requires.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. HUFFMAN. Mr. President, I object.

The Chair hears objection. The Resolution will be referred to the Committee on State Government.

## RESOLUTION RELATIVE TO THE FEDERAL RE-EMPLOYMENT SERVICE

Mr. THOMPSON (Centre) offered the following resolution, which was twice read:

In the Senate of Pennsylvania, April 2, 1935.

Whereas, Much complaint is made that the Federal Re-Employment Service in this State has not been complying with the terms of the legislation under which the service was created, and that its failure to comply with these terms has worked great hardship in connection with the employment of citizens of this State; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore of the Senate shall appoint three Senators, and the Speaker of the House of Representatives shall appoint three Members of the House, who, together, shall constitute a legislative committee whose duty it shall be to investigate the Federal Re-Employment Service in the Commonwealth of Pennsylvania with a view of ascertaining whether such service is or is not complying with the terms of the legislation under which it was created and such other facts and circumstances in connection with the administration of said service as the committee deems proper for the information of the General Assembly;

Resolved, That the committee shall make a report of its findings and recommendations to the General Assembly as early as may be;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. CHAPMAN. Mr. President, I object.

The Chair hears objection. The Resolution will be referred to the Committee on Labor and Industry.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows:

## HOUSE MESSAGE

### GENERAL PULASKI'S MEMORIAL DAY

April 2, 1935.

Whereas, A resolution providing for the President of the United States of America to proclaim October 11th of each year as "General Pulaski's Memorial Day" for the observance and commemoration of the death of Brigadier General Casimir Pulaski, is now pending in the present session of the United States Congress; and

Whereas, The 11th day of October, 1779, is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Georgia; and

Whereas, The States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and other States of the Union, through legislative enactment, designated October 11th of each year as "General Pulaski's Memorial Day;" and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

Whereas, The Congress of the United States of America has, by legislative enactment, designated October 11, 1934, to be "General Pulaski's Memorial Day" in the United States of America; now, therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, the "General Pulaski's Memorial Day" resolution now pending in the United States Congress;

Resolved, That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and each of the United States Senators and Representatives from Pennsylvania.

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

## QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset, Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, this morning the Senator from Centre, Mr. Thompson, introduced a resolution for the investigation of the Emergency Relief System, in Pennsylvania. At least, I understood it was on the subject of Emergency Relief, but I am now told it is on the matter of reemployment service. The resolution was held over because it is difficult to get the full purport of it at this time, and I want to say I am not opposed to it. On the question of Emergency Relief, however, it occurs to me that there was a bill on the calendar of this Senate a few weeks ago, the purpose of which was the restoration of the administration of this relief to the several counties of the Commonwealth. That bill met with some objection as to the form in which it was drawn, and it was sent back to the proper committee for the purpose of amendment. I understand that there are now in some of the committees similar bills the purpose of which is to restore the administration of Emergency Relief, or Unemployment Relief, to the counties; and it is my opinion that this question of the administration of this relief is of more importance than the tax program or any other question before this Legislature.

I have no doubt that the new Director of Emergency Relief is a capable official, who will use his best efforts to bring some order out of the existing chaos and to remedy some of the glaring defects in the present arrangements; but I am firmly of the opinion that no man will be able to cope with the great bureaucratic system which has grown up, demoralizing the whole State and wrecking our financial security.

The reports of the waste in this present system are almost unbelievable. I recognize the fact that it will be necessary for us to appropriate moneys to continue the payments for Unemployment Relief. Everyone recognizes that fact. But I think we have made the mistake of treating this present emergency as something greater than it really is. Similar emergencies have come in all ages, many of them perhaps as great in degree. But, granting that this emergency is greater than those which have come upon us in the past, it does not follow that the methods of dealing with it are dissimilar from those used in other times.

In looking at a text book which was used during college days, a book written by Professor Arthur Hadley, of Connecticut, an economist of Yale University, and former labor commissioner,—I believe this book was first published in 1896, and a reprint of it was made some years later, when I attended college—Professor Hadley points out that the very same methods which we are using today to cope with this unemployment relief were used in England a century ago, and they proved so exceedingly disastrous that it took England over half a century to eradicate the evil effects of that system.

Now, I have here a quotation from the President of these United States, contained in one of his recent messages, or addresses, in which he says:

"The lessons of history, confirmed by the evidence immediately before me, show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fibre. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit. It is inimical to the dictates of sound policy. It is in violation of the traditions of America."

Now, of course, the views which Professor Hadley has expressed as to the conditions in England, and the views which President Roosevelt has expressed in this quotation, would find little support from modern professors and economists and paid charity workers who have never had to face the problem of finding work for others or of meeting a payroll every two weeks. Most of them pay little or no taxes, and their ideas of charity take no account of the tax burden. The Secretary of Welfare under Governor Pinchot emphasized their view point when she said "We now recognize that in order to take care of the individual in trouble we must have a larger vision than that of the borough or township official whose primary concern has been to spend as little as possible."

Apparently, partly in order to help perpetuate the impossible bureaucratic monstrosity that has grown up, the Department of Welfare made a survey of relief expenditures under the various systems. Doubtless some poor boards, under the first Talbot Act, did not function perfectly in all respects, but I believe the report of the department very unfair to the many faithful officials throughout the State who labored sincerely to put that act into effect. How superior the system in force under the original plan was to that now in vogue may be seen from the fact that in the first year $10,000,000 sufficed for the whole State, during which time no person really went hungry; and now the expenditures run about $20,000,000 per month. Granting that some more relief may now be necessary than formerly, this enormous increase can only be accounted for by the inherent defects in the system.

In my opinion these defects can only be cured by cutting up the system by the roots. I dissent strongly from the view that local authorities do not have sufficient sympathy to manage the relief. Let us establish a system whereby a responsible board, created as you may, in each county, shall be given full charge with as little dictation from Harrisburg as possible, to administer the relief; a board whose members can be held responsible for their work and who shall fully account for the performance of their trust.

When the change from the first Talbot Act was made, some of us protested. Perhaps we are to blame for not more strongly opposing the imposition on us of the beginning of the new system. How it would build itself into a great bureaucracy of the present proportions, we did not fully realize. However, though we might be guiltless of what has already happened, we can no longer relieve ourselves of blame if we continue to countenance this iniquity. It would be little short of criminal to allow it to exist longer. Let us get together without regard to party and save our State from further demoralization so far as lies in our power; let us agree on some system which will wipe out this bureaucratic monstrosity.

## QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Dauphin). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED (Dauphin). Mr. President and fellow members of the Senate, when addressing this Senate on last Wednesday, His Excellency, the Governor of Pennsylvania said, "And let me point out also that the Federal Emergency Relief Administrator, on Monday last, served notice that Pennsylvania, by April 15th, must meet its fair share of the present approximately $20,000,000 monthly cost of unemployment relief in Pennsylvania by contributing $5,000,000 monthly for unemployment relief."

It is not my purpose, Mr. President, to discuss what taxes should be imposed or whether taxes should be imposed in excess of those now provided by law. It seems to me that the fundamental question which we must consider before imposing taxes is whether the amount mentioned in the budget is necessary at this time. In his Budget Message, before the General Assembly, of February 12th last, Governor Earle gave the following figures:

"We will enter the next biennium with a deficit of almost $50,000,000, which must be met by taxes to be levied during this Administartion. This deficit totals exactly $49,840,952.52."

Of this amount $11,976,777.52 represents the deficit on account of appropriations now in effect; $5,821,175 represents deficiency appropriations recommended, principally subsidies to impoverished school districts; $13,843,000 represents money borrowed from special funds at the last Pinchot special session; and $3,200,000 represents Old Age Assistance and Blind Pensions to the end of this biennium.

These figures total $34,840,952.52, which probably may be regarded as the legacy of the sins of commission and omission of the Pinchot administration, but which must be provided for. A balance of $15,000,000 is for unemployment relief.

The Governor stated that the total amount required for the coming biennium would be $355,656,254. We may pause for a moment to consider the mounting cost of government in Pennsylvania. In 1915, for the first biennium of Governor Brumbaugh, the total appropriation to the General Fund was a little over $67,000,000. In 1923, the first biennium of Governor Pinchot, it had risen to over $114,000,000. In 1931, the first biennium of Governor Pinchot's second administration, it had risen to over $195,000,000. And now we have the colossal sum demanded for government in Pennsylvania of over $355,000,000.

According to the Governor's figures $150,000,000 can be secured under existing law, leaving $205,000,000 to be raised; and of this amount the total for unemployment relief is approximately $135,000,000, leaving $70,000,000 to be raised for expenses of government outside of unemployment relief. When we consider these figures, and the vast amount of increase demanded at this time, it would seem as if the present administration were out-Pinchoting Pinchot in the geometric rise in the expense of government; and I think it might be well for the Democratic Party to consider the immortal words of Thomas Jefferson in his first inaugural:

"Let us, then, with courage and confidence, pursue our own federal and republican principles, our attachment to our union and representative government, * * * * entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our industry, to honor and confidence from our fellow citizens, resulting not from birth, but our actions and their sense of them; enlightened by a benign religion, profound, indeed, and practiced in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings what more is necessary to make us a happy and prosperous people? Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not taken from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."

In Pennsylvania we have this situation: By Federal taxation our people are being taxed beyond endurance, to raise money for the Federal Government; and that money is not, in very large proportion at least, returning to Pennsylvania. I have only the figures ending with the year,—the fiscal year ended May 31, 1934, but that shows that for that year the amounts which were received by the Commonwealth of Pennsylvania from the Federal Government totalled $72,100,079, whereas the money contributed by Pennsylvania to the Federal Government, including income taxes of over $66,000,000, miscellaneous internal revenue of over $117,000,000, and agricultural adjustment taxes of over $10,000,000, totalled $193,992,574.

Now, I want, Mr. President, to call the attention of the Senate of Pennsylvania to the divergent views on the question of unemployment relief as expressed in the Republican and Democratic platforms of 1932. The Republican Party stood for this principle:

"True to American traditions and principles of government the administration has regarded the relief problem as one of state and local responsibility. The work of local agencies, public and private, has been coordinated and enlarged on a nation-wide scale under the leadership of the President. Sudden and unforeseen emergencies such as the drought have been met by the Red Cross and the government. The United States Public Health Service has been of inestimable benefit to stricken areas.

"There has been magnificent response and action to relieve distress by citizens, organizations and agencies public and private throughout the country.

"To provide against the possible failure of local and State agencies, the President has urged the Congress to create an emergency relief fund to be loaned temporarily to any State on a showing of actual need and temporary failure of its financial resources."

We find there the position of the Republican Party—that unemployment relief is a State and local matter, and only in emergency, and by temporary loan, should the Federal Government relieve that situation.

But let us turn now to the Democratic platform of 1932, which shows an entirely different theory of government. The Democratic platform, upon which President Roosevelt stood, said:

"We advocate the extension of federal credit to the States to provide unemployment relief wherever the diminishing resources of the states make it impossible for them to provide for the needy; expansion of the federal program of necessary and useful construction af-

fected with a public interest, such as adequate flood control and waterways.

"We advocate the spread of employment by a substantial reduction in the hours of labor, the encouragement of the shorter week by applying that principle in government service. We advocate advance planning of public works.

"We advocate unemployment and old age insurance under State laws."

We see, then, that unemployment and old age insurance should be a matter of State legislation, but the pledge and promise made by the Federal Government is that the Federal Government would take over the matter of unemployment relief and old age insurance upon the credit of the States as the diminishing resources of the States make it impossible to provide for the needy.

I do not find in that platform, Mr. President, that there was any statement made that a State with diminishing resources should put up any sum of money called for—a certain amount over that received from the Federal Government. As I see it, money has been spent in Pennsylvania, and that money was raised by Federal taxes. The statement has been made that approximately one-eighth of the total Federal revenue comes from Pennsylvania; and yet in this hour of need Mr. Hopkins says Federal relief in Pennsylvania will be cut off unless this State guarantees $5,000,000 monthly, and that in face of the fact that this State has been drained dry as a result of Federal taxation.

I ask, therefore, Mr. President, by what authority Mr. Hopkins has made this demand upon Pennsylvania before he will furnish relief to the needy of this State? I am constrained to ask, "Upon what meat doth this Caesar (Mr. Hopkins) feed, that he has grown so great?"

I think there is no question that Mr. Hopkins is merely the representative of the President of the United States. And are we to understand that we have a mandate from the Administration at Washington saying, "All relief will be cut off in Pennsylvania unless new taxes are imposed"? And that in spite of the definite pledge and promise of the Democratic platform that when the diminishing resources of the State require it that money would be furnished solely on the credit of Pennsylvania.

Now, with regard to the $70,000,000 to be raised for the ordinary expenses of Government, I say this: We heard a good deal during the recent campaign to the effect that the expenses of Government would be curtailed; but I happen to be the Chairman of the Committee on State Government, to which amendments to the Administrative Code are proposed, but I have yet to see coming over from the House of Representatives any amendments or any Acts of Assembly which would in any sense curtail this over-heavy bureaucracy which we have in Pennsylvania. And the Senator from Somerset, Mr. Ealy, has well pointed out the question that relief administration in Pennsylvania has reached a point of extravagance which must be considered by this Senate.

So I say, Mr. President, before we plan new taxes, or impose new taxes, on the overburdened taxpayers of Pennsylvania, I, for one, want to see what the Democratic Administration is going to do to take out the extravagance which exists in government in Pennsylvania today. I want to be absolutely sure what amount is positively needed for relief in Pennsylvania; and, to follow, I want to know why the Democratic Party does not intend to keep its platform pledge to lend Pennsylvania money as it is needed because the resources of this State have been so sadly diminished by reason of excessive Federal taxation.

## QUESTION OF PERSONAL PRIVILEGE

Mr. RODGERS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Rodgers, will state his question of personal privilege.

Mr. RODGERS. Mr. President, I heartily agree with the Senator from Somerset, Mr. Ealy, that the most serious problem that confronts this legislature at this moment is that of unemployment relief. I agree with him also that eventually this load should be carried by the counties themselves, but I do not agree with him that the counties are at this moment in a position physically, or in their mechanical make-up in relation to their ability to handle vast sums, such as we would impose upon them at this time, should this load be placed in their laps. There is a question in my mind, as it is in everybody's mind, as to whether or not we can carry this load that is being placed upon us. The twenty million dollars is four times as much as it was in 1932, how many more milions can be added as time goes on, no one can tell.

I am of the opinion, however, that if you deny relief you must substitute a job to everyone who applies. I believe the problem is one that our Governor should take up with the Federal Government, with the view of getting sufficient funds for Pennsylvania to start the projects which we already have on hand, the engineering features of which have already been satisfied. I believe that if we can secure sufficient money from the Federal Government to start these projects, that within, let us say, eight months or a year from now, we should set a dead-line on all relief to the State Emergency Relief Board, and then, in turn, have a mechanical set-up in the counties such as could take care of their own relief load, but I believe before we can do anything to solve this problem we must first get sufficient money to provide jobs for at least 80 per cent of the unemployed in this State. I believe that money would be forthcoming if we definitely told the Federal Government that, say within a year from the time we adjourned, we would dissolve this great unemployment set-up which we have in this State, and place the responsibility back to the counties; but it will be necessary before we can do that to make a set-up in counties such as can take care of their own relief problems.

The indigent poor, of course, before we had this calamity fall upon us could be well taken care of by the counties, because they were not so numerous, but with this great load that is now placed upon us, I am certain in my mind that of the sixty-seven counties in this State, there is hardly one of the counties that could take care of the load that would be placed upon it. I would like to see some effort made to have the Federal Government supply sufficient money to Pennsylvania to carry on the program of unemployment to start the projects which they already have on hand, with the view, as I said, of putting 80 per cent of our people back to work for a two-year period, and then definitely set a dead-line when we will dissolve the relief boards, placing the responsibility back on our counties, but, as I say, until we secure sufficient Federal relief to start this program of work

throughout this State, we must have this tax program, we must, I think, have the Governor's tax program.

Everybody realizes that these people who are getting relief must be fed, and there is only one substitute for direct relief, and that is a job. I would like to see us thinking in terms of getting these great projects which we have on hand started, and I would like to see us thinking in terms of setting a dead-line some day on this great unemployment relief which we now know is a great burden upon us.

In answer to the Senator from Dauphin, Mr. Reed, who seems to question the method by which the Governor arrives at his figures; I am wondering if he has taken the trouble to inquire of the Governor just how he arrived at those figures. It may be possible that the Governor is wrong; however, you will never know whether he is wrong until somebody definitely takes up with him the method which he arrived at these figures and convinces himself and this body if these figures are correct.

Thank you.

## QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON (Centre). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON (Centre). Mr. President, the Senator from Somerset, Mr. Ealy, referred to a resolution which was introduced by me this morning, but that resolution does not pertain directly to an investigation of the affairs of the relief administration. It pertains to a matter which is very nearly collateral, however, to the problems presented by the same economic circumstances that bring relief through our relief administration. This resolution pertains to the National Re-employment Service, and an investigation sought of that agency. Now, when the Senator from Dauphin criticizes the attitude of the Administration in not acting more promptly upon matters pertaining to this general field, let me call the attention of this Senate to the fact that it is entirely inconsistent to deny the right of immediate action upon a resolution creating the manner to remedy one of the situations of which the Senator definitely complains.

I asked unanimous consent for immediate consideration of this resolution, hoping to expedite the correcting of one of these problems, and we find that unanimous consent is denied and the resolution referred to committee. Now, surely it is inconsistent to complain on the one hand of not having speedy enough action, and on the other hand to delay the correction of some of the matters of which he complains. Now, I hope that this Administration may never get to the point where it will merit to my mind, the most outrageous of all condemnations. namely, to impugn that the motives are similar to those of the preceding administrations. motives, as the Senator from Dauphin indicates. Surely nothing has been done yet which would compare the motives of this Administration to the motives of the Pinchot administration. And in speaking of this, I also want to call the attention of the Senator from Dauphin, to the fact that these problems have arisen right on the floor of this Senate, when he speaks about our fiscal problems and the Administration's attitude in opposing those we have to face today.

Let us remember that at the last Session of the Legislature, in September, 1934, these fiscal problems were deliberately dodged, and not faced squarely. You take this burden of indebtedness that this Administration has inherited, to a large extent caused by the failure of this body and the lower House to pass an act to provide taxes and revenue to correct the situation of which we complained, and when these funds were taken last September and given for relief purposes, I call the attention of this body that no Act nor any piece of legislation was then enacted to return those funds, that the "buck was passed" to this Administration in that respect, and the same thing exists today—we are still in this Senate defeating tax bills. We are not offering anything—no way has been suggested in the form of taxation here which might be enacted.

We have seen the passing in this State of all kinds of political groups and parties, Republicans and Democrats, conservatives and radicals, and all sorts of things. It seems to me that a new group is forming in this State starting last September, which perhaps for a better word might be called "antis"—"anti" everything—with nothing to suggest, and I submit, Mr. President, until a better system or remedy for this condition is provided, it ill becomes any member of this Senate to stand up and say "I anti everything." We defeat one tax bill after another, and what do we offer in its place?—nothing at all, and I submit to you that the most damaging form of mind that can be encountered politically is just that form of mind of being "anti" everything.

## QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Washington). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED (Washington). Mr. President, for three months we have been listening in this Senate to some very fine orations. Recently, on one of the most important questions before the people, we were told authoritatively by Mr. Hopkins that on April 15th Federal money for relief would cease. I understand Mr. Hopkins is the man in authority. He has already spoken, and the big question now is, whether we in Pennsylvania are going to raise money for relief as he directs, or let the people starve. I do not know whether it will take over $200,000,000 or less than $200,000,000, but I do know that we must, in Pennsylvania, raise a substantial sum to take care of the unfortunate people in this great Commonwealth.

Now, the question is, are we going to raise the money, or are we going to let the people starve? It seems to me the time for speaking has ended—the time for action is here. Let us then devise some means of raising the money, in order to take care of the unfortunates of this Commonwealth.

## QUESTION OF PERSONAL PRIVILEGE

Mr. McCLURE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Delaware, Mr. McClure, will state his question of personal privilege.

Mr. McCLURE. Mr. President, I read this morning an editorial in the Philadelphia Inquirer, as follows:

### STATE TAX COMPROMISE ESSENTIAL

It is obvious that Governor Earle's taxation program except, perhaps, for some features, is doomed. An obedient House has carried out his wishes. A disobedient Sen-

ate objects to certain exactions that have met with popular disapproval. It has already rejected the two-cents-a-gallon levy on gasoline after hearings that could not be disregarded.

Yesterday the Finance Committee of the Senate was engaged in listening to arguments against the proposed raid upon tobacco and amusements. Ten per cent. added to the cost of tobacco in any form is in the nature of a sock-the-poor tax. The purchaser of a fifty-cent ticket to a moving picture show now pays an additional five cents to the Federal Government. The Governor would make him pay a second five cents.

There seems to be little doubt that the Senate will defeat these levies. There is a prospect, too, that today the contemplated rise from four mills to six on personal property will be put on the sliding board. With gasoline, tobacco, amusements and the excess personal property tax out, the bulk of the revenue figured upon by the Governor disappears.

What is to be done? The State is facing a serious situation and in some manner a way must be found to raise an adequate income. The Senate can not originate revenue measures. That duty belongs exclusively to the House, over which the Governor has control. But Senators can make suggestions, and, if the deadlock at Harrisburg is to be broken, the Governor and Senate leaders will have to reach an agreement through mutual discussions and compromises.

That $203,000,000 will be needed in its entirety is questioned. But that $5,000,000 monthly for an indefinite period will be required for unemployment relief, if Federal Administrator Hopkins is to be appeased, is a certainty. Federal aid will be withdrawn on April 15th unless there is action at Harrisburg, and action there must be.

With funds thus provided to meet Mr. Hopkins' immediate requirements, more serious attention could be given to the revision of the tax program. There is much to be said in favor of limiting new taxation, whatever shape it takes, to one year, leaving a special session of the Legislature to determine what should be done when the year has expired. The situation may be different twelve months hence.

I read this editorial with the thought in mind that the twenty-two point program of Governor Earle's was put forward without any discussion, so far as I have any knowledge, with any Republican member of the State Senate. It is true that Governor Earle is charged with the administration of this State. It is also true that there is a Democratic majority in the House, which is very potent, and which passes all bills that apparently meet with the Governor's approval and suggestion. It is also true that in the Senate we have thirty-one Republican members, who represent their communities, and who also ought to be consulted. At least, that is the way I, individually, feel about it. We are a part of this Government, as much as the Executive is, and as much as the House of Representatives.

Until last Monday night there was not even an intimation from any Democratic Senator that a compromise might be considered. The attitude has been, up until Monday night, "Here is a program. Take it or leave it. If you don't like it, you will get nothing else." As this article states, we have not the privilege in the Senate to introduce revenue-producing bills; they must originate in the House. However, I realize that that does not relieve use of all responsibility.

At a meeting of the Senate Committee on Finance, on Monday night, there was a suggestion made by one Democratic Senator that more consideration ought to be given to the bills reported from the Committee, and he very strongly intimated that a compromise ought to be thought of at that time. All the Republican members of the Senate gladly accepted his suggestion. This bill, as we now have it before us, House Bill No. 925, was reported out to the floor with the understanding that if in the meantime any offer of compromise were to be extended by the Administration, we, the Republican members of the Senate, would permit this bill to go over in its order. Yesterday I spoke with the Democratic member of the Committee, and he agreed to bring about a compromise of some kind; and I was informed that no compromises were being entertained—they are not the exact words but that was the purport of the message given to me yesterday.

Therefore, gentlemen, what are we to do on this side—accept these twenty-two measures as they arrive here, however unsatisfactory we find them to be; or are we to use our best judgment, and are we to be given an opportunity to sit down with our Democratic members in this Senate and formulate a program which we all hope will be satisfactory to the people of Pennsylvania?

## QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of personal privilege.

Mr. LAW. Mr. President, in this Senate this morning, the question has been raised that the Federal Administration has not loaned money to the State of Pennsylvania. Under our Constitution we could not accept such a loan. When propositions have been made to revise and change the Constitution of Pennsylvania, their consideration has been delayed. Until such time as action is taken upon the Constitution of Pennsylvania, so that we may borrow from the Federal Government to meet our needs, we are not in position to say the Federal Government has failed to comply with the call for money.

Are we going to go along and work with the Federal Government? Are we going to try and meet our problems of relief in a fair and honest measure, or are we going to try and play a "bob-tail flush against a full house" that Hopkins holds?

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 3, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Leon H. Fleming, Coraopolis, April 7, 1935.
L. M. Shoemaker, Aspinwall, April 16, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 2, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

S. S. Klein, 814 Brookline Blvd., Pittsburgh.

BERKS COUNTY

Mrs. Florence S. Balthaser, Virginville.
Harvey M. Bertolet, Oley.

BUCKS COUNTY

James G. Jackson, Bristol.

ERIE COUNTY

Chas. H. Leslie, Erie.
Miss Priscilla A. Reichert, Erie.

LACKAWANNA COUNTY

Miss Helen H. Tighe, Scranton.

LUZERNE COUNTY

Frank A. O'Neill, Plymouth.

MONROE COUNTY

Stewart D. Henry, East Stroudsburg.

PHILADELPHIA COUNTY

Miss Lucy Dougherty, 11th and Sansom Sts., Philadelphia.
Stephen J. Kovrak, 4624 Howell St., Philadelphia.
W. J. McElhinney, 1616 Walnut St., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 3, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ARMSTRONG COUNTY

Miss Ethel F. Coulter, Apollo.

BUTLER COUNTY

D. M. Lord, Butler.

CARBON COUNTY

Horace D. Obert, Lehighton.

LANCASTER COUNTY

Ellsworth E. Gates, Lancaster.

LEBANON COUNTY

Cyrus E. Shenk, Annville.

MONTGOMERY COUNTY

Miss Mary Y. May, Rosemont.

NORTHAMPTON COUNTY

Adrian Strausburg, Easton.

NORTHUMBERLAND COUNTY

Conrad G. Graeber, Shamokin.

PHILADELPHIA COUNTY

Mrs. Mary Milano, 5946 Chester Ave., Philadelphia.

SCHUYLKILL COUNTY

George C. Shoemaker, Ashland.

WESTMORELAND COUNTY

Peter Buck, Webster.
Harry Wind, Monessen.

ERIE COUNTY

Mrs. Kathryn M. Bassow, Erie.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 2, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

COLUMBIA COUNTY

Miss Cleo Nungesser, Berwick, April 4, 1935.

DELAWARE COUNTY

Miss Margaret G. Ford, Darby. April 7, 1935.

NORTHUMBERLAND COUNTY

O. W. Glass, Sunbury, April 7, 1935.

PHILADELPHIA COUNTY

Raymond Uzumecki, Philadelphia, April 8, 1935.
Samuel E. Weiner, Philadelphia, April 14, 1935.

FRANKLIN COUNTY

Russell H. Frantz, Chambersburg, April 12, 1935.

BERKS COUNTY

Philip J. Auchter, Reading, April 17, 1935.

ALLEGHENY COUNTY

L. H. McMillen, Carnegie, April 28, 1935.

CARBON COUNTY

Clifford L. Snyder, Palmerton, May 6, 1935.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

| | | | |
|---|---|---|---|
| Aron, | Graff, | Norton, | Rodgers, |
| Batchelor, | Harris, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Huffman, | Prince, | Sones, |
| Buckman, | Kahle, | Pytko, | Staudenmeier, |
| Cavalcante, | Lanius, | Rankin, | Thompson, |
| Chapman, | Law, | Reed, (Centre) | Thompson, |
| Clark, | Mallery, | Reed, (Dauphin) | (Westmoreland) |
| Coyne, | McClure, | Rice, (Washington) | Woodward, |
| Daly, | McCreesh, | Roberts, | Ziesenheim, |
| Frey, | McGinnis, | | Homsher, |
| Gelder, | Miller, | | Pres. Pro. Tem. |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

## REPORTS FROM COMMITTEE

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Highways reported as committed, Senate Bill No. 110, entitled:

An Act to amend section eight hundred and twenty-four as added to the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by neglient operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for funds," further regulating the display of caution signals by certain disabled vehicles.

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Municipal Government reported as committed, Senate Bill No. 227, entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled, "An act providing when, how and upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened, the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

Mr. REED. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. Reed from the Committee on Municipal Government reported as committed, Senate Bill No. 783, entitled:

An Act authorizing municipal corporations to appropriate moneys out of general revenues to pay bonds and obligations issued by such municipal corporations for the payment of the costs of a public improvement, which were to rest alone for their security upon payment of assessments for benefits.

## BILL INTRODUCED

Mr. ARON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON, read in place and presented to the Chair Senate Bill No. 784, entitled:

An Act to amend sections four thousand one hundred two, four thousand one hundred three, four thousand one hundred twenty-six, four thousand one hundred twenty-seven, four thousand two hundred two, and four thousand two hundred three, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1063), entitled "An act creating in cities of the first class a Bureau of Building Inspection; regulating the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures, and the erection, encroachment, extension, repair, inspection, and use of party walls; defining certain words and terms used; repealing conflicting legislation; and providing penalties for violations of this act," conferring certain powers and duties on the electrical bureau and the chief thereof, and requiring the approval of said bureau to certain electrical installations.

Which was committed to the Committee on Municipal Government.

## BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 149, as follows:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if in any trial civil or criminal in any of the courts of common pleas municipal courts and county courts quarter sessions of the peace or oyer and terminer and general jail delivery of any county it is the opinion of the trial judge that the trial is likely to be a protracted one and the district attorney or counsel for the plaintiff or for the defendant or both shall request the selection of two additional jurors as alternates the court shall have power to allow the drawing of two additional jurors such alternate jurors shall be seated near the jury with equal power and facilities for seeing and hearing the proceedings in the case and shall take the same oath as the

other jurors selected and must attend at all times upon the trial of the case in company with the other jurors They shall obey the orders of and be bound by the admonitions of the courts upon each adjournment of the courts but if the regular jurors are ordered to be kept in custody during the trial of the case such alternate jurors shall also be kept in confinement with the other jurors and except as hereinafter provided shall be discharged upon the final submission of the case to the jury Such alternate jurors shall be drawn from the same source in the same manner and have the same qualifications as the other jurors drawn and be subject to the same examinations but shall not retire with the jury of twelve after the case is submitted to it unless one or two of the jurors in the opinion of the trial judge shall have died or become ill so as to be unable to perform their duty or discharged for other legal cause in which case the thirteenth juror shall take the place of the first juror becoming incapacitated and the fourteenth juror shall take the place of the second juror becoming incapacitated Such juror or jurors so taking the place of any incapacitated juror or jurors shall thereafter be deemed to be members of the jury of twelve and shall have full power to take part in the deliberations of the jury and the finding of the verdict Any verdict found by any such jury having thereon alternates shall have the same force effect and validity as if found by the original jury of twelve

Where the court allows two alternate jurors in accordance with this act each side shall have one additional peremptory challenge in the selection of said two alternate jurors

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which this bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. CLARK. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CLARK. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. BUCKMAN. Mr. President, I ask unanimous consent to amend page 2, section 1, line 18, by inserting after the word "jurors" the words "shall have died or" Amend page 2, section 1, line 19, by striking out after the word "have" the words "died or"

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 352, entitled:

An Act to reenact and amend the act approved the twenty-third day of March one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four) entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases" extending said act to all courts of record

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS. Mr. President, I ask unanimous consent that Senate Bill No. 516 (House Bill No. 648), entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by providing for the free licensing of certain dogs of blind persons

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 678 (House Bill No. 925), entitled:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for State and city and county purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HUFFMAN. Mr. President, this is one of the Administration tax bills, none of which, of course, are popular. No tax bill advancing taxes is popular. This one has had very little consideration in the committee. It was sent out on the floor in spite of the fact that it needed some amendments in the committee. I submitted one yesterday which was agreeable to the Senate, and I had not the time to prepare another, which I would like to submit today. I would like to ask unanimous consent, and do ask unanimous consent to introduce this amendment.

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. HUFFMAN. Mr. President, I therefore, move to reconsider the vote by which it passed second reading, for the purpose of introducing the amendment.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. CLARK and were as follows, viz:

YEAS—20

| | | | |
|---|---|---|---|
| Baumer, | Law, | Reed, | Shapiro, |
| Cavalcante, | McCreesh, | (Washington) | Thompson, |
| Frey, | McGinnis, | Rice, | (Centre) |
| Huffman, | Miller, | Roberts, | Thompson, |
| Kahle, | Pytko, | Rodgers, | (Westmoreland) |
| Lanius, | Rankin, | Rupp, | |

NAYS—23

| | | | |
|---|---|---|---|
| Aron, | Coyne, | Mallery, | Reed, |
| Batchelor, | Ealy, | McClure, | (Dauphin) |
| Bennett, | Gelder, | Norton, | Staudenmeier, |
| Buckman, | Graff, | Owlett, | Woodward, |
| Chapman, | Harris, | Pierson, | Ziesenheim, |
| Clark, | Howell, | Prince, | Homsher, |
| | | | Pres. Pro. Tem. |

So the question was determined in the negative.

Mr. WOODWARD. Mr. President, I ask for only a minute. I would like to express my opinion on this bill. I wish to state merely that any administration is either insincere or ignorant or both which proposes a bill of this kind, which imposes an income tax of 12 per cent, the highest income tax accepted among the States is six per cent, and this bill is double that, or twelve per cent.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WOODWARD. Mr. President, I understand that this amendment is to guarantee certain funds to be paid to the county. My argument is that you cannot make any kind of an omelet out of a rotten egg.

Mr. ARON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Aron, will state his point of order.

Mr. ARON. Mr. President, is the Senator from Philadelphia, Dr. Woodward, talking about the proposed amendment?

Mr. WOODWARD. Mr. President, I am speaking on the bill—I am trying to explain why I voted against the proposed amendment, and the reason is this: This bill is so faulty in its structure that it sets up a central collection agency. Now, the four-mill tax is a county tax, and you cannot transfer from the county to Harrisburg a central collection agency without impairing the borrowing capacity of every county in this State. You cannot patch up this bill by amendments.

Mr. OWLETT. Mr. President, in my opinion the bill now before the Senate comes in the category of one of the most subtly vicious bills ever introduced in the Senate. Section 3 of this bill is similar to Section 1 of the Act of June 17, 1913, P. L. 507, as amended. The bill would increase the rate of tax from four mills to six mills on what is known as the personal property tax. Section 20 of the bill is similar to Section 17 of the Act of 1913. It would increase the rate of tax from four mills to six mills. That is the corporate loan or municipal loan tax. There are so many points in which this bill is subtly vicious, in my opinion, that I will not attempt to enumerate them all; but, Mr. President, I would like to call the attention of this body to the effect of this bill with regard to the small home owner and farmer.

We have heard for the last six or eight months of the plight of the small home owner and farm owner and of the burden that is placed today on real estate; we have heard from our Democratic colleagues, for six months, that we must have relief from the burdens of real estate taxation; and what do we find, Mr. President? The Governor's budget is not taking care of real estate taxation; it is not mentioned until the Committee on Constitutional Changes brings out the fact that an income tax is probably constitutional under the present Constitution, and then an income tax bill is introduced to take care of relief from real estate taxation for school purposes, which only takes care of about 10 per cent. That does not give any substantial relief at all. Then we find in the Governor's program this bill, which, instead of giving relief to real estate taxation, adds to the burden that is already borne by real estate.

Section 20 of the bill raises the rate of taxation on obligations of all kinds—of cities, boroughs, townships, school districts or incorporated districts of this Commonwealth—from four to six mills. This tax has been one which the political subdivisions have no opportunity to pass on to the holder of the obligation. Today political subdivisions, for the most part, are in no position to stand the 50 per cent increase in the taxes on their indebtedness. They need help with such indebtedness rather than an increase of the burden. Philadelphia alone pays to the Commonwealth more than one million dollars annually in this form of taxation, and it comes out of the real estate taxpayers of Philadelphia. This tax would add at least $500,000.00 on the real estate taxpayers of Philadelphia alone, if this bill were passed. For years the State authorities have recognized that the four-mill tax on real estate indebtedness was a burden on the taxpayer. This bill represents a reversal of the position and a failure to appreciate the plight of the local real estate taxpayers. It would add to the present burden on real estate, because local government, with only a limited field subject to taxation, must depend almost wholly on the tax on real estate for revenue. Here again the result will be to further sock the already over-burdened local taxpayer.

Mr. President, in addition, as pointed out by the Senator from Philadelphia, Dr. Woodward, this bill will transfer to the State the collection of the four-mill tax, and takes away from the county the money at interest, on which this tax is paid, as the basis for their bonds; and I say without fear of successful contradiction that if this bill were passed, every county bond issue in this State would go down in value. You are taking away from it a major part of the security back of the bonds issued by the counties of this State.

After this bill came from the Administration, as it was passed in the House, before it was amended here yesterday, it put back the tax of four mills on the savings of our people. The Act of 1933 expressly exempted from the personal property tax interest-bearing accounts in any banking institution, savings institution or trust company. The Act of December 22, 1933, expressly exempts from the corporate loans tax, interest-bearing accounts of any banking institution, savings institution or trust company.

Section 3 of the bill carried a similar exemption from personal property tax, but Section 20 did not carry a similar exemption from the corporate loans tax. The exemptions granted in 1933, as those of us who sat in the session at that time know, resulted from very prolonged and deliberate consideration. It was the sense of the Legislature at that time that a tax on interest-bearing band deposits was a "sock the poor" tax. It is the poor men and the poor women who principally employed the

interest-bearing deposit as a means of saving. With the tax rate raised to six mills, as it passed the House and came over here to this Senate, the interest rate lowered to 2½ per cent on the bank account and levied back a 24 per cent tax on income.

There are any number of other objections to this bill. If we, and many of us are—permitted to pass on income tax bill to relieve real estate from local taxation, I do not think anybody will deny that if we are to pass an income tax bill, we should not add to the present four-mill tax on personal accounts, because this tax has to be paid by the owner of the small mortgage, who is extending credit to the obligor, receiving no interest. What does he have to do? He has to pay the four-mill tax, and that would add 50 per cent to the burden of the small investor, the thirfty man of today; and I repeat, under these various proposals and under our present relief system, as has been so ably pointed out by the Senator from Somerset, Mr. Ealy, is a system designed already to put the burden on that small home owner; and it seems to me, Mr. President, after being told in glowing words, and in view of the beautiful phrases for the last six months, that we must relieve the real estate taxation, and then to have the present Administration bring in to us a tax bill which adds a tremendous additional burden to those people, I say it is a subtly vicious tax.

Mr. SHAPIRO. Mr. President, I shall vote against this bill, and I shall vote against it because it upsets the financial structure of the city of Philadelphia. We have $873,000,000 worth of personal property, against which we are entitled to borrow ten per cent. In other words, it gives us a borrowing capacity of $8,750,000. We have issued bonds against that borrowing capacity, so that in the nature of things the personal property tax is a security for the bonds. To pass this bill would mean to remove the collateral which the persons who purchased the bonds have looked to as security for the safe-guarding of their liens.

This bill provides that the tax is payable on the nominal value, and everyone knows the nominal value of a bond of $1,000, probably many of them are selling on the market for less than $20.00. It is a mathematical calculation. It is an illustration of the fact that in a few years' time the value of the bonds today would be paid out in this tax.

But I take it that we are now in a different situation regarding this bill than merely voting against it. I have listened to Senator McClure in discussing the editorial, and speaking of the fact that the time for compromise had arrived. I take the position that the time to destroy is finished, and the time to construct is here. I made a suggestion on Monday evening with regard to the method of arriving at a solution of the problem, which is very serious to every member of this Senate, whether Republican or Democrat, it is very serious to every citizen, and I cannot see how we are going to adopt suggestions of compromise when we are going to destroy the possibility of compromise by voting down every bill as it comes up. This program is the Governor's program from the other side of the House, the people, as I take it, who speak for the Governor. A request has been made to amend this bill. I take that as an indication that there may be some desire to get this bill in such shape as may be satisfactory to all persons concerned, and I, for one, feel that when a gesture of compromise is made, my Republican friends mean what they say, and the time has come to accept it and sit down and see if we cannot compromise. I cannot understand that anyone can say that a bill on the floor of this Senate cannot be put into such shape that it may be acceptable, if the objections to it are made in a serious and sincere way.

I am a Republican and I will stay a Republican, but as a Republican I propose to protect against destructive methods when constructive methods are available to me. I see in Senator Huffman's motion a suggestion of compromise, and I gladly grant any proposition of compromise, of the slightest nature, that will help to bring about order out of chaos, in which we find ourselves now, and I suggest to my Republican friends, that if there is any delay in regard to this bill, it can be laid to the door of the Democrats, and they assume no responsibility by accepting the amendment, or accepting a suggestion to let this bill go over in order. The responsibility for delay will be theirs, not ours, and I suggest—I do not move—but I suggest that we accept this gesture and that somebody make a motion that this bill go over in is order.

Mr. McGINNIS. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I should be very glad to be interrogated.

Mr. McGINNIS. Mr. President, does the present bill exempt savings accounts?

Mr. OWLETT. Mr. President, it does now, it was amended yesterday, but that does not take care of the burden which this tax would place on local real estate. It cannot be amended to take care of that.

Mr. McGINNIS. Mr. President, this bill we have before us is a bill taxing people who have, and the only alternative I have heard in this body is a Sales tax. Now, we know that in this country, for forty years the rich have been getting richer and the poor have been getting poorer, and we know that the Sales tax will make the poor poorer and the rich richer. Here is a tax that is taxing the poor—it may hit some of the poor, but it hits the rich very hard. There is a four-mill tax now on these securities and bonds, and as I understand it, it is only raised two mills, and if there was ever a time in this country when the rich should pay taxes, when the rich should come out and help in this distress we are in today, now is the time. Here is a bill before us now that hits the rich, hits the people who have, and not the people who do not have, and I want to say that I believe in Pennsylvania today, at least 75 per cent are not making a living. The alternative of this bill is a Sales tax, a Sales tax that will make 75 per cent of our population poorer than they are today, and I say, Mr. President, it has been the theory of government in the United States and the State of Pennsylvania for forty years to exempt the rich and tax the poor. I know, and everyone knows, that the "Alexander Hamilton" policy that we have had for the last forty years would wreck any country, and it has practically wrecked this country, and today, when we have a bill here to tax the rich—the poor do not have securities or bonds—a few may have them, but it is the rich who have stocks and bonds and securities, and I say to you, that if there was ever a time in our history, it is now that we should tax the people who have, few may have them, but it is rich that own these bonds or securities, and I say if there ever was a time when the country needs taxes from the rich, it is now, and this

body should go out and tax the people who have, even if only temporarily, to save our country. I thank you.

Mr. WOODWARD. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. WOODWARD. Mr. President, does the Senator from Allegheny, Mr. McGinnis, believe in imposing an income tax of twelve per cent?

Mr. McGINNIS. Mr. President, certainly I do. I say, the situation we are in in this country today it is a most serious situation. I say to you that money has got to be raised, and it cannot be milked out of the poor any longer, it can only come from people who have; and I say that in a crisis like this if it is necessary, to save the poor and save our civilization, I believe in a hundred per cent taxation, if necessary, against those who have.

And the question recurring,

Will the Senate agree to the bill on third reading?

## MOTION TO POSTPONE BILL

Mr. HARRIS. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. SHAPPIRO. Mr. President, I desire to amend the motion by moving that this bill go over in its order.

Mr. HARRIS. Mr. President, it requires unanimous consent to have a bill go over in its order. That is my reason for moving that its consideration be postponed for the present.

Mr. SHAPIRO. Mr. President, I second the motion to postpone.

On the question,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I will.

Mr. HUFFMAN. Mr. President, I should like to ask the Senator from Allegheny, Mr. Harris, his reason for making the motion.

Mr. HARRIS. Mr. President, amendments have been proposed to it. If that be done sincerely, and not for the purpose of delay, I think they ought to be considered. I voted against the considering of these amendments because I felt that perhaps they were offered for the purpose of delay; but if that is not the case, I feel that by placing this bill on the postponed calendar there will be a better opportunity to send the bill back to committee for the purpose of considering these amendments.

Mr. HUFFMAN. Mr. President, I do not think this bill should go over in its order. We are here with the amendments this morning. The bill is on third reading and final passage and we should be allowed to amend the bill here and now. If there be anything else, later on, that needs amendment, that can be taken up either in the Senate committee or in the Conference Committee if and when it meets—if the House does not concur in these amendments.

It would seem to me that after these bills have been talked about for a period of ten weeks and not one of them passed, it is time, high time, that this Senate act upon some of these tax bills; and it does not do to cast discredit upon this character of bill.. This is the kind of bill that we must put through. This bill, if put through, would bring in sufficient to clean up about $40,000,000. It is one of the big items in the Governor's program, and I say that it is the kind of tax that the public in Pennsylvania can best support.

To reiterate what has been said, it taxes the man best able to pay; and, in reply to the objections which are made to this bill, that it limits the borrowing capacity of some communities, I feel that those objections are not sufficient to kill this bill. That can be taken up in conference. The speaker offered this morning to meet that objection by amendment. I offered to meet all the objections this morning by amendment to this bill.

This group did not intend to put this bill through as it was first drafted. Therefore, I say that this motion to postpone consideration of this bill at this time should not be carried.

Mr. WOODWARD. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HDFFMAN. Mr. President, I will.

Mr. WOODWARD. Mr. President, I desire to ask the Senator from Monroe, Mr. Huffman, if he is willing to amend the bill so that it will impose a four mills tax instead of a six mills tax?

Mr. HUFFMAN. Mr. President, certainly not.

Mr. WOODWARD. Mr. President, well, that ends it with me then.

## RECESS

Mr. BUCKMAN. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## MOTION TO POSTPONE WITHDRAWN

Mr. HARRIS. Mr. President, I desire to withdraw my motion to postpone for the present. I do this because I have been assured that there will be a motion to send this bill back to committee for the purpose of amendment and giving our Democratic colleagues, and any other member of this body, the right to present any amendments that they desire.

Mr. PRESIDENT, I, therefore, freely withdraw my motion for postponement.

Mr. SHAPIRO. Mr. President, on the same basis I withdraw my second.

The PRESIDENT. The motion to postpone the bill is withdrawn.

## BILL RECOMMITTED

Mr. McCLURE. Mr. President, for the second time this morning, in the spirit of compromise, I move that Senate Bill No. 678 (House Bill No. 925), be recommitted to the Committee on Finance for the purpose of amendment.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question

Will the Senate agree to the motion?

Mr. ROBERTS. Mr. President, I feel that I should state my position in regard to this motion. This bill was in the Finance Committee and reported out a day or two ago. When it was discussed in the Finance Committee suggestions were made that there were certain parts of this bill that were perhaps not in accordance with what some members thought that the bill should contain. However, the bill was reported out, notwithstanding the fact that amendments might be made later. The Senator from Monroe, Mr. Huffman, today offered an amendment correcting one of the alleged inaccuracies of the bill. That amendment—I need not tell you, gentlemen of the Senate, what happened to that amendment. Senator Huffman was never even privileged to read it. It then went on, with the idea of coming to a vote, and a recess was taken. I do not know what the idea was, but a recess was taken.

Statements were made on this floor that we should get together. Statements were made that there should be some spirit of conciliation and co-operation. Certainly I believe in a spirit of conciliation and co-operation. I feel that we are in the midst of strenuous times, and I do not know of any session of the legislature when we were confronted with so many perplexing problems as confront this present session of the legislature, and I want to say that I, for one, feel the responsibility that rests upon this legislature. Remarks were made as to the advisability of this program. The Senator from Philadelphia, Dr. Woodward—and I am not going to jest, or I might fall in the shades of Germantown—made the remark at this present session, referring to the Governor, as insincere or ignorant, or both. I want to say, gentlemen, that is not the way to try to bring about a spirit of co-operation. I think that is unfair. Certainly I want to say this, I do not know that the Governor of Pennsylvania—and I am speaking only individually, I have not been asked to speak for him, but I will say that I doubt whether he feels that he possesses any superior wisdom, but I do believe, gentlemen, that he is sincere. And what further happened? He has given a program, and this program is before you. We offered—the Democratic members of this body—we tried at least in a measure to meet them in a spirit of co-operation, and simply asked that this amendment of the Senator from Monroe, Mr. Huffman, be allowed to be entered into this bill, and the result would be that the bill would then have to go over for printing, and come up on Monday night, and we would have a chance, in a case of that kind, if you wished, to further discuss and further get together, but that was denied, and then we offered that the bill be put on the second reading calendar so that they, or any other amendments, might be made on Monday night, and that was denied. And then we hear about this spirit of conciliation. I am for it, but I want to say, gentlemen, that I am sincerely for it. I think that that was at least an effort in that direction.

If you are going to send it back to committee—perhaps some of my colleagues will say, "Why not? There you can further amend the bill, you will have an opportunity of doing this or doing that." I do not like to make the statement, but I will, and the statement is this: that I fear the members of this body do not trust the committee, for the fact that if it goes back to committee, what assurance will we have that it will ever see the light of day again on this floor? Therefore, I say, gentlemen, I think it is wrong. We have been denied the right to offer an amendment to this bill, and if it is an important bill, if it is so vicious, if it is so wrong, why not give a chance to put in an amendment correcting an alleged defects in this bill? Now all I say, gentlemen of the Senate is this: Let us be fair, and let us move forward courageously and honestly, stop playing politics, stop talking about this bill and that bill as the Governor's bill, and somebody else's bill. If you do not want this program, turn it down and then come forward with another program. If you will come forward with something, and do not, as the Senator from Thompson, said in his remarks this morning, do not just be against, against, against. Let us be constructive and work together. When a Senator, in all sincerity, speaking for myself and not for anybody else, offers in good faith to introduce an amendment and then the members of this Senate get up and say they doubt his sincerity, I want to say you are not playing the game squarely. We do not realize what is confronting us, and if we are going to keep on playing in this same manner, the time will come soon when we will realize, when we will have to stand up like men and face the situation bravely, courageously and honestly, and if we do not agree in that program, perfectly all right, certainly perfectly all right, and then come along with constructive ideas, and not merely criticism.

Mr. SHAPIRO. Mr. President, I think I can say without fear of contradiction that so far as I am concerned I have tried to be constructive. I do not know that I have presented any suggestions which are worthy of being called a solution of the problem, but I think in a situation of this kind I might say, without any egotism, that they are worthy at least of consideration. I have heard a great deal of talk about the Governor's program. I am not interested in whose program it is, but it is a program. As to these suggestions which I have made, I had hoped that there would be some sort of sign from the Governor's office that he would listen to the proposition, because I do not think it makes very much difference whether a Senator made the suggestion or whether a citizen. If any citizen made suggestions to the Governor, such as I have made on the floor of this Senate, I imagine that he would feel he was entitled to have them given some consideration. The answer to that, as I see it by a newspaper of Democratic color in Philadelphia, was a listing of all the names of the Senators with instructions to those people that they should vote down—telegrams, telephone messages and letters—asking them to vote down the sales tax programs. I did not suggest merely a Sales tax program, I suggested a program of several taxes from the Governor's program, and my reason for not desiring to have this bill killed at this time without an opportunity to amend, is that I realized if this bill is defeated now, it cannot be revived again at this Session, and to me it does not make any difference whether the bill goes over in order, or whether it is referred back to the committee, so long as there is an opportunity, and the opportunity for compromise is not lost.

I still say that I cannot vote for this bill and could not vote for the previous bill, because the sentiment of the people whom I represent is against it, and is evidenced by the fact that in spite of the publicity that has been given, I took the trouble to call up my home, my office, and the net result of yesterday's agitation is two telegrams, one of which the gentleman did not even have

the courtesy to put his address on so that I might find him. I looked for it in the telephone directory of Philadelphia, and decided that he does not even have a telephone, and that is proof to me that many voters in the district expressed their sentiments in favor of the Governor's program. Of course, many have, but most of the voters in my district have expressed their sentiments against the program, and so I am obliged, as their representative, to answer the instructions I get from the people whom I represent, to whom I shall have to return for the purpose of re-election, if I so desire, at the next election.

I say wether it goes back to the committee or goes over in its order, it is the same thing to me, because I accept the statement of the gentleman who made the motion at its face value. I have not yet reached that stage in this Senate where I am getting a back alley name called to me, and where I would not be able to take the word of a Senator who happens to move that a bill be recommitted for the purpose of amendment. We are bound to accept that as meaning what he says, and I do not intend at this time to take the position that it is a subterfuge for the purpose of killing the bill, or retaining it in committee. I say there are enough men in this Senate now who, having heard this statement, Republicans and Democrats, who will join in a motion to discharge any committee, who, after making a statement on the floor that a bill should go back, will attempt to keep that bill in the committee, I do not believe that this motion will be opposed, a motion that would give the very opportunity desired to amend this bill in committee.

I do not think that Senator Roberts need have any fear that this bill will be kept in committee. This bill, I think, will come out. I think the Republican members of this body are most anxious and willing to have it on the floor so that will be recorded, and I desire to say to my Democratic colleagues, if this bill is kept in committee for the purpose of preventing it from being voted on, on the floor, I will join with them in a vote to discharge this committee, to give us all an opportunity to vote on this very important measure.

Mr. HUFFMAN. Mr. President, I am only interested in passing this bill. I think it is a good bill, none better in the Governor's programme, and I do not believe that any other bill will be devised by our opponents that will fit the situation better than this one will. I offered the amendment in good faith, I do not offer amendments in bad faith. I do not have that reputation in the Senate and I do not intend starting to accumulate that kind of a reputation now. I offered the amendment to this bill because it needed amendment. Having offered it and having been voted down, it does not become me, being sincerely in favor of the passage of this bill, to pass up the only opportunity I have of placing that amendment in the bill, and I want to say to the gentlemen on the other side that I do not believe that their motion is made in bad faith, I believe that bill will come back on the floor, and I want you to understand that is my viewpoint here. I do not believe that when a member makes a motion to recommit a bill for the purpose of amendment that he intends to take advantage of that and keep it there. Therefore, I shall vote to send this bill back to committee to allow me to place these amendments I have in the bill and I hope the other Democrats will do the same thing.

Mr. THOMPSON (Centre). Mr. President, if this bill goes back to committee in the spirit of fairness and cooperation which we have heard advanced by the chairman of the Finance Committee, I do hope that this interim brings forth the long promised programme, which has been so often mentioned by Harvey Taylor, the Republican State Chairman, that if there is to be any horseswap that our Republican colleagues here, at least, show us the horse which they expect to swap.

Mr. ROBERTS. Mr. President, I feel that I should make just one more statement in regard to this motion that is pending. I will have to vote against sending this bill back to the committee and I want to have it definitely understood that I can get no assurance from the committee that the bill would be reported back to this Senate. When there is no such assurance given, even though I asked for such assurance and in view of that, therefore, I feel that it would be unwise to send it back to the committee when we have offered a counter proposition to keep it on the calendar, so that amendments could be made, and then acted upon as we might wish. The proposition I made was one by which amendments could be offered. The other proposition is to send the bill back to committee, and—well, anything can happen.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. ROBERTS and Mr. LAW and were as follows, viz:

YEAS—25

| | | | |
|---|---|---|---|
| Aron, | Ealy, | McClure, | Shapiro, |
| Batchelor, | Gelder, | McGinnis, | Staudenmeier, |
| Bennett, | Graff, | Norton, | Thompson, |
| Buckman, | Harris, | Owlett, | (Westmoreland) |
| Chapman, | Howell, | Pierson, | Woodward, |
| Clark, | Huffman, | Reed, | Homsher, |
| Coyne, | Mallery, | (Dauphin) | Pres. Pro. Tem. |

NAYS—18

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Rupp, |
| Frey, | Miller, | (Washington) | Thompson, |
| Kahle, | Prince, | Rice, | (Centre) |
| Lanius, | Pytko, | Roberts, | Ziesenheim. |

So the question was determined in the affirmative.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 739 (House Bill No. 169), entitled:

An Act to validate certain proceedings improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rodgers, |
| Batchelor, | Howell, | Owlett, | Rupp, |
| Baumer, | Huffman, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Clark, | Mallery, | (Dauphin) | (Westmoreland) |
| Coyne, | McClure, | Reed, | Woodward, |
| Ealy, | McCreesh, | (Washington) | Ziesenheim, |
| Frey, | McGinnis, | Rice, | Homsher, |
| Gelder, | Miller, | Roberts, | Pres. Pro. Tem. |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## ACTION ON SECOND READING CALENDAR DEFERRED

Mr. BUCKMAN. Mr. President, I move that all bills on second reading be deferred until next Monday evening.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

## REPORT FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 705, entitled:

An Act making an appropriation to the Department of Public Instruction, to aid financially distressed school districts.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

### COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Emilie C. McAllister, 250 Park Avenue, New York City, New York, as Commissioner of Deeds for Pennsylvania with residence in New York City, New York, for a term of five years to compute from the date of confirmation.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Which was agreed to.

A motion was made by Mr. RICE,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Graff, | Norton, | Rodgers, |
| Batchelor, | Harris, | Owlett, | Rupp, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bennett, | Huffman, | Prince, | Staudenmeier, |
| Buckman, | Kahle, | Pytko, | Thompson, |
| Cavalcante, | Lanius, | Rankin, | (Centre) |
| Chapman, | Law, | Reed, | Thompson, |
| Clark, | Mallery, | (Dauphin) | (Westmoreland) |
| Coyne, | McClure, | Reed, | Woodward. |
| Ealy, | McCreesh, | (Washington) | Ziesenheim, |
| Frey, | McGinnis, | Rice, | Homsher, |
| Gelder, | Miller, | Roberts, | Pres. Pro. Tem. |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. GELDER. Mr. President, I move that the Executive Session do now rise.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Thomas Giles, Jr., of Mahanoy City, Schuylkill County, as Justice of the Peace in the Borough of Mahanoy City, Schuylkill County, vice his father, Thomas Giles, Sr., deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

## HOUSE MESSAGES

### HOUSE CONCURS IN AMENDMENTS TO HOUSE RESOLUTION No. 86

The Clerk of the House of Representatives being introducel presented communication from the House of Representatives informing the Senate that the House of Representatives had concurred in amendments made by the Senate to the following Resolution:

SPECIAL COMMITTEE TO SELECT MEASURE ON THE SUBJECT OF ABATING PENALTIES AND INTEREST ON DELINQUENT TAXES

In the House of Representatives, March 12, 1935.

Whereas, A number of bills have been introduced in the House and Senate having a single purpose—to provide for the abatement of penalties and interest, in whole or in part, on delinquent taxes if these delinquent taxes are paid; and

Whereas, Taxpayers should be encouraged to pay their taxes in order that government may function, and legislation should be adopted at the earliest possible time to spur delinquent taxpayers to use every effort possible to pay their taxes; and

Whereas, Bills have passed the Senate and repose in House committees, bills have passed the House and repose in Senate committees, others are on the calendars and still others are in committee awaiting committee action; and

Whereas, It is apparent that confusion exists not only between the House and Senate as to the proper measure to be adopted, but as well among Members of the same House in passing more than one bill to accomplish substantially the same object; therefore be it

Resolved, (if the Senate concur), That the Speaker appoint five Members of the House, and the President Pro Tempore of the Senate appoint five Members of the Senate, who together shall constitute a special committee, whose duty it shall be to draft a new bill or select an introduced bill, either House or Senate, which in its present or an amended form the committee deems to be a proper measure on the subject of abating penalties and interest on delinquent taxes, and to make report thereof to the Senate and House of Representatives as early as possible.

JOINT COMMISSION TO INVESTIGATE PERMISSIBLE SIZE AND WEIGHT OF COMMERCIAL MOTOR TRUCKS

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Highways:

In the House of Representatives, March 14, 1935.

Whereas, At each session of the Legislature controversy arises as to the maximum permissible sizes and weights of commercial motor vehicles and the registration fees imposed against them, and

Whereas, It is the desire of the State through proper regulation to conserve public safety, to avoid undue damage to the highways and to impose on such vehicles only such registration fees as are properly chargeable against them, and

Whereas, The trucking industry contends that under existing laws and regulations the public is safeguarded, the highways are not damaged by their operations, the registration fees are adequate and greater than the average of the surrounding states and that more severe restriction as to dementional limitations or further increase in registration fees would result only in increased costs of their services to the public and unjustifiable injuries to them without compensating benefits, and

Whereas, The basic facts in connection with this controversy are really determinable both from financial and engineering standpoints; therefore be it

Resolved, That a joint commission to consist of three members of the Senate and three members of the House of Representatives be appointed by the President Pro Tempore of the Senate, and Speaker of the House, respectively, to invstigate the facts in connection with the maximum permissible size and weights of commercial motor vehicles and the registration fees that properly should be charged and to report their findings to the next session of the Legislature, the commission to function in consultation with the State Highway Department, the Department of Revenue and the Federal Bureau of Public Roads and to call in such outside experts and consultants as are deemed necessary.

STATE EMERGENCY RELIEF BOARD URGED TO CONTINUE DISTRIBUTION OF MILK

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on State Government:

In the House of Representatives, January 29, 1935.

Whereas, Unemployment relief has heretofore generally been distributed by the State Emergency Relief Board in th form of food and clothing vouchers or orders; and

Whereas, Many persons are of the opinion that such distribution should be in the form of direct or cash relief; and

Whereas, That method of distribution is already in effect in the counties of Philadelphia and Allegheny; and

Whereas, It is of paramount importance that milk be always available to the needy, particularly to the ill and to children; and

Whereas, The State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly; therefore, be it

Resolved (if the Senate concur), by the General Assembly of the Commonwealth of Pennsylvania, That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally; and, be it further

Resolved, That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Commonwealth.

AMERICAN LEGISLATORS' ASSOCIATION REQUESTED TO CALL CONFERENCE OF THE REPRESENTATIVES OF THE OIL PRODUCING STATES

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Finances:

In the House of Representatives, March 5, 1935.

Whereas, There is a lack of uniformity in the methods of appraising and taxing petroleum producing property by the various taxing units of the Commonwealth of Pennsylvania and the various petroleum producing states of the United States; and

Whereas, It is desirable that the present inequities be remedied; and

Whereas, It may be desirable and practicable to adopt uniform methods and rates of taxation upon such property by the several oil producing states; now, therefore, be it

Resolved (if the Senate concur), by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the General Assembly of the Commonwealth of Pennsylvania hereby request the American Legislators' Association to call a conference of the representatives of the oil producing states with a view of formulating uniform legislation and methods of taxing petroleum producing property; be it further

Resolved, That if such a conference is called, the delegates from the Commonwealth of Pennsylvania shall consist of: a member of the House of Representatives, to be appointed by the Speaker, a member of the Senate, to be appointed by the President Pro Tempore of the Senate, a member to be appointed by the Governor; be it further

Resolved, That a copy of this resolution be transmitted to the American Legislators' Association, to the governors of the petroleum producing states, and the presidents of the Senate and speakers of the said states, with the request that they submit it for action by the Legislatures of their states.

CONGRESS MEMORIALIZED TO ENACT THE FRAZIER-LEMKE BILL

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Federal Relations:

In the House of Representatives, March 19, 1935.

Whereas, Unless immediate relief is given, hundreds and thousands of additional farmers will lose their farms and their homes, and millions more will be forced into our cities and villages, and the army of the unemployed will necessarily increase to alarming proportions; and

Whereas, There is no adequate way of refinancing existing agricultural indebtedness, and the farmers are at the mercy of their mortgagees and creditors throughout this state and nation; and

Whereas, The Frazier-Lemke Refinance bill, being S. 212 and H. R. 2066, in the Congress of the United States, provides for the liquidating and refinancing of agricultural indebtedness at a reduced rate of interest, through the Farm Credit administration and Federal Land Banks; and

Whereas, The Frazier-Lemke bill has the endorsement of twenty-two state legislatures, and in addition the lower Houses of the States of New York and Delaware, and of many Commercial clubs, Chambers of Commerce, bank organizations, and of business and professional men and women, as well as the great majority of the farmers of this nation; and

Whereas, The enactment of this bill will have a vital effect not only upon agriculture, but upon all classes of industry; and

Whereas, Agriculture is the basic industry of this country, and there can be no recovery until agriculture is put upon a sound basis; therefore be it

Resolved, (if the Senate concur), That it is the sense of your memorialists, the members of the General Assembly of the State of Pennsylvania, that the Congress of the United States should enact the Frazier Lemke Bill without further delay.

Resolved, That a copy of this Memorial, duly authenticated, be sent by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from this State, to the President of the United States, and to U. S. Senator Lynn J. Frazier and Congressman William Lemke.

## HOUSE BILLS FOR CONCURRENCE

He also introduced, concurrence bills of the House of Representatives as follows:

House Bill No. 401 (Senate Bill No. 785), entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, extending the provisions of said act to townships of the first class.

Which was committed to the Committee on Municipal Government.

House Bill No. 418 (Senate Bill No. 786), entitled:

An Act to promote the safety of travelers upon street railways and buses, and others, by requiring a crew of two on each street railway car and bus.

Which was committed to the Committee on Banking.

House Bill No. 638 (Senate Bill No. 787), entitled:

An Act to amend clauses (b) and (c) of section seven, and eight of the act, approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," as amended; providing an expiration date of licenses; defining the qualifications of applicants for licensure, and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman, conferring powers and duties upon the Department of Public Instruction in connection therewith; and eliminating penalties for failure to renew.

Which was committed to the Committee on Education.

House Bill No. 676 (Senate Bill No. 788), entitled:

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas;" extending the provisions of said act to forest protection roads and fire lanes on private property.

Which was committed to the Committee on Forests and Waters.

House Bill No. 749 (Senate Bill No. 789), entitled.

An Act to amend section two hundred and fifty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," as amended; reducing the number of assistant district attorneys in counties of the fifth and sixth class.

Which was committed to the Committee on County Government.

House Bill No. 750 (Senate Bill No. 790), entitled:

An Act to amend the title and section one, two, three, six, nine, ten, eleven and twelve of the act, approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 984), entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto," extending said act to the condemnation of lands for State park purposes; and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code.

Which was committed to the Committee on State Government.

House Bill No. 1026 (Senate Bill No. 791), entitled:

An Act to amend sections four and five as amended, and section twenty-one of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "Delinquent Tax Sales Act of 1931" by providing for the period during which such taxes shall remain liens on real estate, and authorizing the filing of such liens in the prothonotary's office.

Which was committed to the Committee on Judiciary General.

House Bill No. 1084 (Senate Bill No. 792), entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1371), entitled "A supplement to the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled 'An act providing for the regulation of dams; or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof,' by discontinuing the necessity of securing permits for the erection of certain dams."

Which was committed to the Committee on Forests and Waters.

House Bill No. 1088 (Senate Bill No. 793), entitled:

An Act to amend the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 704), entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof, to the flooding and use by holders of limited power permits of islands owned by the Commonwealth, to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits, and to the proceedings for the enforcement of this act," by adding section three and one-tenths thereto, providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund.

Which was committed to the Committee on Forests and Waters.

House Bill No. 1383 (Senate Bill No. 794), entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

Which was committed to the Committee on County Government.

House Bill No. 1462 (Senate Bill No. 795), entitled:

An Act to amend sections one thousand three hundred and fourteen, one thousand three hundred and fifteen, and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," increasing the penalty for failure to register the transfer of real estate, and prohibiting the recording of instruments in such cases; and extending the right to execute insurance contracts.

Which was committed to the Committee on Municipal Government.

House Bill No. 1478 (Senate Bill No. 796), entitled:

An Act to amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," providing authority to township commissioners, by resolution, to issue certificates of indebtedness.

Which was committed to the Committee on Municipal Government.

House Bill No. 1633 (Senate Bill No. 797), entitled:

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof," making further regulations for the election of justices of the peace in such consolidated boroughs.

Which was committed to the Committee on Municipal Government.

House Bill No. 1730 (Senate Bill No. 798), entitled:

An Act requiring State-aided hospitals to admit any indigent person who is seriously ill and who requires hospitalization.

Which was committed to the Committee on Public Health.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 110, entitled:

An Act to amend section eight hundred and twenty-four as added to the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds;" further regulating the display of caution signals by certain disabled vehicles.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No .139, entitled:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for refunds of taxes paid on liquid fuels, consumed for purposes other than the operation of motor vehicles on the public highways of this Commonwealth and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 227, entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of May, one thousand nine hun-

dred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 631, entitled:

An Act to amend sections five and six of the act approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations and regulating the payment thereof," changing the time for filing applications for such State aid, and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 705, entitled:

An Act making an appropriation to the Department of Public Instruction, to aid financially distressed school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 763, entitled:

An Act making an appropriation to the Coaldale State Hospital, Coaldale, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 764, entitled:

An Act making an appropriation to the Department of Welfare for use of Coaldale State Hospital for payment of an indebtedness incurred by, and lapsing a prior appropriation made to the Board of Trustees of Coaldale State Hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 765, entitled:

An Act making an appropriation to the Elizabeth Steel Magee Hospital, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 770, entitled:

An Act making an appropriation to the Shamokin State Hospital, Shamokin, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 783, entitled:

An Act authorizing municipal corporations to appropriate moneys out of general revenues to pay bonds and obligations issued by such municipal corporations for the payment of the costs of a public improvement, which were to rest alone for their security upon payment of assessments for benefits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. GELDER. Mr. President, I move that the Senate do now adourn.

Mr. PRINCE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:15 P. M. until 9 o'clock Monday evening, April 8, 1935.

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# HOUSE OF REPRESENTATIVES

WEDNESDAY, April 3, 1935

The House met at 11:00 o'clock A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Almighty God to whom all hearts are open, all desires known, and from Whom no secrets are hid, we come to Thee on this beautiful morning to give Thee thanks for the health and strength that Thou hast given to us. We pray that Thou wilt guide us this day, that we may give the best we have to bring honor and glory to Thy name, to bring comfort and help to those in distress. We pray that Thou would bless those who mourn today; that they will understand that Thou are the kind heavenly Father, and that in Thine own time Thou wilt make all things right. We ask it in the Master's name. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MOUL the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. JOHN J. BAKER. HOUSE BILL No. 1925.

An Act making an appropriation out of the Motor Liceense Fund to cities of the second class for the maintenance of the Bureau of Traffic Planning and the Division of Traffic in such cities.

Referred to the Committee on Appropriations.

By Mr. STEVENS. HOUSE BILL No. 1926.

An Act to amend sections one, three and sixteen of the act approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for the county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities," by making the provisions thereof optional in the several counties of the third class; and providing for referendums to ascertain the will of the electors with respect thereto.

Referred to the Committee on Counties.

By Messrs. FRANCIS T. BAKER, JAMES L. SNYDER, and BRENNAN. HOUSE BILL No. 1927.

An Act to amend sections four and seventeen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof, requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation" by providing for refunds of taxes paid on liquid fuels consumed for purposes other than the operation of motor vehicles on the public highways of this Commonwealth, and in air craft and motor boats, and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. KILROY. HOUSE BILL No. 1928.

An Act providing for the administration of relief to the poor in cities of the first class by the Department of Public Welfare, and abolishing existing poor districts therein.

Referred to the Committee on Cities.

By Mr. FITCH. HOUSE BILL No. 1929.

An Act to amend the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payments of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by limiting the house of service of operators of commercial motor vehicles, motor omnibuses, motor buses and tractors; requiring such operators to keep certain records; and imposing penalties.

Referred to the Committee on Highways.

By Mr. JOHN J. BAKER. HOUSE BILL No. 1930.

An Act to amend section nineteen of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth imposing powers and duties on certain State, county, city, borough, town, and township officers and employes directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," eliminating the provision authorizing police officers to enter premises and buildings to seize dogs.

Referred to the Committee on Agriculture.

By Mr. TURNER. HOUSE BILL No. 1931.

An Act to amend section ten of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," increasing the fee for filing and entering conditional sale contracts.

Referred to the Committee on Judiciary General.

By Mr. KANE. HOUSE BILL No. 1932.

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal.

Referred to the Committee on Appropriations.

By Mr. PETERS. HOUSE BILL No. 1933.

An Act imposing an annual charge on lands of State institutions and State parks for road and school purposes.

Referred to the Committee on State Government.

By Mr. TRONZO. HOUSE BILL No. 1941.

An Act to amend section six hundred and twenty-seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended; requiring school districts of the first class to permit the use of school buildings for the holding of public meetings.

Referred to the Committee on Education.

By Messrs. COLEMAN and MUNLEY.

HOUSE BILL No. 1942.

An Act to amend article three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," by prohibiting letting of contracts for printing to printing establishments in which a county officer or employe is interested; aid prescribing a penalty.

Referred to the Committee on Counties.

By Mr. SIMON. HOUSE BILL No. 1943.

An Act making an appropriation for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Referred to the Committee on Appropriations.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 298 (HOUSE BILL No. 1934).

An Act making an appropriation to the Zoar Home for Mothers Babies and Convalescents at Allison Park Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 299. (HOUSE BILL No. 1935).

An Act making an appropriation to the Department of Welfare to pay for the care treatment removel and maintenance of the indigent insane in The Dixmount Hospital at Dixmont Allegheny County.

Referred to the Committee on Appropriations.

SENATE BILL No. 364. (HOUSE BILL No. 1936).

An Act making a deficiency appropriation to the Department of Welfare for the Dixmont Hospital Dixmont Allegheny County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 367. (HOUSE BILL No. 1937).

An Act making an appropriation to the Allegheny Valley Hospital at Tarentum Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 368. (HOUSE BILL No. 1938).

An Act making an appropriation to the Sewickley Valley Hospital Association Incorporated of Allegheny County Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 370. (HOUSE BILL No. 1939).

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh Pennsylvania

Referred to the Committee on Appropriations

SENATE BILL No. 371. (HOUSE BILL No. 1940).

An Act making an appropriation to the Children's Aid Society of Western Pennsylvania at Pittsburgh Pennsylvania for deficiencies

Referred to the Committee on Appropriations

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. REISING. RESOLUTION No. 112.

In the House of Representatives, April 2, 1935.

Whereas, The General Assembly in the session of one thousand nine hundred and thirty-one created a State Emergency Relief Board and other Governmental and Commonwealth agencies operating in conjunction with the Beaver County Emergency Relief Board to aid the thousands of unfortunate and starving citizens of this Commonwealth forced to depredation by the depression, and

Whereas, The Emergency Relief Administrator of the Commonwealth of Pennsylvania appointed a Board consisting of several citizens in the County of Beaver to administer relief and welfare to the people of that County, and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in the Beaver County Relief Board and other Commonwealth and Governmental agencies and it is further reported that certain groups and individuals have been discriminated against, and

Whereas, The Beaver County Emergency Relief Board recently resigned their offices and have left the affairs of their office in a very unsettled and unstable condition, therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House of Representatives whose duty it shall be to make a rigid investigation of the conduct and operation of the Beaver County Emergency Relief Board and other agencies above mentioned operating in conjunction with said board dating back to its inception and to investigate such other facts and circumstances surrounding the conduct of the Beaver County Emergency Relief Board and other agencies above mentioned as it deems necessary for the information of the House of Representatives.

Resolved, That said Committee shall make a report to the House of Representatives during this session as early as possible, and

Resolved, That said Committee shall have power to issue subpoenas under the hand and seal of its Chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee and to produce such books papers records and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the Courts of the Commonwealth. Each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases, And be it further

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid Board and Agencies for such stenographic help or other service as it may deem necessary under the circumstances in the taking of testimony and conduct of hearings, et cetera.

Referred to the Committee on Judiciary Special.

By Mr. KOBELAK (Concurrent)

RESOLUTION No. 113.

In the House of Representatives, April 2, 1935.

Whereas, The Bell Telephone Company of the State of Pennsylvania practically monopolizes the telephone industry in this and other Commonwealths, and,

Whereas, There have been many complaints that the rates and charges of said Telephone Company are excessive and exhorbitant, and,

Whereas, Said Telephone Company collects a twenty-five cent service charge for the use of French telephones,

entirely unwarranted in view of the aforesaid rates and charges, now

Be It Resolved, That the General Assembly petition the members of the Public Service Commission and the Governor of this Commonwealth and other State agencies to cooperate and urge upon the Bell Telephone Company to discontinue any further service charge in the amount of twenty-five cents per month, or any other sum, for the use of French, or any other specially designed telephones.

Referred to the Committee on Public Utilities.

## SENATE MESSAGE

### AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

In the House of Representatives, March 12, 1935.

Whereas, A number of bills have been introduced in the House and Senate having a single purpose—to provide for the abatement of penalties and interest, in whole or in part, on delinquent taxes if these delinquent taxes are paid; and

Whereas, Tax payers should be encouraged to pay their taxes in order that government may function, and legislation should be adopted at the earliest possible time to spur delinquent taxpayers to use every effort possible to pay their taxes; and

Whereas, Bills have passed the Senate and repose in House committees, bills have passed the House and repose in Senate committees, others are on the calendars and still others are in committee awaiting committee action; and

Whereas, It is apparent that confusion exists not only between the House and Senate as to the proper measure to be adopted, but as well among Members of the same House in passing more than one bill to accomplish substantially the same object; therefore be it

Resolved (if the Senate concur), That the Speaker appoint three Members of the House, and the Senate appoint three Members of the Senate, who together shall constitute a special committee, whose duty it shall be to draft a new bill or select and introduce a bill, either House or Senate, which in its present or an amended form the committee deems to be a proper measure on the subject of abating penalties and interest on delinquent taxes, and to make report thereof to the Senate and House of Representatives as early as possible.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend page 2, line 2, by striking out after the word "point" the word "three," and inserting in lieu thereof the word "five;" also in line 3, by striking out after the word "point" the word "three" and inserting in lieu thereof the word "five."

On the question,

Will the House concur in the amendments made by the Senate.

They were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 332.

An Act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances"

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## APPOINTMENT OF COMMITTEE TO INVESTIGATE WESTMORELAND COUNTY RELIEF BOARD

The SPEAKER. In accordance with the provisions of Resolution No. 97, Printer's No. 420, adopted by this House April 1, 1935, the Chair appoints the following committee: Messrs. Dent, Stevens, Haberlen, Lovett and Mentzer.

## PERMISSION GRANTED FOR COMMITTEE MEETING DURING SESSION

Mr. SIMON asked and obtained consent of the House for the Committee on Judiciary Special to meet during the session of the House.

## REPORTS FROM COMMITTEES

Mr. WEISS from the Committee on Judiciary General reported as amended, House Bill No. 914, entitled:

An Act to supplement an act approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 975), entitled "An act to amend Section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055)."

Mr. STONE from the Committee on Ways and Means reported as committed, House Bill No. 1621, entitled:

An Act to amend sections two and five of the act approved the second day of May, one thousand eight hundred eighty-nine (P. L. 66), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," as amended by extending the same to funds and money, estates or effects in the custody, or under the control, of certain United States courts; fixing jurisdiction; and providing proceedings relative thereto.

Mr. SHEPARD from the Committee on Education reported as committed, House Bill No. 1788, entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing and reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes

of certain departments, boards, and commissions shall be determined," as amended, by changing the names of the State Association and training schools for nurses.

Mr. SHEPARD from the Committee on Education reported as committed, House Bill No. 1789, entitled:

An Act to amend sections one, three, four, five, seven and eleven of an act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants, the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," by changing qualifications for registration, the publishing of a list of registrants, and fixing penalties.

Mr. OMINSKY from the Committee on Judiciary General reported as committed, House Bill No. 1021, entitled:

An Act to amend section three of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 801), entitled "An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and townships to purchase, or condemn by the right of eminent domain, free and unobstructed view over and across lands at certain highway, railroad, and railway intersections and curves, so as to prevent and permit removal of interference with an obstruction of the vision of users of said highways; and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view," by providing for condemnation proceedings and assessment of damages.

Mr. PIOLE from the Committee on Boroughs and Townships reported as committed, House Bill No. 1064, entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" amplifying contractural rights as to joint sewers.

Mr. JAMES L. SNYDER from the Committee on Boroughs and Townships reported as committed, House Bill No. 1792, entitled:

An Act to amend section one thousand six hundred and three of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the borrowing of money by township authorities to provide a water supply for public and private use.

Mr. WILLIAM G. SMITH, from the Committee on Military Affairs reported as committed, House Bill No. 1821, entitled:

An Act to amend sections four hundred and twenty-one, four hundred and twenty-two, and four hundred and twenty-three as amended, section four hundred and twenty-four, section four hundred and twenty-six as amended, section four hundred and twenty-eight, section four hundred thirty-two as amended, and section four hundred and thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, four, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto;" by clarifying the term "Deceased service men," specifying the form and contents of applications for county contributions; stipulating the material for markers; permitting contributions for lettering alone, permitting the removal of worn flags, requiring the appointment of grave registrars and providing a penalty.

Mr. COHEN, from the Committee on Ways and Means reported as committed, House Bill No. 1780, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand eight hundred and ninety-seven (P. L. 178), entitled "An act taxing certain stocks of building and loan associations for State purposes," fixing the rate of the tax on matured stock of building and loan associations.

Mr. KINNEY, from the Committee on Cities reported as committed, House Bill No. 1634, entitled:

An Act to amend section two thousand five hundred and sixty-eight of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing the city treasurer as collector of city, school and poor taxes shall proceed against the personal property before filing liens for such taxes, when instructed so to do by the taxing authorities, but otherwise at his own discretion.

Mr. BAINE, from the Committee on Ways and Means reported as amended, House Bill No. 1250, entitled:

An Act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue; and fixing penalties.

Mr. BAINE, from the Committee on Education reported as committed, House Bill No. 1698, entitled:

An Act to amend sections three, five, seven, eight, ten, twelve and thirteen of the act approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," further regulating barber shops, barber schools and persons desiring licenses under the provisions of the act.

Mr. WESTRICK, from the Committee on Education reported as committed, House Bill No. 1286, entitled:

An Act to amend sections ten, twelve and fourteen of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

Mr. KILROY, from the Committee on Cities reported as committed, House Bill No. 1734, entitled:

An Act providing for the laying out, widening, extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between

this and any other state, and for the construction thereof and of appurtenances thereto, authorizing the acquisition by gift, purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction; providing for the acquisition of a fee simple title; authorizing the use, sale or leasing, subject to restrictions, by the city of additional land and property acquired, and the erection, occupation, use, sale or leasing of buildings and structures thereon by the city; and authorizing and prescribing the procedure for the assessment of damages and benefits.

Mr. SIMON, from the Committee on Ways and Means reported as committed, House Bill No. 1831, entitled:

An Act to further amend section one of the act approved the seventh day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, eight hundred fifty-nine), entitled "A supplement to the act approved the twentieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred and twenty-one), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein; to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by requiring executors, administrators, and certain persons to file with the register of wills a copy of every return filed with the Federal Government for Federal estate tax purposes.

Mr. HOOPES, from the Committee on Judiciary General reported as amended, House Bill No. 1288, entitled:

An Act prescribing and limiting the rights and liabilities in cases of death from unlawful violence or negligence where no action has been brought by the party injured during his lifetime.

Mr. HARTMAN, from the Committee on Insurance reported as committed, House Bill No. 79, entitled:

An Act to amend paragraphs (a) and (b) of section three hundred and thirteen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties, and repealing existing laws," increasing the amount of reserve required of stock and mutual casualty insurance companies and exchanges for certain outstanding losses.

Mr. GERARD, from the Committee on Boroughs and Townships reported as committed, House Bill No. 976, entitled:

An Act to amend article nine of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," making provision for declaring vacant the office of councilman for refusal or neglect to qualify, attend meetings or to act in his official capacity.

Mr. STOCKHAM, from the Committee on Boroughs and Townships reported as committed, House Bill No. 1836, entitled:

An act authorizing boroughs to construct, reconstruct and repair sidewalks, gutters, curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough.

Mr. LONGAKER, from the Committee on State Government reported as committed, House Bill No. 1645, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor, to sell and convey a certain plot of land.

Mr. STEWART from the Committee on Cities reported as committed, House Bill No. 1567, entitled:

An Act to amend the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by requiring city records to be open to inspection.

Mr. HINDMAN from the Committee on Railroads and Railways reported as committed, House Bill No. 1233, entitled:

An Act requiring street cars to be equipped with caution lights.

Miss BRANCATO from the Committee on Cities reported as committed, House Bill No. 1732, entitled:

An Act to amend section four of article five of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by authorizing the employment of women as policewomen.

Mr. WOOD from the Committee on Counties, reported as amended, House Bill No. 1477, entitled:

An Act providing for the eradication of mosquitoes; authorizing the establishment of county mosquito extermination commissions by popular election, and for the appointment of their members by the courts of common pleas; and prescribing the powers and duties of such commissions, the county commissioners and the State Secretary of Agriculture.

Mr. SURFACE from the Committee on Education reported as committed, House Bill No. 1044, entitled:

An Act to amend section two of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of decreased persons; and providing penalties," granting licenses by the Board without examination to certain persons having had at least three years' practical experience as embalmer or undertaker under certain conditions.

Mr. SCHWARTZ from the Committee on State Government reported as committed, House Bill No. 1776, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers

and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and the commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto.

Mr. McKINNEY from the Committee on State Government reported as committed, House Bill No. 1143, entitled:

An Act to amend section one of the act approved the twentieth day of December, one thousand nine hundred and thirty-three (P. L. 89, 1933-34), entitled "An act appropriating the moneys in the State Stores Fund;" making appropriations for the payment of refunds.

Mr. MURRIN from the Committee on Military Affairs re-reported as committed, House Bill No. 300, entitled:

An Act to amend sub heading (e) of article five of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, authorizing appropriations to veterans' organizations for certain purposes.

Mr. RUFFENNACH from the Committee on Judiciary General reported as committed, House Bill No. 1411 (Senate Bill No. 87), entitled:

An Act to further amend clause (a) of section six and sections ten and eleven of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate by changing the effect of appeals from the county court upon judgments of that court by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

Mr. TURNER from the Committee on Judiciary General reported as committed, House Bill No. 1535 (Senate Bill No. 256), entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts or aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendent in any such suit.

Mr. BLUMBERG from the Committee on Judiciary General reported as amended, House Bill No. 982 (Senate Bill No. 41), entitled:

An Act to amend section six of the act approved the eighteenth day of June one thousand nine hundred and twenty-three (P. L. 840) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" further defining the circumstances under which the remedy provided is available.

Mr. BLUMBERG from the Committee on Judiciary General reported as committed, House Bill No. 1490 (Senate Bill No. 223), entitled:

An Act to establish jurisdiction in cases of kidnapping and murder perpetrated in kidnapping.

Mr. HART from the Committee on Military Affairs reported as committed, House Bill No. 1923 (Senate Bill No. 710), entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation.

Mr. PHILLIPS from the Committee on Cities reported as committed, House Bill No. 1681 (Senate Bill No. 561), entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon.

Mr. HOLSTROM from the Committee on Railroads and Railways reported as committed, House Resolution No. 81.

Mr. JAMES W. PATTERSON from the Committee on Judiciary Special reported as committed, House Resolution No. 107.

Mr. CORDIER from the Committee on Judiciary Special reported as committed, House Resolution No. 110.

## RESOLUTION

### INVESTIGATION OF BEAVER COUNTY EMERGENCY RELIEF BOARD

Mr. REISING offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 2, 1935.

Whereas, The General Assembly in the session of one thousand nine hundred and thirty-one created a State Emergency Relief Board and other Governmental and Commonwealth agencies operating in conjunction with the Beaver County Emergency Relief Board to aid the thousands of unfortunate and starving citizens of this Commonwealth forced to depredation by the depression, and

Whereas, The Emergency Relief Administrator of the Commonwealth of Pennsylvania appointed a Board consisting of several citizens in the County of Beaver to administer relief and welfare to the people of that County, and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in the Beaver County Relief Board and other Commonwealth and Governmental agencies and it is further reported that certain groups and individuals have been discriminated against, and

Whereas, The Beaver County Emergency Relief Board

recently resigned their offices and have left the affairs of their office in a very unsettled and unstable condition, therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House of Representatives whose duty it shall be to make a rigid investigation of the conduct and operation of the Beaver County Emergency Relief Board and other agencies above mentioned operating in conjunction with said board dating back to its inception and to investigate such other facts and circumstances surrounding the conduct of the Beaver County Emergency Relief Board and other agencies above mentioned as it deems necessary for the information of the House of Representatives.

Resolved, That said Committee shall make a report to the House of Representatives during this session as early as possible, and

Resolved, That said Committee shall have power to issue subpoenas under the hand and seal of its Chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee and to produce such books papers records and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the Courts of the Commonwealth. Each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases, And be it further

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid Board and Agencies for such stenographic help or other service as it may deem necessary under the curcumstances in the taking of testimony and conduct of hearings, et cetera.

## APPOINTMENT OF COMMITTEE

The SPEAKER. In accordance with the resolution just adopted by the House, the Chair appoints the following committee; Messrs. Reising, Nagel, Harkins, Murrin and Eroe.

## APPOINTMENT OF COMMITTEE TO STUDY DELINQUENT TAX LEGISLATION

The SPEAKER. In accordance with Resolution No. 86, Printer's No. 390, the Chair appoints as a Committee to draft a bill or select or introduce a bill on the subject og abating penalties and interest on delinquent taxes: Messrs. Blumberg, Burke, Pearson, VanSickle and Wood.

## RESOLUTION NO. 88

Mr. PETERS. Mr. Speaker, I desire to call up at this time Resolution No. 88, Printer's No. 356.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 19, 1935.

Whereas, At each session of the Legislature controversy arises as to the maximum permissible sizes and weights of commercial motor vehicles and the registration fees imposed against them, and

Whereas, It is the desire of the State through proper regulation to conserve public safety, to avoid undue damage to the highways and to impose on such vehicles only such registration fees as are properly chargeable against them, and

Whereas, The trucking industry contends that under existing laws and regulations the public is safeguarded, the highways are not damaged by their operations, the registration fees are adequate and greater than the average of the surrounding states and that more severe restriction as to demensional limitations or further increase in registration fees would result only in increased costs of their services to the public and unjustifiable injuries to them without compensating benefits, and

Whereas, The basic facts in connection with this controversy are really determinable both from financial and engineering standpoints, therefor be it

Resolved, That a joint commission to consist of three members of the Senate and three members of the House of Representatives be appointed by the President Pro Tempore of the Senate, and Speaker of the House respectively, to investigate the facts in connection with the maximum permissible size and weights of commercial motor vehicles and the registration fees that properly should be charged and to report their findings to the next session of the Legislature; the commission to function in consultation with the State Highway Department, the Department of Revenue and the Federal Bureau of Public Roads and to call in such outside experts and consultants as are deemed necessary.

Resolved, That by legislation an appropriation be provided for the use of the committee.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION NO. 91

Mr. NAGEL. Mr. Speaker, I desire to call up at this time Resolution No. 91, Printer's No. 414.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 18, 1935.

Whereas, Unless immediate relief is given, hundreds and thousands of additional farmers will lose their farms and their homes, and millions more will be forced into our cities and villages, and the army of the unemployed will necessarily increase to alarming proportions; and

Whereas, There is no adequate way of refinancing existing agricultural indebtedness, and the farmers are at the mercy of their mortgagees and creditors throughout this State and Nation; and

Whereas, The Frazier-Lemke Refinance Bill, being S. 212 and H. R. 2066 in the Congress of the United States, provides for the liquidating and refinancing of agricultural indebtedness at a reduced rate of interest, through the Farm Credit Administration and Federal Land Banks; and

Whereas, The Frazier-Lemke Bill has the endorsement of twenty-two state legislatures, and in addition, the lower Houses of the States of New York and Deleware and of many Commercial Clubs, Chambers of Commerce, bank organizations and of business and professional men and women, as well as the great majority of the farmers of this Nation; and

Whereas, The enactment of this bill will have a vital effect not only upon agriculture, but upon all classes of industry; and

Whereas, Agriculture is the basic industry of this country, and there can be no recovery until agriculture is put upon a sound basis, therefore be it

Resolved (if the Senate concur), That it is the sense of your memorialists, the members of the General Assembly of the State of Pennsylvania, that the Congress of the United States should enact the Frazier-Lemke Bill without further delay.

Resolved, That a copy of this Memorial, duly authenticated, be sent by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from this State, to the President of the United States, and to United States Senator Lynn J. Frazier and Congressman William Lemke.

On the question,

Will the House adopt the resolution?

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, it is rather difficult at this point to just under-

stand what was provided in that resolution. It is a general resolution. It appears to me from the general tenor of the resolution that the House of Representatives in Harrisburg ought to begin to set its own house in order and attend to our own business rather than memorialize Congress to do a number of things and to pass a resolution that we do not understand. I think we ought to kill this resolution and a number of others, the contents of which we cannot hear read.

Mr. BERNHARD. Mr. Speaker, I have a similar resolution in this House and I am going to ask the Republican members to go along with it.

Mr. EBERHARTER. Mr. Speaker and members of the House, this resolution memorializes Congress to pass the Frazer-Lemke bill. I myself do not know what this Frazer-Lemke bill is about, and I would ask the gentleman who introduced this resolution to inform the members of the House what the provisions of this Frazer-Lemke bill are, so that we can vote intelligently on this resolution.

Mr. NAGLE. Mr. Speaker and members of the House, this proposed legislation under the Frazer-Lemke bill is legislation designed to help the farmer. Many of them are in such circumstances that they cannot get out from under these burdens unless our Federal Government or some other agency comes to the rescue and saves them from the clutches of unscrupulous creditors. There may be some defects found in this Senate bill and in this House bill that will have to be remedied, but no doubt that will be done. This proposed legislation will enable farmers to borrow money at the rate of one and one-half per cent interest and be permitted to pay back this money in five years, as I understand the proposition. Fifteen per cent of this amount so borrowed will be paid during the four years, and the balance of eighty-five per cent to be paid at the end of this time. This provides for such terms that the farmers in all probability will be enabled to comply with it and save their homes. Unfortunately I had with me Senate Bill No. 212, but it got away from me this morning. I have been hunting for it ever since I asked for this resolution, but unfortunately I can not find it, as it has been mislaid. I shall be glad, so far as my limited knowledge goes, to answer anything further that any one may care to ask.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER declared the "ayes" appeared to have it,

Whereupon, a division was called for, and one hundred and twenty-seven members or more than a majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

Ordered ,That the Clerk present the same to the Senate for concurrence.

## INTERROGATION ON RESOLUTION NO. 104

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, on Monday, March 25th, I introduced a resolution, Serial No. 133, Resolution No. 104. I understood from the gentleman from Berks, Mr. Ruth, that that resolution was in his Committee. May I now inquire from the gentleman from Berks whether he has that resolution?

Mr. RUTH. Mr. Speaker, that resolution I have had before the Ways and Means Committee, and yesterday after discussion a majority of the members voted against reporting the resolution out.

## STATEMENT BY MR. TURNER

Mr. TURNER, asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, a week ago I introduced a resolution asking for the appointment of a committee of five members of this House to study the financial situation that confronts many of our institutions and confronts the Commonwealth for the remainder of this biennium. I am not going to take up your time to point out to you something which appeared to me, and what I think was apparent to you, that there is a crisis in the affairs of our state aided hospitals and homes, and what is undoubtedly a most urgent situation in so far as unemployment relief is concerned, or the funds for unemployment relief are concerned, for the months of April and May, completing this biennium. That resolution, because of the objection of the gentleman on the other side of the house, went to the Ways and Means Committee. You have just heard the Chairman of that committee say that the committee yesterday refused to report out that resolution. I can conceive of no reason why a committee of this House should not be appointed for that purpose unless it be true, as stated to me by the Chairman of that Committee, that there were departments or agencies of the legislature already at work on the same problem. If they are already at work on that problem, certainly their report should have been here during this week. If they were at work at the time I introduced the resolution, their report should have been in before the first of April. I can not but arrive at one conclusion, and that is that nothing seriously is being done about this matter beyond the attempt to put through the tax program, out of which they anticipate receiving some of the money that might carry us through for the rest of this biennium. But, as I pointed out to you in my statement over a week ago, most of the tax program will produce no immediate money. We need immediate money. Most of the tax program was only in the Senate a week ago. If it could have been speedily enacted, it would have produced an infinitesimal part of the money that is needed for the balance of this biennium.

The Governor of this Commonwealth went down to Washington a week ago, and he came back with the story that he had money for unemployment relief to the fifteenth of April. I have been informed that the Chairman of the Ways and Means Committee has said that unless the tax program goes through by the fifteenth of April, there will be a hunger march upon the legislative halls of Harrisburg. I think that that is playing upon the hardships, that is playing upon the fears of the people of Pennsylvania, in a manner in which they should not be played upon. I think we ought to be frank and honest with the people of Pennsylvania about it and not try to get a tax program across by appealing to prejudice, by appealing to fear, and take advantage of the position in which many of our people are placed. The tax program will not produce and could not produce, and it could not be put in workable condition to produce the money that we need at the present time. There is need for this legislation. You cannot pass it on to the Executive be-

cause it is out job. It is a part of the duty for which we were elected. It is the duty of the Appropriations Committee and the Ways and Means Committee of this House, and if they do not undertake to do this duty, the other members of the House should undertake the duty and undertake to do the work, in order to find out where we can find this money; how much money is needed; what we can do to raise it and how we can raise it. We only have a week practically before the fifteenth of April. The dead line, I understand, has been set. If we are going to have any appropriations next week, if we are going to have any transfers next week, we ought to be at it now.

I, therefore, say to you that either the Chairman of the Ways and Means Committee ought to come before this House and frankly state what you are doing, or you ought to report out this resolution. I put no strings on it. The Speaker can appoint the Committee. He can put all Democrats on it if he wants to. I don't care who goes on it, but what I do care about is this, that I don't believe you ought to go before the people of Pennsylvania and stir them up, stir up their prejudices, play on their fears, and then sit idly by and deny the opportunity to arrive at a sensible program that will produce the money that is needed.

Mr. Speaker, in pursuance to the remarks I have made and for the purpose of carrying out some of the objectives, I desire to offer the following resolutions and ask unanimous consent for its immediate adoption.

## RESOLUTION

### INFORMATION REQUESTED FROM DEPARTMENT OF REVENUE

Mr. TURNER offered a resolution and asked unanimous consent for its immediate consideration.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. RUTH. Mr. Speaker, may we have the resolution read for the information of the House?

The Resolution was read by the Clerk as follows:

In the House of Representatives, April 3rd, 1935.

Whereas, The Governor has laid before the Legislature an extensive tax program to meet the ever-appropriation liability of the present fiscal biennium and to raise sufficient revenues to meet the appropriation required for the next fiscal biennium; therefore, be it

Resolved, That the Department of Revenue be directed to furnish to the House of Representatives not later than Monday, April 8th, 1935, a statement showing: (a) the effective date of each proposed tax act; (b) the dates when returns or reports are to be made under each proposed tax act; (c) the period covered by the return or report; and (d) the date each respective tax becomes due and payable.

### STATEMENT BY MR. RUTH

Mr. RUTH asked and obtained unanimous consent to make the following statement:

Mr. SPEAKER, the condition in the Commonwealth today is open to any one. The Budget Secretary's office has made a survey and we find that the State Treasury is under two hundred thousand dollars. There are three million dollars in the motor license fund that are available for transfer. That is all of the money that is available. I also want to say that the proposition of the Federal Relief Administrator, Mr. Hopkins, was that providing we had laws on our statute books by April fifteenth the Federal Government would continue helping us, otherwise relief would be absolutely shut off on that day.

As far as a hunger march is concerned, I can only say what seems to be a fact, we all know that the unemployed are the best organized of any group in the State. If we don't know it, we should know it. We know that they have means of communication and are well organized. The Federal Government in a survey throughout the United States reports that there are about ten percent of chisellers on relief. That still leaves about nine out of every ten who are deserving and who are hungry, and they are going to be fed one way or another.

We are not trying to play on the heartstrings of the people of Pennsylvania. We are trying to play on the heartstrings of the Senate, if that were possible, but nevertheless we can only state conditions as they are as to relief, and that deadline is April 15th, a week from next Monday.

I believe that anyone who is interested can find out the condition of the state funds by going into the Budget Secretary's office, where the survey has been made.

Nevertheless we want to go along as far as we can. We are not going to get anything otherwise, and therefore, I will ask the Democratic members to go along with the resolution. We want to show everything that is possible to be shown; if there is any money hidden somewhere, we want to find it. If there is anything we can do, we want to find it out—We don't want to hamstring the people in anything that will give relief to them. We want to give relief to that nine out of ten. I am sure that if it holds true for the rest of the United States that it holds to in Pennsylvania, that the ten percent are chislers, and we are going to find out that the ten percent are going to holler louder when they don't get anything. We are very much interested in that nine out of ten who are not chislers, who are going to stop eating and who are going to stop a good many other things on April 15th if we do not provide that $5,000,000 a month for that relief program.

The SPEAKER. The Chair hears no objection and consent is granted.

On the question,

Will the House adopt the resolution?

It was adopted.

### STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker, in reply to the gentleman from Berks, Mr. Ruth, if you will pardon me, I realize that we ought not to carry this along in the form of question and answer or reply to everything that is said, but I do believe that this matter is of such great importance that we ought to bring it out into the open.

Mr. Speaker and members of the House, I do not believe that this is a question that we can approach by the individual going out and digging up the figures. I have been at that work for three months. I have a large file full of such figures. I know the amounts or I have the figures on paper for the various amounts of money, the balance in the treasury and in the different funds, the appropriation liabilities, and so forth. But if I can not get a simple resolution, appointing a committee to go to

work, out of the Ways and Means Committee, what good would it do for me to come here with a suggested program. We can not simply sit down here and say that because a certain thing is not done, therefore, we will throw up our hands, and the people are going to be left to starve.

As I see the problem, what we ought to do is to sit down and find out what we have to do, just exactly what moneys will be needed, just exactly what moneys may be available, and then I realize that there is going to be a gap, a large gap, that is going to take some kind of legislation, because we cannot, we dare not, sit here idly and say "We cannot raise this money, the bills are blocked some place, the tax program is held up and has not gone through, and, therefore you people will have to starve." Certainly there is enough intelligence in this House to find a way, certainly there is enough intelligence in this House, to sit around a table—some group who will be charged with the issue to devise a program, and I have confidence that if a program is brought in by a committee of five, controlled by the majority party of this House,—I have confidence that the program will have some weight and will have a chance of getting some place. At least, as far as we are concerned, we will have done our part. It is an easy thing to say you can get figures. I have got a lot of figures, but that isn't going to get any money for the people of Pennsylvania or money to take care of the institutions of the State. It can not be done by guess work. It is not the easiest thing in the world to get figures from the Commonwealth. It might sound that way to the average layman, but to get these figures you have to dig for them. They are constantly changing. Therefore, I say that ought to be the job of some group. We cannot let a day go by because next week is your last opportunity. The tax bills that are now in the program, if they are passed, will produce very little money,—the gasolene tax, amusement tax, the tobacco tax and the stamp tax,—the most that they can produce in the two months, if we have the two full months, is possibly five or six million dollars. I don't know how you are going to raise the amount of money that you need. Let us not be partisan about this. I am not being partisan, only in so far as the leadership on the other side is being partisan in these matters, but I am intensely in earnest, I feel intensely the situation and I know the catastrophe that is going to face us unless we face it now.

So, I appeal to you to get the Ways and Means Committee together and either appoint a sub committee of the Ways and Means Committee to do this, or, if you don't want my name on that resolution, put anybody else's name on it. The name of the person who presents the resolution is unimportant. Let us get some committee, some group, who will be charged with the duty and who will go to work to find this money.

STATEMENT BY MR. COHEN

Mr. COHEN asked and obtained unanimous consent to make the following statement.

Mr. Speaker, at the outset I wish to thank the gentleman from Delaware for the great amount of sincere effort he has expended on this proposition. I feel sure that if the attitude had been taken by the gentleman from Delaware prior to the introduction of the tax measures and prior to the vote thereon, his sincerety would have impressed his fellow members, and the fact that at least some of this money is required, and that we are confronted with a great and tremendous financial crisis, and that the vote of the gentleman from Delaware's colleagues on the right hand side of the House would not have been decidedly "no", in opposition to each and every tax measure that has been presented to this House for their consideration.

I appreciate the figures of the gentleman from Delaware that were submitted to this House last week I appreciate that even though those tax measures are passed, even though the Senate should act favorably upon each and every one of those tax measures, by the end of the current biennium, on May 31st, 1935, we would still be confronted with a tax deficit of approximately thirty-eight million dollars. I appreciate that the institutions in this Commonwealth, to whom we have made appropriations in the past year will not have those appropriations. I appreciate that the hospitals, the homes and all types of state aided institutions will have to delay, will have to make other provision in order for them to continue their humane activities, and I think that this House and the Administration views with a great deal of concern the problem which we have now confronting us which is how we are going to raise two things. Number one, thirty-eight million dollars, suggested by the gentleman from Delaware, which will be necessary to make up the appropriations to the various institutions to whom we have made commitments. Number two, to make adequate provision for unemployment relief for the agencies of the government, to repay the deficit, to do all of the acts, all of the provisions that are intimated can no be done by the government budget, and the two hundred and three million dollars worth of extraordinary income that we must have.

I also appreciate that last week the gentleman from Delaware intimated that our constitution is so restricted, that our constitution is so hide bound, that the Commonwealth can not go out like the ordinary business man and borrow money. I appreciate that in that statement the gentleman from Delaware has made the best argument that could have been made by any member of this House for the immediate passage of the bill of the gentleman from Berks, Mr. Ruth, for the revision of our constitution.

I appreciate all those facts, but I still say that that does not allow the gentleman from Delaware to present those objections to this House. This House has done its part in the attempt to solve this problem. This House has passed measures which will least make up part, or the greater part, of the two hundred and three million dollars worth of deficit that we have to make up. This House has provided the Senate with the necessary legislation upon which they can act, and I suggest to the gentleman from Delaware County and those who are thinking along these lines that they appear not before the committee of this House, but that they appear over in the halls of the Senate and present those arguments to them.

STATEMENT BY MR. WITKIN

Mr. WITKIN asked for and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, at the inception of this debate, I did not intend to participate. I

have, however, listened to the self-glorification speech of the gentleman who has just sat down, wherein he would have it go broadcast to the State of Pennsylvania that the Democrats in the House have done their part, and that all of the responsibility by innuendo rests with the Republican Senate.

I want to say to the membership of this House, I do not think you have done your part. I think the thing was handled all wrong from the very beginning. When one sets out with a definite set idea in mind, and says to a group of representatives from the Commonwealth of Pennsylvania: "Here is what I propose; here is what I suggest. Don't change a dot over an 'I', don't remove a cross from a 'T'. You will take what I give you, and that is the only thing I will give you, and you are going to like it," then I say that legislation that is forced through the House by the crack of the whip and by the lash of the tongue and by every maneuver known to the crafty politician, the House of Representatives that passes such a program has not done its duty. You men knew and the Democratic majority of this House knew, that there was opposition to your program. You knew, you had a right to know, that it was going to meet with obstacles. What is the natural, what is the proper thing to do under those circumstances? Why, two or three months ago there should have been a round table conference that the gentleman from Delaware, Mr. Turner, referred to, and that round table conference should have consisted of the leaders of the House, the leaders of the Senate, the leaders of both parties, and they should have sat down and they should have formulated a program, not for the benefit of the Democrats, not for the glory of the Democrats but for the people of Pennsylvania, and if you are so interested in the starving and the hungry, and you are not only interested in playing upon words, then you should have considered all these matters; you should not have forced them down our throats, you should not have compelled us to adopt without amendment a program that you yourselves never saw until it was put upon your laps. The Democratic leadership in this House had nothing to do with this program. You had no more to do with it than I had, and I had nothing to do with it. The people that gave it to you believed that they were omnipotent; they believed that they could do in the House of Representatives and the Senate of Pennsylvania that which they found out they cannot do.

Oh, you gave hearings all right. Why, those hearings you gave were a joke. Every man in the House on that committee was committed one way on those bills, no matter what the hearings developed. You might fool the people who came here and talked, but you cannot fool the men who have been here for years, and who know what those hearings were.

You talk about the Constitutional Convention. Oh, yes, there's no question about that. The gentleman from York says that we will adopt it. Why, you handed us a constitutional convention bill before it was printed, before a man read it. You shot it out of committee and you rammed it down our throats. I used the expression before, and I use it again, you aeroplaned it through; you didn't give it proper consideration; you were not interested in the hungry and the starving, or you would not have used those tactics. You thought you could do it on the other side of the House, but those men are men of deliberations.

Why don't you compromise things; why don't you try to figure out the quickest means of feeding the hungry and feeding the starving and stop looking at the glorification in the next election of the Democratic Pary?

Why, you have played partisan politics, such as we of the Republican majority during the ten years I was here never dared to do. And I repeat it to you, you look over your records and you will find out that the greatest steam roller that the Republican party ever had in the House, was a mere miniature baby compared to the amount of rush that you people with less than the majority that we had put things through in this House. But it is coming back to haunt you.

I am going to say in conclusion that it is all right to criticize, but April 15th is approaching. What ought to be done? I will tell you what I think ought to be done.

I think the stubbornness, I think the obduracy, if that is the correct word, that exists on the part of some people in this Commonwealth ought to cease; it ought to cease in the interest of putting through a program to feed the hungry and the starving. I think the people of this Commonwealth might forget or might be taught to forget the mistakes of this Democratic House, if on this date, April 3rd, somebody in this Commonwealth will be big enough, someone in this administration will be strong enough to lay aside their politics to feed the hungry and the starving and not to endeavor to continue to use the whip and the lash in order to put through an unpopular program.

Mr. SHEPARD. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Witkin.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. WITKIN. Mr. Speaker, I will.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Philadelphia if he knows of a single suggestion of compromise or an alternative measure that has been offered by the minority members of the House or the Senate for a single one of the tax measures offered by the Governor of the Commonwealth?

Mr. WITKIN. Mr. Speaker, I do, but in order to divulge that information, I would have to break faith, and I have never done that, and never will. Now, gentlemen, in order that you may understand and not laugh because of a better answer, I want to say that when I attend a conference and that conference is attended by high officials of this State, and it is understood by everyone in that conference that what takes place in that conference will not be divulged, that I won't break faith, and you can laugh from now until hell freezes over.

## ORDER OF THE DAY

Mr. HOOPES. Mr. Speaker, I call for the order of the day.

The SPEAKER. The order of the day is resolutions.

## RESOLUTION NO. 74

Mr. MURRIN. Mr. Speaker, I desire to call up at this time Resolution No. 74, Printer's No. 418.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 4, 1935.

Whereas, There is a lack of uniformity in the methods of appraising and taxing petroleum producing property by the various taxing units of the Commonwealth of Pennsylvania and the various petroleum producing states of the United States; and

Whereas, It is desirable that the present inequities be remedied; and

Whereas, It may be desirable and practicable to adopt uniform methods and rates of taxation upon such property by the several oil producing states; now, therefore, be it

Resolved, (if the Senate concur), by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the General Assembly of the Commonwealth of Pennsylvania hereby requests the American Legislators' Association to call a conference of the representatives of the oil producing states with a view of formulating uniform legislation and methods of taxing petroleum producing property; be it further

Resolved, That if such a conference is called, the delegates from the Commonwealth of Pennsylvania shall consist of: a member of the House of Representatives, to be appointed by the Speaker, a member of the Senate, to be appointed by the President Pro Tempore of the Senate, a member to be appointed by the Governor; be it further

Resolved, That a copy of this resolution be transmitted to the American Legislators' Association to the Governors of the petroleum producing states, and the Presidents of the Senate and Speakers of said states, with the request that they submit it for action by the Legislature of their states.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION NO. 31

Mr. HABBYSHAW. Mr. Speaker, I desire to call up at this time Resolution No. 31, Printer's No. 380.

The resolution was read by the Clerk as follows:

In the House of Representatives, January 28, 1935.

Whereas, Unemployment relief has heretofore generally been distributed by the State Emergency Relief Board in th form of food and clothing vouchers or orders; and

Whereas, Many persons are of the opinion that such distribution should be in the form of direct or cash relief; and

Whereas, That method of distribution is already in effect in the counties of Philadelphia and Allegheny; and

Whereas, It is of paramount importance that milk be always available to the needy, particularly to the ill and to children; and

Whereas, The State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly; therefore be it

Resolved, (if the Senate concur), By the General Assembly of the Commonwealth of Pennsylvania, That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally; and, be it further

Resolved, That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Comonwealth.

On the question,

Will the House adopt the resolution?

Mr. TUMELTY. Mr. Speaker, may I interrogate the sponsor of this resolution?

The SPEAKER. Will the gentleman from Dauphin, Mr. Habbyshaw, permit himself to be interrogated?

Mr. HABBYSHAW. Mr. Speaker, I will.

Mr. TUMELTY. Mr. Speaker, is it the intention of the sponsor of this resolution that the State Emergency Relief Board will make contracts with a milk concern or will they get it from the local dealers in the county?

Mr. HABBYSHAW. Mr. Speaker, for the benefit of the gentleman from Philadelphia, there is nothing in this resolution to give the State Emergency Relief Board the right to make contracts with dealers or anyone else, any more than keeping on doing just as they have been doing.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. GATES offered a resolution and asked unanimous consent for its immediate consideration.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. RUTH. Mr. Speaker, is this a privileged resolution?

The SPEAKER. It is not a privileged resolution.

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk under the rules.

## QUESTION OF INFORMATION

Mr. J. E. BROWN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. J. E. BROWN. Mr. Speaker, on April 1st I introduced a resolution in this House. Would it be possible to call up that resolution now?

The SPEAKER. The gentleman is informed that the resolution is still in committee, and it would not be proper to call it up at this time.

Mr. J. E. BROWN. Mr. Speaker, as that resolution concerns the adjournment of this House, would it not be a privileged resolution?

The SPEAKER. The resolution was properly referred to the Committee on Rules where it still rests.

Mr. J. E. BROWN. As this resolution concerns the adjournment of the House, was it not a privileged resolution?

The SPEAKER. The Chair will read the rule of the House for the benefit of the gentleman from Washington.

"Rule 85. All resolutions fixing the date of final adjournment or fixing the last day for introduction of bills, shall be referred to the Committee on Rules and reported therefrom before being acted upon by the House; Provided, however, That said committee shall be subject to discharge from the consideration of said resolutions the same as all other committees, in case of bills."

Mr. J. E. BROWN. This resolution did not attempt to set a date for final adjournment, except for this week. The resolution recognized the drastic needs of this Commonwealth for money on April 15. My idea in offering that resolution was that we stay on the job and attempt to raise five million dollars, which we cannot do by returning home in the middle of the week.

The SPEAKER. The Chair wishes to inform the gentleman from Washington that we are still on the job.

Mr. J. E. BROWN. The resolution then is not in order, Mr. Speaker? It is not a privileged resolution?

The SPEAKER. The resolution is not in order at this time.

Mr. SIMON in the Chair.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1278, entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1689, entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1078, entitled:

An Act relating to judgments by agreement

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1737, entitled:

An Act to amend the title and the act approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by extending the scope of the title; defining and further prohibiting the practice of law and providing additional penalties, including the forfeiture of corporate charters for violations of the act

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1419, entitled:

An Act to further amend section one thousand seven hundred four of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by imposing penalties upon certain corporations and associations for failure to pay taxes imposed upon them.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1195, entitled:

A Supplement to the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," providing for the return of summons in actions brought before justices of the peace, aldermen and magistrates.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 49, entitled:

An Act to amend the title and section one of the act approved the nineteenth day of June, one thousand nine hundred and thirteen (P. L. 528), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," by extending the provisions of said act to cases of kidnapping punishable by death.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 50, entitled:

An act to amend section one of the act approved the fourth day of April, one thousand nine hundred and one. (P. L. 65), entitled "An act to punish kidnappers, their aiders, assistors, and abettors," by imposing the penalty of death in all cases of kidnapping with intent to extort money or other valuable thing.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 694, entitled:

An Act to amend section two of the act approved the fourteenth day of May, one thousand nine hundred and

twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, providing for the service of process upon the Secretary of Revenue by registered mail.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 95, entitled:

An act to add clause (p) to section two hundred two, and to amend sections seven hundred two, seven hundred seven, paragraph (d) of section eight hundred one and section eight hundred four of act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale. the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by providing for the settlement and collection of a franchise tax on foreign corporations; requiring such corporations to file reports, and providing a penalty for failure to do so.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1631, entitled:

An Act to provide revenue by imposing a State excise tax upon all gifts, as herein defined, made within this Commonwealth, or of property situated therein; providing for the collection and lien of the tax, and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties upon certain persons, associations, partnerships, corporations, and State departments, and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1654, entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury, regulating such trials, and conferring a jurisdiction upon the judges of the several courts in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1611, entitled:

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth, establishing Ports of Entry to aid in the collection of said taxes; conferring powers, and imposing duties upon certain officials, boards and departments of this Commonwealth and political subdivisions thereof; providing for the collection and disposition of the tax and for the administration and enforcement of the act; providing penalties and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1415, entitled:

An Act to amend section thirty-one of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled, "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and annulment of bigamous marriages thereto;" providing that the entry of an appearance for the respondent shall not be deemed collusive.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1722, entitled:

An Act making voidable certain releases of damages for personal injuries or for death resulting from such injuries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1798, entitled:

An Act to promote public morals, abolishing civil causes of action for alienation of affections except in certain cases, seduction, criminal conversation, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file or threaten to cause to be filed, any such action fixing a time for the commencement of such causes of action heretofore accrued, declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1279, entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings; and prohibiting duplicate payments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1810 (Senate Bill No. 71), entitled:

An Act to amend section forty-two of and to add section thirty-five A to the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors and changing certain penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1608, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 1001 1012 1202 1208 and 1209 of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An Act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 1001 Powers of Banks Bank and Trust Companies or Trust Companies A In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a bank or a bank and trust company elsewhere in this act a bank or a bank and trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and to pay interest thereon

(2) To receive money for transmission either to a foreign country or otherwise

(3) To rediscount and borrow money bonds or other securities and to pledge collateral therefor

(4) To lend money either upon the security of real or personal property or otherwise to charge or to receive in advance interest therefor

(5) To discount buy sell negotiate or assign promissory notes drafts bills of exchange trade and bank acceptances stocks bonds or other evidences of debt

(6) To buy and sell exchange coin and bullion

(7) To purchase hold or convey real property

(8) To improve or to lease real property for its accommodation

(9) To acept for payment at a future date drafts or bills of exchange drawn upon it

(10) To issue letters of credit authorizing the holders thereof to draw drafts or bills of exchange upon it or its correspondents

(11) To become a member of a Federal Reserve Bank

(12) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(13) To invest in the shares of an institution engaged in a foreign banking business

(14) To become a member of a clearing house association and to pledge such assets therewith as will qualify it for membership therein

(15) To establish branch banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(16) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred and thirty-three approved the sixteenth day of June one thousand nine hundred and thirty-three its amendments and supplements or of any other corporation thereafter organized by the United States for the purpose of insuring deposits in banks or bank and trust companies and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(17) To make application for and obtain insurance of mortgages as provided by the National Housing Act of One thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

B In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a trust company elsewhere in this act a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To purchase hold or convey real property

(2) To improve or to lease real property for its accommodation

(3) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(4) To establish branch trust companies branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(5) To make any investments subject to the same limitations as in the case of savings banks incorporated hereunder including such investments as are specifically authorized by its articles

Section 1012 Loans on and Investments in Bonds and Mortgages and Judgments of Record A A bank or a bank and trust company shall have the power to lend on the security of or invest in bonds secured by mortgages upon real property but it shall lend up or invest in only such bonds and mortgages as (1) are first liens on unincumbered improved real property including improved farm land situated within the Commonwealth and (2) do not exceed two-thirds of the actual value of such real property and (3) become due within ten years after the making of such loan or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such loan or investment Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of such bank or bank and trust company by the borrower or mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the bank or bank and trust company making the investment It shall be lawful for a bank or bank and trust company to renew such policies at the expense of the borrower or mortgagor from year to year or for a longer or a shorter period not however exceeding the term of the obligation in case he shall fail to do so All necessary charges and expenses paid by such bank or bank and trust company for such renewals shall be paid by such borrower or mortgage In case such borrower or mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of the payment of such charges and expenses constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor or borrower The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of directors They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the bank or bank and trust company The restrictions imposed by this section shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

B A bank or bank and trust company shall have the power to land on the security of or invest in judgments of record which are first liens on unencumbered real property situated within the Commonwealth to the amount of fifty per centum of the actual value of such property under the same circumstances and subject to the same conditions as are established by this section in the case of loans on the security of or investments in bonds secured by mortgages upon real property

C The aggregate amount of all loans and investments made by virtue of this section shall not at any time exceed twenty-five per centum of the unimpaired capital and twenty-five per centum of its unimpaired surplus or fifty per centum of the total time deposits of such bank or bank and trust company at the option of the bank or bank and trust company

D The limitations herein prescribed in respect to the percentage of the actual value of the property upon which a bank or a bank and trust company may lend on the security of or invest in bonds secured by mortgages upon real property the term for which such loan may be granted shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

Section 1202 Powers of Savings Banks In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a savings bank elsewhere in this act a savings bank shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and pay interest thereon

(2) To receive money for transmission to a foreign country or otherwise and to forward such money through any bank bank and trust company private bank national banking association or any other corporation or person authorized by the laws of any state to receive deposits and subjects to the supervision of the banking authorities of such state

(3) To borrow money to repay the demands of depositors and to pledge its assets therefor

(4) To make investments

(5) To lend money upon the security of real or personal property and to charge or to receive in advance interest therefor

(6) To purchase hold or convey real property

(7) To improve or to lease real property for its accommodation

(8) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(9) To establish branch savings banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(10) To become a member of a Federal Reserve Bank and for such purpose to purchase and hold so much of the capital of such Federal Reserve Bank as will under any Federal law qualify it for membership therein

(11) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred thirty-three approved the sixteenth day of June one thousand nine hundred thirty-three its amendments and supplements or of any other corporation hereafter organized by the United States for the purpose of insuring deposits in savings banks and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(12) To make application for and obtain insurance of mortgages as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

Section 1208 Authorized Investments of Savings Banks Not under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investment except as follows

(1) Bonds or other interest-bearing obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including the bonds or other interest-bearing obligations of the District of Columbia

(2) Farm loan bonds issued by Federal land banks operating under the provisions of the Federal Farm Loan Act approved the seventeenth day of July one thousand nine hundred sixteen its amendments and supplements

(3) Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or of any State of the United States or those for the payment of the principal and interest on which the faith and credit of this Commonwealth or of such state is pledged provided that it has not at any time within the ten years immediately preceding the date of the purchase of such bonds or other obligations

by a savings bank defaulted in the payment of any part of any principal or interest due by it

(4) Bonds or other interest bearing obligations of any county city borough township school district or other political subdivision of the Commonwealth of Pennsylvania or of any city borough township school district or other political subdivision of any State of the United States or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that it has not within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(5) Obligations issued assumed or guaranteed as to principal and interest by or equipment bonds of any railroad corporation whether incorporated under the laws of this Commonwealth of any other State or of the Dominion of Canada provided that such railroad corporation has not at any time within the five years immediately preceding the date of the investment in such obligations or bonds by the savings bank failed punctually to pay the matured principal and interest on all of its indebtedness

(6) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which transacts the business of supplying electrical energy artificial gas or natural gas purchased from another corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses but at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business and not more than fifteen per centum of the gross operating revenues shall be derived from any one kind of business other than supplying electricity and gas and such corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State in which such corporation operates subject to the following conditions

(a) Such corporation shal have all the franchises necessary to operate in territory in which at least seventy-five per centum of its gross income is earned which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds and such corporation shall file with the Department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property but in the case of a corporation having non-par value shares the amount of capital which such shares represent shall be the capital as shown by the books of the corporation

(c) Such corporation shall have been inexistence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(d) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon a sum equivalent to two-thirds of its funded debt

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the paragraph immediately preceding this one as to net and gross earnings and as to dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes other than Federal and State income taxes rentals and provision for renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance

(g) Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them but such bonds shall be refunded by a junior mortgage providing for their retirement the bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage The aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(7) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which engages and is authorized to engage in the business of furnishing telephone service in the United States provided that such corporation is subject to regulation by the interstate commerce commission a public service commission a public utility commission or any other similar Federal or State regulatory body duly established by the laws of the United States or by the laws of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immeditely pre-

ceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the perior of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period and such corporation shall file with the Department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property

(c) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than five million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon all its outstanding capital stock

(d) Such bonds must be part of an issue of not less than five million dollars and must be secured by a first or refunding mortgage and the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the property real and personal owned absolutely and subject to the lien of such mortgage However if such mortgage is a refunding mortgage it must provide for the retirement of all bonds secured by prior liens on the property Not more than thirty-three and one-third per centum of the property constituting the specific security for such bonds may consist of shares or unsecured obligations of affiliated or other telephone companies or both

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this clause as to earnings and dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Interstate Commerce Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(g) The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes other than Federal and State income taxes rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(8) Bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of mutual mortgage insurance in title two of the National Housing Act for the purposes of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank

B A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expressly authorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank

Section 1209 Authorized investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank or purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a

savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mcrtgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restrictions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1082, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined [to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings] as

(a) The employment of any means for the purpose of ascertaining the abnormalities of human eyes

(b) The correction of faulty and defective vision without the use of drugs using instead all or any mechanical method or appliance

A person engages in the "practice of optometry" within the meaning of this act who examines or attempts to examine the eyes of any person for the purpose of prescribing glasses or lenses in any form or who holds himself or herself out to the public as being able or legally authorized so to do or who advertises in any manner any establishment office business or place for the examination of the eyes of persons for the prescribing of glasses or any other optical aid

On the question,

Will the House agree to the section?

Mr. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 9, by striking out with heavy-faced brackets the words "or any other optical aid" and insert in lieu thereof "without including in said advertisement the name of the licensed optometrist in charge"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth and fifth sections and title were separately read and agreed to as follows:

Section 2 Sections five and six of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 5 Every person desiring to commence the practice of optometry or if now in practice to continue the practice thereof after January first one thousand nine hundred and eighteen except as herein otherwise provided shall take the examination provided in this act and satisfy the other requirements hereof as here provided Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act or for one year in this and for the year preceding it in another State and is of good character shall be entitled to take a limited examination covering the following only

(a) The limitation of the sphere of optometry

(b) The necessary scientific instruments used

(c) The form and power of lenses used

(d) A direct method of measuring presbyopia hypermetropia myopia and astigmatism

(e) The writing of formulae or prescriptions for the adaption of lenses in aid of vision

The board shall also permit the taking of limited examinations by and the license of any person who shall apply therefore before the first day of January one thousand nine hundred and twenty-two who at the time of the passage of the act to which this is an amendment or the time when the limited examinations under said act were held was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was at such time or times otherwise unavoidably absent from this State or was physically handicapped and unable to take such examination Provided however That any such person shall have engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of the act to which this

is an amendment or for one year in this Commonwealth and one year in another State and shall be of good character

Any person who at the time of the passage of the act to which this is an amendment was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was otherwise unavoidably absent from this State or was physically handicapped and unable to take the examination and who was actually engaged in the practice of optometry but who had engaged in such practice less than two years and any person over the age of twenty-one years of good moral character who has a preliminary education equivalent to two years of the course of high school and after the first day of January one thousand nine hundred and twenty-five has had a preliminary education equivalent to a four year high schol course whose standard is approved by the Department of Public Instruction which preliminary education shall be ascertained by examination or by acceptable certificate as to credentials for work done in such approved institution and has graduated from a school or college of optometry approved by the Department of Public Instruction as recommended by the State Board of Optometrical Examiners on satisfactory completion of a course in optometry of not less than three years shall be entitled to take a standard examination Such courses shall be not less than thirty-four weeks of attendance in each calendar year with a total of at least one thousand hours of actual classroom laboratory and clinical instruction Such schools of optometry to be approved must have their own building or buildings have a separate classroom for each class and have separate laboratories adequately equipped with suitable apparatus for individual instruction in gross anatomy histology chemistry physiology and physiological optics geometrical and physical optics and physics and ophthalmic mechanics The faculty shall consist of a sufficient number of qualified instructors to teach the subjects of the course The clinic shall consist of sufficient space and equipment to take care of a sufficient number of patients to provide at least four hundred clinic hours for each senior student

Said standard examination shall consist of tests in practical theoretical and physiological optics in theoretical and practical optometry and in the anatomy and physiology of the eye and in pathology as applied to optometry Provided That any person not less than twenty-one years of age who is actually engaged in the practice of optometry at the time of the passage of this act shall be entitled to take the standard examination merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee In case of failure at any limited examinatioon the applicant shall have the privilege of continuing the practice of optometry and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optometry in this Commonwealth Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office or place of business wherein said person shall practice optometry together with the photograph of said person attached to the lower right hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board Peddling from door to door practicing under any other name but that of a holder of a certificate of licensure or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office or place of business is specifically forbidden under penalty of revocation of certificate by the board except that optometrical service may be rendered in their home to patients who are physically unable to visit the certificate holders' offices Certificate holders may however establish a branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination [and is in charge of a regular licensed optometrist] Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 3 Section nine of said act as amended by the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws twenty-six) is hereby further amended to read as follows

Section 9 The State Board of Optometrical [Education Examination and Licensure] Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit practicing under any other name but that of a holder of a certificate of licensure or the peddling from house to house or person to person or the establishment of temporary offices or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical business in which untruthful statements are made [or the failure to deliver the certificates provided for in section six of this act] or false or fraudulent or deceptive or misleading advertising or what is commonly known as "bait" advertising or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 4 Sections eleven and twelve of said act as amended by said act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 11 [Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthal-

mologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or the treatment or diagnosis of diseases of or injuries to the human eye or the right to use drugs or medicines in any form for the treatment or examination of the human eye] Nothing in this act shall be construed as conferring on the holder any title or word indicating that he is engaged in any other practice other than that of optometry The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist without the word "optometrist" following the name immediately following and in conjunction therewith

Section 12 The provisions of this act shall not apply [to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery]

(a) To physicians practicing medicine under the medical act of one thousand nine hundred and eleven and its amendments or

(b) To persons selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry

Section 5 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed to impair any legislative intent that this act would have been enacted had such unconstitutional provision not been included therein

The title was read as follows:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1070, entitled:

An Act to amend sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring one years residence in the ward for the commissioner elected from such ward regulating the terms of office of certain commission officers and providing for a special tax on fire districts

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 504 Number and Election of Commissioners in Townships Having Wards In townships having less than five wards the number of commissioners shall be five One such commissioner shall be elected from each ward and the remaining number of commissioners to which the township is entitled shall be elected at large In townships having five or more wards one commissioner shall be elected from each ward Commissioners shall reside in the ward from which elected and shall have resided in said township continuously for at least one year before their election Township commissioners shall be elected at municipal elections preceding the expiration of the terms of commissioners then in office for terms of four years each from the first Monday of January succeeding their election At the election in the year one thousand nine hundred and thirty-one the commissioners from odd-numbered wards shall be elected and at the election in the year one thousand nine hundred and thirty-three those from even-numbered wards shall be elected Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large

Section 701 Organization Failure to Organize The township commissioners shall organize on the first Monday of January of each even-numbered year They shall assemble for such purpose at their place of meeting at seven-thirty o'clock post meridian Until otherwise designated by ordinance the place of meeting shall be the oldest polling place in the township

The board shall organize by the election of one of their number as president and one as a vice president who as long as they continue to be commissioners shall hold office until their successors are elected and qualified The president or in his absence the vice president shall preside at all meetings of the board and perform such other duties as are specified in this act or which may be prescribed by ordinance

If a majority of the commissioners shall not attend at the organization meeting those present may adjourn the meeting day to day until a majority attend

If the township commissioners of any township shall fail to organize within ten days from the time prescribed by this section the court of quarter sessions upon the petition of ten taxable inhabitants verified by the affidavit of five of the petitioners shall issue a rule upon the delinquent or delinquents to show cause why their seats should not be declared vacant The rule shall be returnable not less than five days from the time of its issue and after hearing the court may declare the seats of any delinquent vacant and appoint others in their stead to hold office until a successor is elected for the unexpired term at the next municipal election occurring at least sixty days thereafter

XV Fire and Water Districts Bond Issues and Taxes To create by ordinance fire and water districts in any portion or portions of townships when in their opinion the same is necessary for the safety and convenience of the inhabitants of said township to issue bonds restricted to the districts so created for the purpose of procuring and maintaining the necessary supply of water to said district and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued In lieu of the foregoing provisions relating to the issue of bonds the township commissioners may charge for any such water supply by an assessment of a special water or fire tax on all properties located in the water or fire district which tax shall be based on the assessment for county purposes as established for general taxation Such tax may be levied for a single year or for a term of years as the township commissioners may determine but in the case of fire districts shall not exceed two mills per annum and shall be collected in the same manner as other taxes Provided also That in lieu of the foregoing provisions that in all cases where said township shall have established a water system and shall construct main water lines in said township the board of township commissioners may charge the cost of construction of any municipal water lines or lateral

lines upon any streets alleys and thoroughfares adjacent to main lines or such portion of the cost of construction as the board may deem proper upon the properties benefitted or accommodated thereby The ordinance providing for such charge shall be adopted by the board within six months from date of the final completion of such system of water lines Said charges shall be assessed and collected in the manner provided in this act for the assessment and collection of charges for the construction of sewers

The title was read as follows:

An Act to amend sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring one years residence in the ward for the commissioner elected from such ward regulating the terms of office of certain commission officers and providing for a special tax on fire districts

On the question,

Will the House agree to the title?

Mr. WEIDEMANN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 9 of title, by striking out the word "ward" and insert in lieu thereof "township."

Amend title, page 1, line 10 of title, by striking out the word "such" and insert in lieu thereof "a."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1151, as follows:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and non-residents and providing further exception to the tax on transient merchants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 2901 Every township shall have power by ordinance to regulate and license each and every transient retail business within such township for the sale of goods wares and/or merchandise and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person firm or corporation desiring to commence such transient retail business and to enforce such ordinances by penalties not exceeding three hundred dollars and/or by other appropriate means The amount of any such license shall not exceed two hundred dollars for each month or fractional part thereof during which any such sale is continued

Nothing contained in this section shall be construed to apply to (1) farmers selling their own produce or (2) to the sale of goods wares and merchandise donated by the owners thereof the proceeds whereof are to be applied to any charitable or philanthropic purpose or (3) to any manufacturer or producer in the sale of bread and bakery products meat products or milk and milk products

Section 2912 License Fees on Residents not to Exceed those on Nonresidents It shall be unlawful for any township to impose by ordinance or exact or collect under the provisions of any ordinance heretofore or hereafter enacted any license tax or fee upon or from any manufacturer or the agent representative or employe of any manufacturer who is a resident of the Commonwealth for soliciting orders for or for selling any goods merchandise or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer or the agent representative or employe of any manufacturer who is a nonresident of the Commonwealth for soliciting orders for or selling any goods merchandise or wares manufactured without the Commonwealth nor shall a township impose and collect any license tax from any person having an established place of business anywhere in this Commonwealth and doing business in such township unless a like license tax is imposed upon and collected from residents of such township engaged in a similar business

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1152, as follows:

An Act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by further equalizing license taxes on residents and nonresidents and nonresidents and providing further exceptions to the tax on transient merchants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and eleven of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2611 Equality of Residents and Nonresidents No city shall levy or collect under the provisions of any ordinance heretofore or hereafter enacted any license tax or fee upon or from any manufacturer or the agent representative or employe of any manufacturer who is a resident of the Commonwealth for soliciting orders for or for selling any goods merchandise or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer or the agent representative or employe of any manufacturer who is a nonresident of the Commonwealth for soliciting orders for or for selling any goods

merchandise or wares manufactured without the Commonwealth nor shall a city impose and collect any license tax from any person having an established place of business any where in this Commonwealth and doing business in such city unless a like license tax is imposed upon and collected from residents of such city engaged in a similar business

Section 2 That section two thousand six hundred and twenty-one of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred twenty-seven) is hereby further amended to read as follows

Section 2621 [Farmers and Charities Excepted] Exceptions Nothing contained in this subdivision (c) shall be construed to apply (1) to farmers selling their own produce [or] (2) to the sale of goods wares and merchandise donated by the owners thereof the proceeds whereof are to be applied to any charitable or philanthropic purpose or (3) to any manufacturer or producer in the sale of bread and bakery products meat and meat products or milk and milk products

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1153, as follows:

An Act to amend section two thousand nine hundred ten as amended and section two thousand nine hundred twenty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighty-six) is hereby further amended to read as follows

Section 2910 LICENSING TRANSIENT RETAIL BUSINESS Every borough shall have power by ordinance to regulate and license each and every transient retail business within such borough for the sale of goods wares and/or merchandise and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person firm or corporation desiring to commence such transient retail business and to enforce such ordinances by penalties not exceeding three hundred dollars and/or by other appropriate means The amount of any such license shall not exceed two hundred dollars for each month or fractional part thereof during which any such sale is continued

Nothing contained in this act shall be construed to apply (1) to farmers selling their own produce [or] (2) to the sale of goods wares and merchandise donated by the owners thereof the proceeds whereof are to be applied to any charitable or philanthropic purpose or (3) to any manufacturer or producer in the sale of bread and bakery products meat and meat products or milk and milk products

Section 2 That section two thousand nine hundred twenty-two of said act is hereby amended to read as follows

Section 2922 EQUALITY OF RESIDENTS AND NON-RESIDENTS It shall be unlawful for any borough to impose by ordinance or exact or collect under the provisions of any ordinance heretofore or hereafter enacted any license tax or fee upon or from any manufacturer or the agent representative or employe of any manufacturer who is a resident of the Commonwealth for soliciting orders for or for selling any goods merchandise or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer or the agent representative or employe of any manufacturer who is a non-resident of the Commonwealth for soliciting orders for or for selling any goods merchandise or wares manufactured without the Commonwealth nor shall a borough impose and collect any license tax from any person having an established place of business any where in this Commonwealth and doing business in such borough unless a like license tax is imposed upon and collected from residents of such borough engaged in a similar business

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

The SPEAKER (Wilson G. Sarig) in the Chair.

STATEMENT BY Mr. RUTH

Mr. RUTH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, starting where we left off a while ago, I would like to answer the gentleman from Philadelphia, Mr. Witkin, that I am very glad to see the change of heart, and that he is willing at this time to compromise. I am very sorry for the lapse of memory that he has, that he does not remember the special session of 1934, when we came here for the purpose of raising money to prevent this deficit that we are facing now. We had a program where real partisan politics was played, where there was no chance of compromise, and during the six sessions since I have been a member of this House, I have never heard the Republican organization ask for compromise with the Democrats.

If we have learned anything by our experience in the House, it should at least signify that we are not dumb, and that we can learn, and if we have played partisan politics, as I do not believe we have—I believe we have compromised more than has ever been compromised since I have been a member of this House.

We have a program, we tried to get this program to the people, there is no alternative at all offered. The Republican State Chairman offered a month ago, the first of February, to submit an alternative program, but that has not been coming forth. The only alternative that has come forth so far is the transfer of funds from the Motor License Fund and the Game and Fish Funds. Those are funds that are paid by the people, and they are paid by a certain class for a certain purpose, and the fact of the matter is that there is not sufficient money in either fund to be of much use at the present time. We are trying to carry on, Mr. Speaker—we have been trying to carry on in a way that would be of benefit to most of the people of Pennsylvania, not alone to special interests that have so long controlled this State and have had laws passed in their favor. We are trying to put up something for the people that will be a benefit to all the people.

We are ready to compromise with any group that has something to offer that will help to solve this situation, but nothing that is merely of a partisan nature can be considered.

We do not believe that the program that has been offered by the Democratic Party is of a partisan nature. It is of a nature that will be of benefit to the majority of the people of Pennsylvania and not the minority who have had the benefits all these years. We are asking that it be considered on that plan, that we are here to compromise if there is something worthwhile offered, but as far as we have gone and almost every time we have offered some sort of compromise with the minority—we respect them, but we do believe that they should remember the sessions that have gone before. I have been here for a number of years. I call your attention to the fact that if you will look up the records of the sessions, the Liquor Session, you will find we passed House Bill No. 10. What I said on that bill was not recognized—it was even left out, but today it has come true, and ten times as bad as I said it would be. Those are the conditions you are facing, and compromise was not offered, it was not even suggested at that time by the majority. So the Democratic party feels that we have put up a program for the majority of the people; it is not for the special classes, and that is the reason we believe it has been opposed, because it is not to the benefit of the special interests that have ruled this State so long.

Mr. WITKIN. Mr. Speaker, may I interrogate the gentleman from Berks, Mr. Ruth?

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman if I caught him correctly in his statement, "We are ready to compromise." May I ask who he means by "We"?

Mr. RUTH. Mr. Speaker, I mean the Democratic majority in the House and the Governor.

Mr. WITKIN. Mr. Speaker, do I understand then that on behalf of His Excellency, the Governor of the Commonwealth of Pennsylvania, the gentleman from Berks makes the statement that he is ready to compromise with the House and the Senate on the question of his tax program?

Mr. RUTH. Mr. Speaker, I did not say that. I said on a program that is a real program. I mean to say a program that is offered by a minority of the House and the majority of the Senate that will be of real benefiit to the people of Pennsylvania.

Mr. WITKIN. Mr. Speaker, the gentleman's answer confuses me. Did I understand, in answer to my question whom the gentleman meant by "We are ready to compromise," he stated, "The Democratic majority of this House and the Governor of the Commonwealth." Was I correct in so understanding his answer?

Mr. RUTH. Mr. Speaker, the gentleman understood my answer with this exception; I said on a program that the minority offers that is of benefit to the majority of the people of Pennsylvania.

Mr. WITKIN. But, Mr. Speaker, in answering the question that he was ready to compromise, of course, before one could compromise or suggest a compromise, would there not have to be a conference?

Mr. RUTH. Mr. Speaker, I do not think so.

Mr. WITKIN. Mr. Speaker, so that when the gentleman says that the Governor and the Democratic majority of this House are ready to compromise, I now ask him whether he has the authority of His Excellency, the Governor, to offer to compromise his tax program, provided there is one submitted?

## ORDER OF THE DAY

Mr. HOOPES. Mr. Speaker, I call for the order of the day.

The SPEAKER. The order of the day has been called. The order of the day is bills on final passage.

## BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 749, as follows:

An Act to amend sections two hundred and forty-six and two hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended further defining the qualifications of district attorneys reducing the number of assistant district attorneys in counties of the fifth and sixth class and fixing their salaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred and forty-six and two hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" which were amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) are hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth at the time of his election or appointment for at least two years and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county

In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars ($6,000) per annum

In counties of the sixth class the annual salary of the district attorney shall be as follows

(a) In counties having a population of fifty thousand inhabitants and more but less than sixty thousand two thousand five hundred dollars ($2,500)

(b) In counties having a population of sixty thousand inhabitants and more but less than seventy thousand two thousand seven hundred and fifty dollars ($2,750)

(c) In counties having a population of seventy thousand inhabitants and more but less than eighty thousand three thousand dollars ($3,000)

(d) In counties having a population of eighty thousand inhabitants and more but less than ninety thousand three thousand two hundred and fifty dollars ($3,250)

(e) In counties having a population of ninety thousand inhabitants and more but less than one hundred thousand three thousand five hundred dollars ($3,500)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

Section 256 Assistant District Attorneys Number Compensation In counties of the second third fourth fifth and sixth classes the district attorney may appoint such num-

ber of assistants learned in the law to assist him in the discharge of his duties as is fixed by this section

In counties of the second class the district attorney shall have authority to appoint one or more assistants learned in the law not exceeding sixteen in number One of said assistant district attorneys who shall be designated as the first assistant shall receive a salary of seventy-five hundred dollars ($7,500) per annum One of said assistant district attorneys who shall be designated as the second assistant shall receive a salary of sixty-five hundred dollars ($6,500) per annum Two of said assistant district attorneys shall receive salaries of six thousand dollars ($6,000) per annum each Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars ($5,500) per annum each Two of said assistant district attorneys shall receive salaries of five thousand dollars ($5,000) per annum each Two of said assistant district attorneys shall receive salaries of forty-five hundred dollars ($4,500) per annum each and four of said assistant district attorneys shall receive salaries of four thousand dollars ($4,000) per annum each In the event of the appointment of a less number of assistants than sixteen the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed Said salaries herein provided shall be paid out of the county treasury

For all counties of the third class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of four thousand dollars ($4,000) and three assistant district attorneys at annual salaries of three thousand five hundred dollars ($3,500) each and two assistant attorneys at annual salaries of three thousand dollars ($3,000) each

In all counties of the fourth class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of three thousand five hundred dollars ($3,500) and three assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In counties of the fifth class [and in counties of the sixth class, with the approval of the court] the district attorney shall have authority to appoint [not more than two assistant district attorneys] one assistant district attorney The [first] assistant district attorney shall receive ever That the salary of said appointees shall not exceed a salary of two thousand five hundred dollars ($2,500) per annum [and the second assistant district attorney attorney shall receive a salary of two thousand dollars ($2,000) per annum]

In counties of the sixth class the district attorney shall have authority to appoint one assistant district attorney who shall receive a salary of one thousand five hundred dollars ($1,500)

The salary board of any county of the third class in case of an emergency or an account of increased business or unusual circumstances or conditions may authorize the district attorney to appoint such additional assistant district attorneys as may be approved by the court Provided how- the minimum salary provided for assistants in the respective offices

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | Mason, | Shaw, |
| Alexander, | Finnerty, | McCreary, | Shepard, |
| Allen, | Fitch, | McDermott, | Shortz, |
| Altenburg, | Flanagan, | McDevitt, | Shreiner, |
| Andrews, | Flinchbaugh, | McElroy, | Shugarts, |
| Arnold, | Forrest, | McHenry, | Siegel, |
| Atkins, | Furman, | McKinney, | Simon, |
| Aukerman, | Gates, | Melchiorre, | Simpson, |
| Baine, | Gerard, | Mentzer, | Sloan, |
| Baker, F. T., | Gillette, | Merrell, | Smith, J. A., |
| Baker, J. J., | Green, | Moomaw, | Smith, W. G., |
| Baldi, | Greenstein, | Mooney, | Snyder, F. E., |
| Barber, | Habbyshaw, | Moore, | Snyder, J. L., |
| Barnhardt, | Haberlen, | Moran, | Sowers, |
| Bernhard, | Hagerty, | Moul, | Sproul, |
| Boose, | Haluska, | Muir, | Stevens, |
| Boyd, R., | Hamilton, F. P., | Munley, | Stewart, |
| Boyer, | Hamilton, R. S., | Murrin, | Stockham, |
| Bradley, | Harkins, | Nagel, | Stone, |
| Brancato, | Harmuth, | Nothnagle, | Stott, |
| Brennan, | Hart, | O'Keefe, | Sumney, |
| Brown, H. S., | Hartman, | Ominsky, | Surface, |
| Brown, J. E., | Hefferon, | O'Neill, | Tahl, |
| Brownfield, | Hermansen, | Panton, | Terry, |
| Brumbaugh, | Hetrick, | Parks, | Tronzo, |
| Burke, | Hindman, | Patterson, C., | Trout, |
| Cannon, | Hirsch, | Patterson, J. W., | Tumelty, |
| Caputo, | Hoffner, | Pearson, | Turner, |
| Carr, | Holstrom, | Perry, | Van Allsburg, |
| Carson, | Hoopes, | Peters, | Van Sickle, |
| Castor, | Horst, | Pfaff, | Walker, |
| Coakley, | Jackson, | Phillips, | Wall, |
| Cochran, | Jones, | Piole, | Wasserman, |
| Cohen, | Kane, | Powers, | Weidemann, |
| Coleman, | Kelder, | Reising, | Weiss, |
| Condon, | Kelso, | Reynolds, | Welliver, |
| Conner, | Kilroy, | Rhys, | Welsh, |
| Coolahan, | Kinney, | Rinn, | Westrick, |
| Cordier, | Klingler, | Robinson, | White, |
| Davies, | Kobelak, | Rooney, | Wickersham, |
| Decker, | LaRue, | Root, | Wilson, |
| Denning, | Linderman, | Ruffennach | Witkin, |
| Dent, | Long, | Ruth, | Wood, |
| Diehl, | Longaker, | Sarraf, | Woodside, |
| Dilley, | Lovett, | Scanlon, | Yeakel, |
| Downey, G. E., | Lynch, | Schrock, | Yourishin, |
| Duffort, | Male, | Schrope, | Zappala, |
| Eberharter, | Mallen, | Schwab, | Zimmerman, |
| Eroe, | | Schwartz, | Sarig, |
| Falkenstein, | | | |

NAYS—3

| | | |
|---|---|---|
| Blumberg, | Downey, J. J., | Stank, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REQUEST TO INTERROGATE

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

ORDER OF THE DAY

Mr. HOOPES. Mr. Speaker, I call for the order of the day.

The SPEAKER. The order of the day has been called which is bills on third reading.

Mr. WITKIN. Mr. Speaker, I ask consent of the House to make a very brief statement.

The SPEAKER. The gentleman has already called for the order of the day.

RULE 14 SUSPENDED

Mr. WITKIN. Mr. Speaker, for the reason that the interrogation was taking place when the order of the day was called, it being in my opinion of the most paramount importance to the people of this Commonwealth, I now move that Rule 14, with respect to the daily order of business be suspended for the purpose of permitting me to continue with the interrogation of the majority leader of this House, the gentleman from Berks, Mr. Ruth, in order to ascertain an answer to one question, whether or not he is authorized to speak on behalf of His Excellency, the Governor of the Commonwealth of Pennsylvania, that he is going to effect a compromise on his tax program, and I ask for a roll call.

On the question,

Will the House agree to the motion?

## POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. Mr. Speaker, the gentleman from Berks, Mr. Hoopes, having called for the order of the day, I submit there is nothing is in order but the order of the day, and that the motion made by the gentleman from Philadelphia, Mr. Witkin, is out of order.

The SPEAKER. The Chair rules that the only way in which the interrogation is permissible is by the suspension of Rule No. 14, or the unanimous consent of the House. Therefore, the point of order is not well taken.

Mr. HOOPES. Mr. Speaker and members of the House, representing the small minority in this House that is not interested in partisan advantage to either the majority or minority, we are perfectly willing that the conversation between the majority floor leader and the minority floor leader may be carried on at any time or place convenient to those gentlemen without taking up the time of the other 200 members of this House. I do not think there is anything to be gained by a continuation of the interrogation. We have the calendar before us; let us go ahead and finish it, and if they want to talk for the benefit of the newspapers, let them do it and issue statements, but do not take up any more of our time. Let us vote "no" on this motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. BLUMBERG and were as follows:

### YEAS—121

| | | | |
|---|---|---|---|
| Achterman, | Green, | Merrell, | Siegel, |
| Alexander, | Habbyshaw, | Moomaw, | Simon, |
| Altenburg, | Haberlen, | Mooney, | Sloan, |
| Arnold, | Haluska, | Moore, | Smith, J. A., |
| Baker, F. T., | Hamilton, R. S., | Moul, | Snyder, F. E., |
| Baldi, | Harkins, | Muir, | Snyder, J. L., |
| Barber, | Hart, | Munley, | Sowers, |
| Barnhardt, | Hartman, | Nothnagle, | Sproul, |
| Bernhard, | Hermansen, | O'Keefe, | Stevens, |
| Blumberg, | Hetrick, | Ominsky, | Stewart, |
| Boose, | Hindman, | O'Neill, | Stockham, |
| Boyer, | Hoffner, | Patterson, C., | Stott, |
| Brancato, | Holstrom, | Patterson, J. W., | Surface, |
| Brennan, | Horst, | Perry, | Tahl, |
| Brown, H. S., | Jackson, | Peters, | Terry, |
| Brownfield, | Jones, | Phillips, | Trout, |
| Burke, | Kane, | Powers, | Turner, |
| Cohen, | Kelder, | Rinn, | Van Allsburg, |
| Coleman, | Kinney, | Robinson, | Wall, |
| Cordier, | LaRue, | Rooney, | Wasserman, |
| Davies, | Linderman, | Ruffennach, | Welsh, |
| Decker, | Long, | Ruth, | White, |
| Dent, | Longaker, | Sarraf, | Wickersham, |
| Dilley, | Mallen, | Scanlon, | Witkin, |
| Duffort | McCreary, | Schrock, | Wood, |
| Eberharter, | McDermott, | Schwartz, | Woodside, |
| Ferko, | McDevitt, | Shepard, | Yeakel, |
| Finnerty, | McHenry, | Shortz, | Zappala, |
| Flinchbaugh, | McKinney, | Shreiner, | Zimmerman, |
| Forrest, | Mentzer, | Shugarts, | Sarig, |
| Gillette, | | | |

### NAYS—51

| | | | |
|---|---|---|---|
| Andrews, | Downey, J. J., | Klingler, | Schwab, |
| Aukerman, | Eroe, | Kobelak, | Smith, W. G., |
| Baine, | Falkenstein, | Lovett, | Stank, |
| Baker, J J., | Fitch, | Male, | Stone, |
| Bradley, | Flanagan, | McElroy, | Sumney, |
| Brown, J. E., | Furman, | Melchiorre, | Tronzo, |
| Brumbaugh, | Hagerty, | Moran, | Tumelty, |
| Cannon, | Hamilton, F. P., | Murrin, | Van Sickle, |
| Carson, | Harmuth, | Panton, | Walker, |
| Coakley, | Hirsch, | Pfaff, | Welliver, |
| Cochran, | Hoopes, | Piole, | Westrick, |
| Coolahan, | Kelso, | Reising, | Wilson, |
| Downey, G. E., | Kilroy, | Schrope, | |

So the question was determined in the affirmative and the motion was agreed to.

## STATEMENT BY THE SPEAKER

The SPEAKER. Before the Chair recognizes the gentleman from Phiadelphia, the Chair wishes to make this statement:

We have fifteen bills on the third reading calendar, and if this discussion is not carried on any length of time we can likely finish up about ten or eleven of them and thus do away with the necessity of an evening session. It is up to the House whether they want an evening session or not. There is a public hearing in the hall of the House at two o'clock so that we can only remain in session up to that time.

Mr. WITKIN. Mr. Speaker, I have just one question. The gentleman from Berks, Mr. Ruth, in answer to my interrogation as to who he meant by "We are ready to compromise," answered that question by saying the Democratic majority of this House and the Governor of Pennsylvania. I now ask the gentleman from Berks, Mr. Ruth, whether he is authorized to speak for and on behalf of His Excellency, the Governor.

Mr. RUTH. Mr. Speaker, I am not authorized to speak for the Governor. I, as one, am willing to offer myself as an intermediary to go to the Governor, because I know that the Governor and the majority of this House have always been ready to do anything to help the people of this Commonwealth, that is, the majority of the people, and not the special interests.

Mr. WITKIN. Mr. Speaker, I have finished my interrogation. I merely want to say in reply to the gentleman from Berks, Mr. Ruth, that we have discussed the merits and demerits of these bills, and the constant throwing in of the words, "special interests" my opinion is merely surplusage. But the gentleman makes a very generous offer to endeavor to be an intermediary for the purpose of effecting a compromise. I believe if the gentleman from Berks, Mr. Ruth, or any delegation of the Democratic members of this House, or anybody within the confines of this Commonwealth can persuade the parties in power to serve the interests of those who are starving and hungry, can demand that a compromise be effected, and that the stubbornness that has persisted from the time that this program was introduced down to and including this time shall cease and desist then the gentleman from Berks, Mr. Ruth, will have performed a noble duty.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 638, entitled:

An Act to amend clauses (b) and (c) of section seven, and section eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," as amended; providing an expiration date of licenses; defining the qualifications of applicants for licensure, and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesmen, conferring powers and duties upon the Department of Public Instruction in connection therewith; and eliminating penalties for failure to renew.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—180

| | | | |
|---|---|---|---|
| Achterman, | Flinchbaugh, | McHenry, | Shreiner, |
| Alexander, | Forrest, | McKinney, | Shugarts, |
| Allen, | Furman, | Melchiorre, | Siegel, |
| Arnold, | Gates, | Mentzer, | Simon, |
| Atkins, | Gerard, | Merrell, | Simpson, |
| Aukerman, | Gillette, | Moomaw, | Sloan, |
| Baker, F. T., | Green, | Mooney, | Smith, J. A., |
| Baker, J. J., | Greenstein, | Moore, | Smith, W. G., |
| Barber, | Haberlen, | Moran, | Snyder, F. E., |
| Barnhardt, | Hagerty, | Moul, | Snyder, J. L., |
| Bernhard, | Haluska, | Muir, | Sowers, |
| Blumberg, | Hamilton, F. P., | Munley, | Sproul, |
| Boose, | Hamilton, R. S., | Murrin, | Stank, |
| Boyd, R., | Harkins, | Nagel, | Stevens, |
| Brancato, | Harmuth, | Nothnagle, | Stewart, |
| Brennan, | Hartman, | O'Keefe, | Stockham, |
| Brown, H. S., | Hermansen, | Ominsky, | Stott, |
| Brown, J. E., | Hetrick, | O'Neill, | Sumney, |
| Brownfield, | Hindman, | Panton, | Surface, |
| Brumbaugh, | Hirsch, | Parks, | Terry, |
| Burke, | Hoffner, | Patterson, C., | Tronzo, |
| Cannon, | Holstrom, | Patterson, J. W., | Trout, |
| Caputo, | Hoopes, | Pearson, | Tumelty, |
| Carr, | Horst, | Perry, | Turner, |
| Carson, | Jones, | Pfaff, | Van Allsburg, |
| Coakley, | Kane, | Phillips, | Van Sickle, |
| Cochran, | Kelder, | Piole, | Walker, |
| Coleman, | Kelso, | Powers, | Wall, |
| Condon, | Kilroy, | Reising, | Wasserman |
| Coolahan, | Kinney, | Reynolds, | Weidemanr |
| Davies, | Klingler, | Rhys, | Weiss, |
| Decker, | Kobelak, | Rinn, | Welliver, |
| Dent, | LaRue, | Robinson, | Welsh, |
| Diehl, | Linderman, | Root, | Westrick, |
| Dilley, | Long, | Ruffennach, | White, |
| Downey, G. E., | Longaker, | Ruth, | Wickersham, |
| Downey, J. J., | Lovett, | Sarraf, | Wilson, |
| Duffort, | Lynch, | Scanlon, | Witkin, |
| Eberharter, | Male, | Schrock, | Wood, |
| Eroe, | Mallen, | Schrope, | Woodside, |
| Falkenstein, | Mason, | Schwab, | Yeakel, |
| Ferko, | McCreary, | Shaw, | Zappala, |
| Finnerty, | McDermott, | Shepard, | Zimmerman, |
| Fitch, | McDevitt, | Shortz, | Sarig, |
| Flanagan, | McElroy, | | |

NAYS—3

| | | |
|---|---|---|
| Andrews, | Cohen, | Habbyshaw, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1088, entitled:

An Act to amend the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 704), entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof, to the flooding and use by holders of limited power permits of islands owned by the Commonwealth, to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits, and to the proceedings for the enforcement of this act," by adding section three and one-tenths thereto, providing that all moneys received from the annual charges on limited power permits and limited water supply permit shall be paid into the State Forests and Waters Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shepard, |
| Alexander, | Falkenstein, | McCreary, | Shortz, |
| Allen, | Ferko, | McDermott, | Shreiner, |
| Altenburg, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Sproul, |
| Bernhard, | Habbyshaw, | Moul, | Stank, |
| Blumberg, | Haberlen, | Muir, | Stevens, |
| Boose, | Hagerty, | Munley, | Stewart, |
| Boyd, R., | Haluska, | Murrin, | Stockham |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hermansen, | Parks, | Tronzo, |
| Brumbaugh, | Hetrick, | Patterson, C., | Trout, |
| Burke, | Hindman, | Patterson, J. W., | Tumelty, |
| Cannon, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carr, | Holstrom, | Peters, | Van Sickle, |
| Carson, | Hoopes, | Pfaff, | Walker, |
| Castor, | Horst, | Phillips, | Wall, |
| Coakley, | Jackson, | Piole, | Wasserman, |
| Cochran, | Jones, | Powers, | Weidemann, |
| Cohen, | Kane, | Reising, | Weiss, |
| Coleman, | Kelder, | Reynolds, | Welliver, |
| Condon, | Kelso, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Root, | Wickersham, |
| Decker, | Kobelak, | Ruffennach, | Wilson, |
| Denning, | LaRue, | Ruth, | Witkin, |
| Dent, | Linderman, | Sarraf, | Wood, |
| Diehl, | Long, | Scanlon, | Woodside, |
| Dilley, | Longaker, | Schrock, | Yeakel, |
| Downey, G. E., | Lovett, | Schrope, | Yourishin, |
| Downey, J. J., | Lynch, | Schwab, | Zappala, |
| Duffort, | Male, | Schwartz, | Zimmerman, |
| Eberharter, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution have voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 518, entitled:

An Act to amend section eight hundred and eight of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions,

imposing penalties; and repealing certain acts and parts of acts," by adding a paragraph thereto permitting the Department of Banking to limit, modify or qualify its orders of segregation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shepard, |
| Alexander, | Falkenstein, | McCreary, | Shortz, |
| Allen, | Ferko, | McDermott, | Shreiner, |
| Altenburg, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Sproul, |
| Bernhard, | Habbyshaw, | Moul, | Stank, |
| Blumberg, | Haberlen, | Muir, | Stevens, |
| Boose, | Hagerty, | Munley, | Stewart, |
| Boyd, R., | Haluska, | Murrin, | Stockham, |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hermansen, | Parks, | Tronzo, |
| Brumbaugh, | Hetrick, | Patterson, C., | Trout, |
| Burke, | Hindman, | Patterson, J. W., | Tumelty, |
| Cannon, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carr, | Holstrom | Peters, | Van Sickle, |
| Carson, | Hoopes, | Pfaff, | Walker, |
| Castor, | Horst, | Phillips, | Wall, |
| Coakley, | Jackson, | Piole, | Wasserman, |
| Cochran, | Jones, | Powers, | Weidemann, |
| Cohen, | Kane, | Reising, | Weiss, |
| Coleman, | Kelder, | Reynolds, | Welliver, |
| Condon, | Kelso, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Root, | Wickersham, |
| Decker, | Kobelak, | Ruffennach | Wilson, |
| Denning, | LaRue, | Ruth, | Witkin, |
| Dent, | Linderman, | Sarraf, | Wood, |
| Diehl, | Long, | Scanlon, | Woodside, |
| Dilley, | Longaker, | Schrock, | Yeakel, |
| Downey, G. E., | Lovett, | Schrope, | Yourishin, |
| Downey, J. J., | Lynch, | Schwab, | Zappala, |
| Duffort, | Male, | Schwartz, | Zimmerman, |
| Eberharter, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1730, entitled:

An Act requiring State-aided hospitals to admit any indigent person who is seriously ill and who requires hospitalization.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—194

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shortz, |
| Alexander, | Finnerty, | McDermott, | Shreiner, |
| Allen, | Fitch, | McDevitt, | Shugarts, |
| Altenburg, | Flanagan, | McElroy, | Siegel, |
| Arnold, | Flinchbaugh, | McHenry, | Simon, |
| Atkins, | Forrest, | McKinney, | Simpson, |
| Aukerman, | Furman, | Melchiorre, | Sloan, |
| Baine, | Gates, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gerard, | Merrell, | Smith, W. G., |
| Baker, J J., | Gillette, | Moomaw, | Snyder, F. E., |
| Baldi, | Greenstein, | Mooney, | Snyder, J. L., |
| Barber, | Habbyshaw, | Moore, | Sowers, |
| Bernhard, | Haberlen, | Moran, | Sproul, |
| Blumberg, | Hagerty, | Moul, | Stank, |
| Boose, | Haluska, | Muir, | Stevens, |
| Boyd, H. N., | Hamilton, F. P., | Munley, | Stewart, |
| Boyer, | Hamilton, R. S., | Murrin, | Stockham, |
| Bradley, | Harkins, | O'Keefe, | Stone, |
| Brancato, | Harmuth, | Ominsky, | Stott, |
| Brennan, | Hart, | O'Neill, | Sumney, |
| Brown, H. S., | Hartman, | Panton, | Surface, |
| Brown, J. E., | Hermansen, | Parks, | Tahl, |
| Brownfield, | Hetrick, | Patterson, C., | Terry, |
| Brumbaugh, | Hindman, | Patterson, J. W., | Tronzo, |
| Burke, | Hirsch, | Pearson, | Trout, |
| Cannon, | Hoffner, | Perry, | Tumelty, |
| Caputo, | Holstrom, | Peters, | Turner, |
| Carr, | Hoopes, | Pfaff, | Van Allsburg, |
| Carson, | Horst, | Phillips, | Van Sickle, |
| Castor, | Jackson, | Piole, | Walker, |
| Coakley, | Jones, | Powers, | Wall, |
| Cochran, | Kane, | Reising, | Wasserman, |
| Cohen, | Kelder, | Reynolds, | Weidemann, |
| Coleman, | Kelso, | Rhys, | Weiss, |
| Condon, | Kilroy, | Rinn, | Welliver, |
| Cochran, | Kinney, | Robinson, | Welsh, |
| Cordier, | Klingler, | Root, | White, |
| Davies, | Kobelak, | Ruffennach | Wickersham, |
| Decker, | LaRue, | Ruth, | Wilson, |
| Dent, | Linderman, | Sarraf, | Witkin, |
| Diehl, | Long, | Scanlon, | Wood, |
| Dilley, | Longaker, | Schrock, | Woodside, |
| Downey, G. E., | Lovett, | Schrope, | Yeakel, |
| Downey, J. J., | Lynch, | Schwab, | Zappala, |
| Duffort, | Male, | Schwartz, | Zimmerman, |
| Eberharter, | Mallen, | Shaw, | Sarig, |
| Falkenstein, | Mason, | Shepard, | |

NAYS—4

| | | | |
|---|---|---|---|
| Andrews, | Eroe, | Nagel, | Westrick, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 889, entitled:

An Act to amend sections one and six of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties;" including dining cars under the provisions of this act, and making it unlawful to sleep, or to permit persons to sleep in a room where food is prepared or served.

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. SARRAF. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1633, entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-five) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of Justices of the Peace in such consolidated boroughs.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Montgomery, Mr. Longaker permit himself to be interrogated?

Mr. LONGAKER. Mr. Speaker, I will.

Mr. MORAN. Mr. Speaker, will Mr. Longaker explain the purpose of this bill?

Mr. LONGAKER. Mr. Speaker and members of the House, the bill that is up for your consideration refers to a situation existing down in Montgomery and Bucks counties. There are two boroughs there, Telford and West Telford, one Telford lying in Bucks County, and West Telford lying in Montgomery County. The people of the two boroughs desired to consolidate, and that consolidation was effected under the Act of 1893. Now, in order to permit them to arrange whereby each portion of this borough, the one portion lying in Bucks County and the other lying in Montgomery County, can have its own Justice of the Peace, it is necessary to pass the bill that is now before you, so that when Justices of the Peace are established in the consolidated borough, one will be elected on one side and the other will be elected on the other side, so that representation will be had by the people of Montgomery County, and representation will be had by the people of Bucks County. It has no effect on other boroughs in the Commonwealth, but only applies to boroughs that have been consolidated under the Act of 1893. I will be very glad to explain the bill to any of the members. I realize it needs explanation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shepard, |
| Alexander, | Ferko, | McCreary, | Shortz, |
| Allen, | Finnerty, | McDermott, | Shreiner, |
| Altenburg, | Fitch, | McDevitt, | Shugarts, |
| Andrews, | Flanagan, | McElroy, | Siegel, |
| Arnold, | Flinchbaugh, | McHenry, | Simon, |
| Atkins, | Forrest, | McKinney, | Simpson, |
| Aukerman, | Furman, | Melchiorre, | Sloan, |
| Baine, | Gates, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gerard, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gillette, | Moomaw, | Snyder, F. E., |
| Baldi, | Green, | Mooney, | Snyder, J. L., |
| Barber, | Greenstein, | Moore, | Sowers, |
| Bernhard, | Habbyshaw, | Moran, | Sproul, |
| Blumberg, | Haberlen, | Moul, | Stank, |
| Boose, | Hagerty, | Muir, | Stevens, |
| Boyd, R., | Haluska, | Munley, | Stewart, |
| Boyer, | Hamilton, F. P., | Murrin, | Stockham, |
| Bradley, | Hamilton, R. S., | Nagel, | Stone, |
| Brancato, | Harkins, | Nothnagle, | Stott, |
| Brennan, | Harmuth, | O'Keefe, | Sumney, |
| Brown, H. S., | Hart, | Ominsky, | Surface, |
| Brown, J. E., | Hartman, | O'Neill, | Tahl, |
| Brownfield, | Hermansen, | Panton, | Terry, |
| Brumbaugh, | Hetrick, | Parks, | Tronzo, |
| Burke, | Hindman, | Patterson, C., | Trout, |
| Cannon, | Hirsch, | Patterson, J. W., | Tumelty, |
| Caputo, | Hoffner, | Pearson, | Turner, |
| Carr, | Holstrom, | Perry, | Van Allsburg, |
| Carson, | Hoopes, | Peters, | Van Sickle, |
| Castor, | Horst, | Pfaff, | Walker, |
| Coakley, | Jackson, | Phillips, | Wall, |
| Cochran, | Jones, | Piole, | Wasserman, |
| Cohen, | Kane, | Powers, | Weidemann, |
| Coleman, | Kelder, | Reising, | Weiss, |
| Condon, | Kelso, | Reynolds, | Welliver, |
| Coolahan, | Kilroy, | Rhys, | Welsh, |
| Cordier, | Kinney, | Rinn, | Westrick, |
| Davies, | Klingler, | Robinson, | White, |
| Decker, | Kobelak, | Root, | Wickersham, |
| Denning, | LaRue, | Ruffennach, | Wilson, |
| Dent, | Linderman, | Ruth, | Witkin, |
| Diehl, | Long, | Sarraf, | Wood, |
| Dilley, | Longaker, | Scanlon, | Woodside, |
| Downey, G. E., | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mallen, | Schwartz, | Zimmerman, |
| Eroe, | | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1478, entitled:

An Act to amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing authority to township commissioners by resolution to issue certificates of indebtedness.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker, the purpose of this act as amended is to allow commissioners of first class townships to take advantage at any time of a lower rate for money in the open or competitive market, rather than to borrow from a bank at the necessarily higher rate of interest. The amendment allows one year certificates of indebtedness to be created by resolution of the board in payments for permanent improvements or contractual obligations. Such certificates now command a lower interest rate, with a consequent saving. This issuance is provided for only in case of exhaustion of township funds.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mallen, | Shaw, |
| Alexander, | Falkenstein, | Mason, | Shepard, |
| Allen, | Ferko, | McCreary, | Shortz, |
| Altenburg, | Finnerty, | McDermott, | Shreiner, |
| Andrews, | Fitch, | McDevitt, | Shugarts, |
| Arnold, | Flanagan, | McElroy, | Siegel, |
| Atkins, | Flinchbaugh, | McHenry, | Simon, |
| Aukerman, | Forrest, | McKinney, | Simpson, |
| Baine, | Furman, | Melchiorre, | Sloan, |
| Baker, F. T., | Gates, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gerard, | Merrell, | Smith, W. G., |
| Baldi, | Gillette, | Moomaw, | Snyder, F. E., |
| Barber, | Green, | Mooney, | Snyder, J. L., |
| Barnhardt, | Greenstein, | Moore, | Sowers, |
| Bernhard, | Habbyshaw, | Moran, | Sproul, |
| Blumberg, | Haberlen, | Moul, | Stank, |
| Boose, | Hagerty, | Muir, | Stevens, |
| Boyd, R., | Haluska, | Munley, | Stewart, |
| Boyer, | Hamilton, F. P., | Murrin, | Stockham, |
| Bradley, | Hamilton, R. S., | Nagel, | Stone, |
| Brancato, | Harkins, | Nothnagle, | Stott, |
| Brennan, | Harmuth, | O'Keefe, | Sumney, |
| Brown, H. S., | Hart, | Ominsky, | Surface, |
| Brown, J. E., | Hartman, | O'Neill, | Tahl, |
| Brownfield, | Hermansen, | Panton, | Terry, |
| Brumbaugh, | Hetrick, | Parks, | Tronzo, |
| Burke, | Hindman, | Patterson, C., | Trout, |
| Cannon, | Hirsch, | Patterson, J. W., | Tumelty, |
| Caputo, | Hoffner, | Pearson, | Turner, |
| Carr, | Holstrom, | Perry, | Van Allsburg, |
| Carson, | Hoopes, | Peters, | Van Sickle, |
| Castor, | Horst, | Pfaff, | Walker, |
| Coakley, | Jackson, | Phillips, | Wall, |
| Cochran, | Jones, | Piole, | Wasserman, |
| Cohen, | Kane, | Powers, | Weidemann, |
| Coleman, | Kelder, | Reising, | Weiss, |
| Condon, | Kelso, | Reynolds, | Welliver, |
| Coolahan, | Kilroy, | Rhys, | Welsh, |
| Cordier, | Kinney, | Rinn, | Westrick, |
| Davies, | Klingler, | Robinson, | White, |
| Decker, | Kobelak, | Root, | Wickersham, |
| Denning, | LaRue, | Ruffennach, | Wilson, |
| Dent, | Linderman, | Ruth, | Wood, |
| Diehl, | Long, | Sarraf, | Woodside, |
| Dilley, | Longaker, | Scanlon, | Yeakel, |
| Downey, G. E., | Lovett, | Schrock, | Yourishin, |
| Duffort, | Lynch, | Schrope, | Zappala, |
| Eberharter, | Male, | Schwab, | Zimmerman, |
| | | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1026, as follows:

An Act to amend sections four and five as amended and section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by providing for the period during which such taxes shall remain liens on real estate and authorizing the filing of such liens in the prothonotary's office

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended by section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred forty) are hereby further amended to read as follows

Section 4 All taxes unpaid and so returned and docketed as aforesaid shall be a first lien subject as hereinafter stated on said real estate liable for the payment thereof together with all charges interest expenses and fees added thereto for failure to pay promptly and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable save and except only the costs of the sale and of the writ upon which it is made and liens in favor of the Commonwealth of Pennsylvania which shall have priority to such tax liens All taxes returned under this or any previous statue supplied hereby shall be first liens [for a period of five years] from the date of their return [unless sooner discharged or extended as hereinafter provided]

Section 5 Such tax so returned and filed and entered upon said docket shall remain a lien upon said property until fully paid and satisfied or until the property shall be sold in accordance with provisions hereof [Provided however That no such lien shall continue for a longer period than five years from the date of the entry of such return in said return docket unless within such period of five years such lien is extended as herein provided If for any reason any property subject to such lien has not been sold during a period of five years from the date of the return of the taxes the county treasurer may before the expiration of such period file such taxes as liens in the office of the prothonotary whereupon the lien thereof shall continue for another period of five years from the date of filing in the prothonotary's office] or transferred to the prothonotarys office as hereinafter provided The respective taxing authorities may at any time jointly or severally file such taxes as liens in the office of the prothonotary and may thereafter in addition to the provisions hereof proceed to collect the same in accordance with the provisions of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefore the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly"

Any joint lien so filed shall set forth the amount of tax penalties and interest due the respective taxing authorities The fees of the prothonotary for such a joint lien shall be the same as those charged for the filing of several liens and no more The costs and expenses of filing such joint liens shall be paid equally by the taxing authorities joining therein in such manner as the respective taxing authorities may determine Joint liens may be filed hereunder by two or more taxing authorities

Section 2 Section twenty-one of said act is hereby amended to read as follows

Section 21 No tax collector shall make any return of taxes as provided in this act if the taxing authorities shall notify such tax collector in writing that returns shall not be made but that delinquent taxes are to be collected by the filing of liens in the office of the prothonotary After such notice the provisions of this act shall not apply for the collection of delinquent taxes but in the event no such notice is given the provisions of this act shall apply exclusively for the collection of delinquent taxes

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McCreary, | Shortz, |
| Alexander, | Ferko, | McDermott, | Shreiner, |
| Allen, | Finnerty, | McDevitt, | Shugarts, |
| Altenburg, | Fitch, | McElroy, | Siegel, |
| Andrews, | Flanagan, | McHenry, | Simon, |
| Arnold, | Flinchbaugh, | Melchiorre, | Simpson, |
| Atkins, | Forrest, | Mentzer, | Sloan, |
| Aukerman, | Furman, | Merrell, | Smith, J. A., |
| Baine, | Gates, | Moomaw, | Smith, W. G., |
| Baker, F. T., | Gerard, | Mooney, | Snyder, F. E., |
| Baker, J J., | Gillette, | Moore, | Snyder, J. L., |
| Baldi, | Green, | Moran, | Sowers, |
| Barber, | Greenstein, | Moul, | Sproul, |
| Barnhardt, | Habbyshaw, | Muir, | Stank, |
| Bernhard, | Haberlen, | Munley, | Stevens, |
| Blumberg, | Hagerty, | Murrin, | Stewart, |
| Boose, | Haluska, | Nagel, | Stockham, |
| Boyd, R., | Hamilton, F. P., | Nothnagle, | Stone, |
| Boyer, | Hamilton, R. S., | O'Keefe, | Stott, |
| Bradley, | Harkins, | Ominsky, | Sumney, |
| Brancato, | Harmuth, | O'Neill, | Surface, |
| Brennan, | Hart, | Panton, | Tahl, |
| Brown, H. S., | Hartman, | Parks, | Terry, |
| Brown, J. E., | Hermansen, | Patterson, C., | Tronzo, |
| Brownfield, | Hetrick, | Patterson, J. W., | Trcut, |
| Brumbaugh, | Hindman, | Pearson, | Tumelty, |
| Burke, | Hirsch, | Perry, | Turner, |
| Cannon, | Hoffner, | Peters, | Van Allsburg, |
| Caputo, | Holstrom, | Pfaff, | Van Sickle, |
| Carr, | Hoopes, | Phillips, | Walker, |
| Carson, | Horst, | Piole, | Wall, |
| Castor, | Jackson, | Powers, | Wasserman, |
| Coakley, | Jones, | Reising, | Weidemann, |
| Cochran, | Kane, | Reynolds, | Weiss, |
| Cohen, | Kelder, | Rhys, | Welliver, |
| Coleman, | Kelso, | Rinn, | Welsh, |
| Condon, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Root, | White, |
| Cordier, | Klingler, | Ruffennach, | Wickersham, |
| Davies, | Kobelak, | Ruth, | Wilson, |
| Decker, | LaRue, | Sarraf, | Witkin, |
| Denning, | Linderman, | Scanlon, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Downey, G. E., | Lovett, | Schwab, | Yourishin, |
| Downey, J. J., | Lynch, | Schwartz, | Zappala, |
| Duffort, | Male, | Shaw, | Zimmerman, |
| Eberharter, | Mallen, | Shepard, | Sarig, |
| Eroe, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1105, entitled:

A Supplement to the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled "An act providing for the regulation o dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission o Pennsylvania, for this purpose; and providing penalties fo the violation of the provisions hereof;" providing for the payment of fees for the granting of permits under the provisions of said act; regulating the collection and disposition of such fees; and limiting the time such permit are effective.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. AUKERMAN. Mr. Speaker, I move that this bil be placed upon the postponed calendar.

The motion was agreed to.

## SENATE MESSAGE

The Clerk of the Senate being introduced presented ex tracts from the Journal of the Senate which were lai upon the table.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consid eration of House Bill No. 1383, as follows:

An Act to amend section two hundred and twenty-seve of the act approved the second day of May one thousan nine hundred and twenty-nine (Pamphlet Laws on thousand two hundred seventy-eight) entitled "An ac relating to counties of the second third fourth fifth sixt seventh and eighth classes and revising amending an consolidating the laws relating thereto" by changin the method of appointing minute clerks of the courts c common pleas and courts of quarter sessions and oye and terminer in counties of the second class

Section 1 Be it enacted by the Senate and House c Representatives of the Commonwealth of Pennsylvania i General Assembly met and it is hereby enacted by th authority of the same That section two hundred an twenty-seven of the act approved the second day of Ma one thousand nine hundred and twenty-nine (Pamphle Laws one thousand two hundred seventy-eight) entitle "An act relating to counties of the second third fourt fifth sixth seventh and eighth classes and revising amend ing and consolidating the laws relating thereto" is hereb amended to read as follows

Section 227 In Counties of the Second Class Appoint ment of Minute Clerks by [Prothonotary and Clerk c Courts] The Courts of Common Pleas and Courts of Qua ter Sessions and Oyer and Terminer [The Prothonotar and the Clerk of Courts of quarter sessions and oye and terminer in counties of the second class may wit the approval of the court of common pleas and or th courts of quarter sessions and oyer and terminer as th case may be] In counties of the second class the cou of common pleas and the court of quarter sessions an oyer and terminer shall respectively appoint minute clerk of said courts Such clerks shall receive such salaries a the court [authorizing] making their appointment may fi and shall give bond in such sum as the respective court may direct This act shall not affect the power of th prothonotary of Allegheny County to appoint clerks of th county court for the County of Allegheny under the pro visions of section five of the act approved the fifth da

of May one thousand nine hundred and eleven (Pamphlet Laws one hundred and ninety-eight) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" or its amendments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shepard, |
| Alexander, | Falkenstein, | McCreary, | Shortz, |
| Allen, | Ferko, | McDermott, | Shreiner, |
| Altenburg, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G. |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Sproul, |
| Bernhard, | Habbyshaw, | Moul, | Stank, |
| Blumberg, | Haberlen, | Muir, | Stevens, |
| Boose, | Hagerty, | Munley, | Stewart, |
| Boyd, R., | Haluska, | Murrin, | Stockham, |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hermansen, | Parks, | Tronzo, |
| Brumbaugh, | Hetrick, | Patterson, C., | Trout, |
| Burke, | Hindman, | Patterson, J. W., | Tumelty, |
| Cannon, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carr, | Holstrom, | Peters, | Van Sickle, |
| Carson, | Hoopes, | Pfaff, | Walker, |
| Castor, | Horst, | Phillips, | Wall, |
| Coakley, | Jackson, | Piole, | Wasserman, |
| Cochran, | Jones, | Powers, | Weidemann, |
| Cohen, | Kane, | Reising, | Weiss, |
| Coleman, | Kelder, | Reynolds, | Welliver, |
| Condon, | Kelso, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Rooney, | Wickersham, |
| Decker, | Kobelak, | Ruffennach, | Wilson, |
| Denning, | LaRue, | Ruth, | Witkin, |
| Dent, | Linderman, | Sarraf, | Wood, |
| Diehl, | Long, | Scanlon, | Woodside, |
| Dilley, | Longaker, | Schrock, | Yeakel, |
| Downey, G. E., | Lovett, | Schrope, | Yourishin, |
| Downey, J. J., | Lynch, | Schwab, | Zappala, |
| Duffort, | Male, | Schwartz, | Zimmerman, |
| Eberharter, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 401, entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, extending the provisions of said act to townships of the first class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Allen, | Ferko, | McDermott, | Shortz, |
| Altenburg, | Finnerty, | McDevitt, | Shreiner, |
| Andrews, | Fitch, | McElroy, | Shugarts, |
| Arnold, | Flanagan, | McHenry, | Siegel, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Sproul, |
| Bernhard, | Habbyshaw, | Moul, | Stank, |
| Blumberg, | Haberlen, | Muir, | Stevens, |
| Boose, | Hagerty, | Munley, | Stewart, |
| Boyd, R., | Haluska, | Murrin, | Stockham, |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hermansen, | Parks, | Tronzo, |
| Brumbaugh, | Hetrick, | Patterson, C., | Trout, |
| Burke, | Hindman, | Patterson, J. W., | Tumelty, |
| Cannon, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carr, | Holstrom, | Peters, | Van Sickle, |
| Carson, | Hoopes, | Pfaff, | Walker, |
| Castor, | Horst, | Phillips, | Wall, |
| Coakley, | Jackson, | Piole, | Wasserman, |
| Cochran, | Jones, | Powers, | Weidemann, |
| Cohen, | Kane, | Reising, | Weiss, |
| Coleman, | Kelder, | Reynolds, | Welliver, |
| Condon, | Kelso, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Rooney, | Wickersham, |
| Decker, | Kobelak, | Root, | Wilson, |
| Denning, | LaRue, | Ruffennach, | Witkin, |
| Dent, | Linderman, | Ruth, | Wood, |
| Diehl, | Long, | Sarraf, | Woodside, |
| Dilley, | Longaker, | Scanlon, | Yeakel, |
| Downey, G. E., | Lovett, | Schrock, | Yourishin, |
| Downey, J. J., | Lynch, | Schrope, | Zappala, |
| Duffort, | Male, | Schwab, | Zimmerman, |
| Eberharter, | Mallen, | Schwartz, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 750, entitled:

An Act to amend the title and sections one, two, three, six, nine, ten, eleven and twelve of the act approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 984), entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of

Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto," extending said act to the condemnation of lands for State park purposes; and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shepard, |
| Alexander, | Falkenstein, | McCreary, | Shortz, |
| Allen, | Ferko, | McDermott, | Shreiner, |
| Altenburg, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Sproul, |
| Bernhard, | Habbyshaw, | Moul, | Stank, |
| Blumberg, | Haberlen, | Muir, | Stevens, |
| Boose, | Hagerty, | Munley, | Stewart, |
| Boyd, R., | Haluska, | Murrin, | Stockham, |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hermansen, | Parks, | Tronzo, |
| Brumbaugh, | Hetrick, | Patterson, C., | Trout, |
| Burke, | Hindman, | Patterson, J. W., | Tumelty, |
| Cannon, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carr, | Holstrom, | Peters, | Van Sickle, |
| Carson, | Hoopes, | Pfaff, | Walker, |
| Castor, | Horst, | Phillips, | Wall, |
| Coakley, | Jackson, | Piole, | Wasserman, |
| Cochran, | Jones, | Powers, | Weidemann, |
| Cohen, | Kane, | Reising, | Weiss, |
| Coleman, | Kelder, | Reynolds, | Welliver, |
| Condon, | Kelso, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Root, | Wickersham, |
| Decker, | Kobelak, | Ruffennach, | Wilson, |
| Denning, | LaRue, | Ruth, | Witkin, |
| Dent, | Linderman, | Sarraf, | Wood, |
| Diehl, | Long, | Scanlon, | Woodside, |
| Dilley, | Longaker, | Schrock, | Yeakel, |
| Downey, J. J., | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Duffort, | Male, | Schwartz, | Zimmerman, |
| Eberharter, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmaive.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1084, entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-one) entitled "A supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' by discontinuing the necessity of securing permits for the erection of certain dams."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shepard, |
| Alexander, | Falkenstein, | McCreary, | Shortz, |
| Allen, | Ferko, | McDermott, | Shreiner, |
| Altenburg, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Sproul, |
| Bernhard, | Habbyshaw, | Moul, | Stank, |
| Blumberg, | Haberlen, | Muir, | Stevens, |
| Boose, | Hagerty, | Munley, | Stewart, |
| Boyd, R., | Haluska, | Murrin, | Stockham, |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hefferon, | Parks, | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, C., | Trout, |
| Burke, | Hetrick, | Patterson, J. W., | Tumelty, |
| Cannon, | Hindman, | Pearson, | Turner, |
| Caputo, | Hirsch, | Perry, | Van Allsburg, |
| Carr, | Hoffner, | Peters, | Van Sickle, |
| Carson, | Holstrom, | Pfaff, | Walker, |
| Castor, | Hoopes, | Phillips, | Wall, |
| Coakley, | Horst, | Piole, | Wasserman, |
| Cochran, | Jackson, | Powers, | Weidemann, |
| Cohen, | Jones, | Reising, | Weiss, |
| Coleman, | Kane, | Reynolds, | Welliver, |
| Condon, | Kelder, | Rhys, | Welsh, |
| Coolahan, | Kilroy, | Rinn, | Westrick, |
| Cordier, | Kinney, | Robinson, | White, |
| Davies, | Klingler, | Root, | Wickersham, |
| Decker, | Kobelak, | Ruffennach, | Wilson, |
| Denning, | LaRue, | Ruth, | Witkin, |
| Dent, | Linderman, | Sarraf, | Wood, |
| Diehl, | Long, | Scanlon, | Woodside, |
| Dilley, | Longaker, | Schrock, | Yeakel, |
| Downey, G. E., | Lovett, | Schrope, | Yourishin, |
| Downey, J. J., | Lynch, | Schwab, | Zappala, |
| Duffort, | Male, | Schwartz, | Zimmerman, |
| Eberharter, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 676, entitled:

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McDermott, | Shortz, |
| Alexander, | Ferko, | McDevitt, | Shreiner, |
| Allen, | Finnerty, | McElroy, | Shugarts, |
| Altenburg, | Fitch, | McHenry, | Siegel, |
| Andrews, | Flanagan, | McKinney, | Simon, |
| Arnold, | Flinchbaugh, | Melchiorre, | Simpson, |
| Atkins, | Forrest, | Mentzer, | Sloan, |
| Aukerman, | Furman, | Merrell, | Smith, J. A., |
| Baine, | Gates, | Moomaw, | Smith, W. G., |
| Baker, F. T., | Gerard, | Mooney, | Snyder, F. E., |
| Baker, J J., | Gillette, | Moore, | Snyder, J. L., |
| Baldi, | Green, | Moran, | Sowers, |
| Barber, | Greenstein, | Moul, | Sproul, |
| Bernhard, | Habbyshaw, | Muir, | Stank, |
| Blumberg, | Haberlen, | Munley, | Stevens, |
| Boose, | Hagerty, | Murrin, | Stewart, |
| Boyd, R., | Haluska, | Nagel, | Stockham, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hermansen, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hetrick, | Patterson, J. W., | Trout, |
| Burke, | Hindman, | Pearson, | Tumelty, |
| Cannon, | Hirsch, | Perry, | Turner, |
| Caputo, | Hoffner, | Peters, | Van Allsburg, |
| Carr, | Holstrom, | Pfaff, | Van Sickle, |
| Carson, | Hoopes, | Phillips, | Walker, |
| Castor, | Horst, | Piole, | Wall, |
| Coakley, | Jackson, | Powers, | Wasserman, |
| Cochran, | Jones, | Reising, | Weidemann, |
| Cohen, | Kane, | Reynolds, | Weiss, |
| Coleman, | Kelder, | Rhys, | Welliver, |
| Condon, | Kilroy, | Rinn, | Welsh, |
| Coolahan, | Kinney, | Robinson, | Westrick, |
| Cordier, | Klingler, | Root, | White, |
| Davies, | Kobelak, | Ruffennach, | Wickersham, |
| Decker, | LaRue, | Ruth, | Wilson, |
| Denning, | Linderman, | Sarraf, | Witkin, |
| Dent, | Long, | Scanlon, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shaw, | Zimmerman |
| Eberharter, | Mason, | Shepard, | Sarig, |
| Eroe, | McCreary, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1462, as follows:

An Act To amend sections one thousand three hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" prohibiting the recording of deeds in certain cases and extending the right to execute insurance contracts and to contribute to pension and retirement funds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand three hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 1315 Registry of Properties Sold at Judicial Sales Duty of County Officers [Penalty] The sheriffs of the respective counties in which such townships are situated shall present for registry the deeds of all properties within the township limits sold by them at judicial sales whether by execution or in partition or otherwise and the prothonotaries and recorders of deeds of such counties shall not admit for record any deeds of any property in such township bearing a date subsequent to the approval of an ordinance providing for the establishment of such registry unless the same shall first have been duly stamped as hereinbefore provided

XXIII Insurance To make contracts with any fire insurance company including mutual companies insuring any building or property of the township to make contracts with any insurance company insuring any public liability of the township to [expend public funds to secure] make contracts with any insurer for workmen's compensation accident and health retirement and group insurance for the benefit of its employes who may be required to contribute thereto including volunteer firemen killed or injured while going to or returning from or attending fires within the township or territory adjacent thereo [and to enter into contracts of group insurance for the benefit of its employes] and to expend public funds for all of these purposes and to make donations to funds for pensions and retirement allowances for the benefit of its employes without entering into contracts with an insurance company or insurance companies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall he bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shepard, |
| Alexander, | Ferko, | McCreary, | Shortz, |
| Allen, | Finnerty, | McDermott, | Shreiner, |
| Altenburg, | Fitch, | McDevitt, | Shugarts, |
| Andrews, | Flanagan, | McElroy, | Siegel, |
| Arnold, | Flinchbaugh, | McHenry, | Simon, |
| Atkins, | Forrest, | McKinney, | Simpson, |
| Aukerman, | Furman, | Melchiorre, | Sloan, |
| Baine, | Gates, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gerard, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gillette, | Moomaw, | Snyder, F. E., |
| Baldi, | Green, | Mooney, | Snyder, J. L., |
| Barber, | Greenstein, | Moore, | Sowers, |
| Barnhardt, | Habbyshaw, | Moran, | Sproul, |
| Bernhard, | Haberlen, | Moul, | Stank, |
| Blumberg, | Hagerty, | Muir, | Stevens, |
| Boose, | Haluska, | Munley, | Stewart, |
| Boyd, R., | Hamilton, F. P., | Murrin, | Stockham, |
| Boyer, | Hamilton, R. S., | Nagel, | Stone, |
| Bradley, | Harkins, | Nothnagle, | Stott, |
| | | O'Keefe, | Sumney, |

| | | | |
|---|---|---|---|
| Brancato, | Harmuth, | Ominsky, | Surface, |
| Brennan, | Hart, | O'Neill, | Tahl, |
| Brown, H. S., | Hartman, | Panton, | Terry, |
| Brown, J. E., | Hermansen, | Parks, | Tronzo, |
| Brownfield, | Hetrick, | Patterson, C., | Trout, |
| Brumbaugh, | Hindman, | Patterson, J. W., | Tumelty, |
| Burke, | Hirsch, | Pearson, | Turner, |
| Cannon, | Hoffner, | Perry, | Van Allsburg, |
| Caputo, | Holstrom, | Peters, | Van Sickle, |
| Carr, | Hoopes, | Pfaff, | Walker, |
| Carson, | Horst, | Phillips, | Wall, |
| Castor, | Jackson, | Piole, | Wasserman, |
| Coakley, | Jones, | Powers, | Weidemann, |
| Cochran, | Kane, | Reising, | Weiss, |
| Cohen | Kelder, | Reynolds, | Welliver, |
| Coleman | Kelso, | Rhys, | Welsh, |
| Condon, | Kilroy, | Rinn, | Westrick, |
| Coolahan, | Kinney | Robinson, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | LaRue, | Ruth, | Witkin, |
| Denning, | Linderman, | Sarraf, | Wood, |
| Dent, | Long | Scanlon, | Woodside, |
| Diehl, | Longaker | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Zimmerman, |
| Duffort, | Mallen, | Shaw, | Sarig. |
| Eberharter, | | | |
| Eroe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## RESOLUTION No. 103 AMENDED

Mr. KANE asked and obtained the unanimous consent to offer a resolution and for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 3, 1935.

Resolved, That in addition to the members of the committee provided for in Resolution No. 103, Serial No. 130, adopted March 27, 1935, the Speaker is authorized to add to said committee six members who shall have the same powers as provided for in the resolution above referred, and who when appointed shall be deemed to be members thereof in all respects as if originally appointed members thereof.

## COMMITTEE APPOINTED TO INVESTIGATE TRANSPORTATION COST OF COAL

The SPEAKER. Pursuant to the resolution just adopted the Chair appoints in addition to the Committee already appointed under resolution No. 103 Messrs. O'Neill Munley, Philips, Bernhard, Shortz and Mason.

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 2, 1935.

Whereas, A resolution providing for the President of the United States of America to proclaim October 11th of each year as "General Pulaski's Memorial Day" for the observance and commemoration of the death of Brigadier General Casimir Pulaski, is now pending in the present session of the United States Congress; and

Whereas, The 11th day of October, 1779, is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

Whereas, The States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and other States of the Union, through legislative enactment, designated October 11th of each year as "General Pulaski's Memorial Day;" and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

Whereas, The Congress of the United States of America has, by legislative enactment, designated October 11th, 1934, to be "General Pulaski's Memorial Day" in the United States of America; now, therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, the "General Pulaski's Memorial Day" resolution now pending in the United States Congress;

Resolved, That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and each of the United States Senators and Representatives from Pennsylvania.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Corporations will meet immediately after this morning's session in room 323.

The Committee on Public Health and Sanitation will meet immediately after this morning's session in room 325.

The Committee on Judiciary Local will meet immediately after this session in room 324.

## ADJOURNMENT

Mr. ALLEN. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 10:00 o'clock A. M.

The motion was agreed to, and (at 1:37 o'clock P. M.) the House adjourned until Thursday, April 4, 1935, at 10:00 o'clock A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., THURSDAY, APRIL 4, 1935 No. 40

## HOUSE OF REPRESENTATIVES

THURSDAY, April 4, 1935

The House met at 10:00 o'clock A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

### PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

In the name of the Father and of the Son and of the Holy Ghost, we come to Thee this morning, our Father. We thank Thee for the rest and the health which Thou hast given us during the past night. We ask Thee to guide us in this day, that we may do our full duty to the people whom we represent and thereby honor and glorify Thy holy name. We ask it in the Master's name, Amen.

### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday when, on motion of Mr. GERARD, the further reading was dispensed with and the Journal approved.

### BILLS INTRODUCED AND REFERRED

By Mr. SHUGARTS. HOUSE BILL No. 1944.

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

Referred to the Committee on Military Affairs.

By Mr. KELSO. HOUSE BILL No. 1945.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lawrence.

Referred to the Committee on Highways.

By Mr. RINN. HOUSE BILL No. 1946.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. YOURISHIN. HOUSE BILL No. 1947.

An Act to amend clause (b) of section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeitures of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," as amended; extending the period for a surviving spouse to elect to take under or against a will in case a will is contested.

Referred to the Committee on Judiciary General.

By Mr. YOURISHIN. HOUSE BILL No. 1948.

An Act making an appropriation to the Hazleton State Hospital.

Referred to the Committee on Appropriations.

By Mr. BARNHARDT. HOUSE BILL No. 1949.

An Act to further amend section one thousand one of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the Board of Game Commissioners to prescribe by rule or regulation when and for what vermin bounties should be paid, and the amounts thereof within certain limits.

Referred to the Committee on Game.

By Mr. BARBER. HOUSE BILL No. 1950.

An Act to further amend section two of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, as amended, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by providing for graduated taxes and allowing further deductions.

Referred to the Committee on Ways and Means.

By Mr. EBERHARTER. HOUSE BILL No. 1951.

An Act making an appropriation to the Pennsylvania Association for the Blind, Incorporated, at Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. OMINSKY and YEAKEL.
HOUSE BILL No. 1952.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Bucks.

Referred to the Committee on Highways.

By Mr. ZAPPALA. HOUSE BILL No. 1953.

An Act making an appropriation to the Home for the Aged and Infirm Colored Women of Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. ZAPPALA. HOUSE BILL No. 1954.

An Act to amend sections one and two of the act approved the eighth day of June, one thousand eight hundred and ninety-three (P. L. 344), entitled "An act relating to husband and wife, enlarging her capacity to acquire and dispose of property, to sue and be sued, and to make a last will, and enabling them to sue and to testify against each other in certain cases," permitting a married woman to mortage her real property without the joinder of her husband.

Referred to the Committee on Judiciary General.

By Mr. ZAPPALA. HOUSE BILL No. 1955.

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HIRSCH. HOUSE BILL No. 1956.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. LONGAKER. HOUSE BILL No. 1957.

An Act making an appropriation to the Eagleville Sanatorium for Consumptives, located at Eagleville, Montgomery County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. WITKIN. HOUSE BILL No. 1958.

An Act making an appropriation to the Northern Liberties Hospital, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. TRONZO. HOUSE BILL No. 1959.

An Act providing for the establishment and administration of a system of health insurance; creating or providing for the creation and prescribing the powers and duties of various State and local agencies; imposing duties on the State Department of Health; imposing duties and liabilities on employers and employes; prescribing penalties; and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

By Mr. BAINE. HOUSE BILL No. 1960.

An Act to safeguard human health and life in townships of the first class by providing for the licensing and regulation of persons, municipalities and entities engaged in the transportation of garbage and rubbish, and in the disposal of garbage and rubbish, through the construction, keeping, maintenance or conduct of garbage disposal plants and rubbish disposal plants; conferring powers and imposing duties on the township commissioners of such townships, and otherwise providing for the administration of the act; and imposing penalties.

Referred to the Committee on Boroughs and Townships.

By Mr. SORREST (by Request). HOUSE BILL No. 1961.

An Act to amend section six hundred and nineteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; making school districts liable for negligence of their employes while operating motor vehicles in the course of their employment.

Referred to the Committee on Highways.

By Mr. SCHWARTZ and TUMELTY.
HOUSE BILL No. 1962.

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1:1, 1:2, 1:3, 1:4, 1:5, 2:1, 2:2, 2:3, 2:4, 70:1, 70:2, and 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

Referred to the Committee on Cities.

By Mr. MELCHIORRE. HOUSE BILL No. 1963.

An Act to amend sections four, five and six of the act approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended, by changing the time for filing nomination papers and changing the time for filing objections thereto, and limiting nominees to one party.

Referred to the Committee on Elections.

By Mr. MELCHIORRE. HOUSE BILL No. 1964.

An Act to amend section six as amended, and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for office from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices.

Referred to the Committee on Elections.

By Miss BRANCATO. HOUSE BILL No. 1965.

An Act to amend sections twelve and thirteen of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," requiring certificates of registrations to show the photograph of the registered person or manager; and providing for the suspension and revocation of registrations on account of Sunday work.

Referred to the Committee on Education.

By Mr. SHEPARD. HOUSE BILL No. 1966.

An Act making it unlawful for any person, copartnership, association or corporation to engage in business under any family, patronymic, assumed or fictitious name in any neighborhood in which any other person, copartnership, association or corporation of a similar name is already engaged in a like business without permission from the court of common pleas; imposing duties and conferring powers upon such court; and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. PANTON. HOUSE BILL No. 1967.

An Act to amend the title and to further amend section one of the act approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, seven hundred seven), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by including notice in the title that said act includes indigent patients, whether insane, mental defectives, epileptics, or other mental patients; by extending the provisions of the act to include indigent patients, whether mental defectives, epileptics, or other mental patients; and by further defining the liability of the counties, poor districts and the Commonwealth.

Referred to the Committee on Counties.

By Mr. WESTRICK. HOUSE BILL No. 1968.

An Act to amend the title and sections one and two as amended, of the act approved the twenty-second day of March, one thousand eight hundred and sixty-two (P. L. 164), entitled "An act to provide for the destruction, and to prevent the spread of Canada Thistles," including the weed Galium Mollugo commonly called white bedstraw under the provisions of said act.

Referred to the Committee on Agriculture.

By Mr. CONDON. HOUSE BILL No. 1969.

An Act requiring contracts for marriage to be in writing to be actionable.

Referred to the Committee on Judiciary General.

By Mr. CONDON. HOUSE BILL No. 1970.

An Act requiring cities of the first class to allow all employes thereof twenty-four consecutive hours of rest in each week, and fourteen days' vacation each year, except in emergency cases.

Referred to the Committee on Cities.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. GATES. RESOLUTION No. 114.

In the House of Representatives, April 3, 1935.

Whereas, The House of Representatives on January 30th, 1935, adopted House Resolution No. 40, providing for a committee to make an audit, inventory and investigation of the Pennsylvania Liquor Stores System, pursuant to which resolution a committee of members of this House was appointed on February 5th, and which committee devoted much time and effort in taking and recording a great volume of oral testimony; and

Whereas, It now clearly appears from said testimony that the Pennsylvania Liquor Stores System has been conducted in as efficient a manner as could reasonably be expected of so prodigious an enterprise during the first year of its existence, and that the chairman and members of the Pennsylvania Liquor Control Board have conducted themselves in every respect with honesty, integrity and absolute fidelity to their duties as public officers, and have set up, put in operation and carried on a commercial project of such gigantic proportions as is ordinarily brought about by private initiative only after a decade or more or experimentation and research; and

Whereas, It will serve no useful public purpose to further prolong the labors of said committee at the great cost to the Commonwealth necessarily attendant thereon; therefor, be it

Resolved, That the committee of the House of Representatives, to make a rigid audit, inventory and investigation of the operation of the liquor stores system, appointed pursuant to House Resolution No. 40, adopted January 30th, 1935, is hereby discharged, with the thanks of this Body.

Referred to the Committee on Rules.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### BLUE LAWS

A resolution from the citizens of Wampum Borough and adjoining Townships of Lawrence County, protesting passage of amendments to blue laws commercializing Sunday.

Resolutions from citizens of New Florence and West Fairfield, Pa., protesting against anti-sabbath legislation.

A resolution from the ministers of Bakertown Ministerial Association protesting against anti-sabbath legislation.

Referred to the Committee on Law and Order.

RELIEF

A resolution from the Luzerne County Unemployed League, Inc., Pittston Branch No. 4, urging increase in relief.

Referred to the Committee on Appropriations.

TAXES

A petition from the Pitcairn Tax Club urging equalization of taxes.

Referred to the Committee on Ways and Means.

## SENATE MESSAGE

### HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 169, entitled:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens

With the information that the Senate has passed the same without amendment.

## LEAVES OF ABSENCE

Mr. Ominsky asked and obtained leave of absence for Mr. SHEPARD.

Mr. Allen asked and obtained leave of absence for Mr. WEISS on account of illness.

Mr. Gerard asked and obtained leave of absence for Mr. O'KEEFE on account of illness.

Mr. Sloan asked and obtained leave of absence for Mr. STEWART.

Mr. Flinchbaugh asked and obtained leave of absence for Mr. MOUL.

Mr. Haluska asked and obtained leave of absence for Messrs. CHERVENAK and DIEHL.

Mr. Harkins asked and obtained leave of absence for Mr. HOLLAND on account of illness.

Mr. Parks asked and obtained leave of absence for Mr. SIMPSON on account of illness.

## REPORTS FROM COMMITTEES

Mr. COLEMAN, from the Committee on Public Health and Sanitation reported as amended, House Bill No. 1069, entitled:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to boroughs towns and townships of one thousand population or more extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act, extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment.

Mr. OMINSKY, from the Committee on Corporations reported as amended, House Bill No. 521, entitled:

An Act to amend section two hundred and eight of, and to add section twelve to the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that the Secretary of the Commonwealth shall be the agent of domestic business corporations upon whom process may be served; prescribing the procedure for such service by the sheriff of Dauphin County; and certain duties of the corporations relative thereto.

Mr. FINNERTY, from the Committee on Judiciary Local reported as committed, House Bill No. 808, entitled:

An Act relating to discrimination of prices; making certain discrimination in the sale prices of commodities unlawful; and making the violation of the provisions of the act a misdemeanor; and providing a penalty.

Mr. JOHN J. BAKER, from the Committee on State Government reported as committed House Bill No. 953, entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes" by providing that certificates of registration may not be issued to individual; and providing for the refund of fees where certificates of registration are refused.

Mr. HABERLEN, from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1158 (Senate Bill No. 18), entitled:

An Act to provide for the hospitalization of tubercular patients in State and State-aided hospitals when State owned institutions established for that purpose are unable to provide therefor.

## CALL OF THE HOUSE

Mr. ANDREWS. Mr. Speaker, I ask for a call of the House.

The SPEAKER. The Sergeant-at-arms will close the doors and admit none but members. The Clerk will call the roll.

The roll was called by the Clerk.

Mr. WOODSIDE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows.

PRESENT—137

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Kobelak, | Robinson, |
| Alexander, | Eroe, | LaRue, | Ruffennach, |
| Allen, | Falkenstein, | Long, | Ruth, |
| Altenburg, | Ferko, | Lovett, | Sarraf, |
| Andrews, | Finnerty, | Lynch, | Scanlon, |
| Arnold, | Fitch, | Male, | Schrock, |
| Atkins, | Flanagan, | Mason, | Shortz, |
| Aukerman, | Flinchbaugh, | McCreary, | Shreiner, |
| Baine, | Furman, | McDermott, | Shugarts, |
| Baker, J J., | Gates, | McElroy, | Siegel, |
| Baldi, | Gerard, | McHenry, | Sloan, |
| Bernhard, | Gillette, | McKinney, | Smith, J. A., |
| Boose, | Habbyshaw, | Melchiorre, | Smith, W. G., |
| Bradley, | Haberlen, | Mentzer, | Snyder, F. E., |
| Brancato, | Hagerty, | Merrell, | Sowers, |
| Brennan, | Haluska, | Moomaw, | Stevens, |
| Brown, H. S., | Hamilton, F. P., | Mooney, | Sumney, |
| Brown, J. E., | Harkins, | Moran, | Surface, |
| Brownfield, | Harmuth, | Muir, | Tronzo, |
| Brumbaugh, | Hart, | Murrin, | Trout, |
| Burke, | Hartman, | Nagel, | Tumelty, |
| Cannon, | Hermansen, | Ominsky, | Turner, |
| Caputo, | Hetrick, | Panton, | Van Allsburg, |
| Carson, | Hindman, | Parks, | Van Sickle, |
| Coakley, | Hirsch, | Patterson, C., | Walker, |
| Cochran, | Holstrom, | Patterson, J. W., | Weidemann, |
| Cohen, | Hoopes, | Pearson, | Welliver, |
| Coleman, | Horst, | Peters, | Welsh, |
| Coolahan, | Jackson, | Pfaff, | Westrick, |
| Decker, | Jones, | Piole, | Wickersham, |
| Dent, | Kane, | Powers, | Wilson, |
| Dilley, | Kelder, | Reising, | Woodside, |
| Downey, J. J., | Kilroy, | Rhys, | Zappala, |
| Duffort, | Klingler, | Roan, | Sarig, |

The SPEAKER. A quorum being present the House will proceed with its regular business.

Mr. ANDREWS. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. ANDREWS. Mr. Speaker, I rise to a question of high privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. ANDREWS. Mr. Speaker and gentlemen of the House, it would be entirely in keeping with proper procedure and in keeping with the rights of this House, having established the number of those who are absent without being excused, to send for them.

It is manifestly unfair that a hand full of men should bear the burden and the heat of the day on Thursday. It is not my intention this morning to exercise or call for the exercise of the privileges of this House. But I do wish to say that if this House remains in session on subsequent Thursdays, I shall certainly use every resource of parliamentary procedure known to me to compel the attendance of those who are absent without excuse.

The SPEAKER. The remarks of the gentleman from Cambria will be spread upon the Journal.

## RESOLUTION

### FIXING LAST DAY FOR INTRODUCTION OF BILLS

Mr. SOWERS offered a resolution which was read by the Clerk as follows:

In the House of Representatives, April 4th, 1935.

Resolved, That Thursday, April 18th, 1935, be fixed as the last day for the introduction of bills in the House of Representatives for the Regular Session of 1935.

The SPEAKER. The resolution is referred to the Committee on Rules under Rule 85 of the House. The Chair will read the rule:

"All resolutions fixing the date of final adjournment or fixing the last day for introduction of bills, shall be referred to the Committee on Rules and reported therefrom before being acted upon by the House; Provided, however, That said committee shall be subject to discharge from the consideration of said resolutions the same as all other committees, in case of bills."

## MOTION TO DISCHARGE COMMITTEE

Mr. SOWERS. Mr. Speaker, I offer the following motion and ask that it be read for the information of the House, and I then propose to follow it with a request that Monday night at 9:30 be fixed for its consideration.

The motion was read by the clerk as follows:

Motion to discharge committees from further consideration of House Bills Nos. 1361, 1362, 1560 and Resolution No. 83 (Serial No. 100)

Moved by Mr. Sowers and seconded by Mr. Walker K. Jackson, that the Committee on Ways and Means be discharged from the further consideration of House Bill No. 1361 offered by Messrs. Sowers, Moore, Reynolds, Jackson, Gates, Merrell, Van Allsberg, Condon, Wasserman, Hart and Trout, and entitled "An Act imposing a State income tax on all residents of this Commonwealth, including fiduciaries, and on income of nonresidents derived from property or business in this Commonwealth defining taxable income and requiring filing of returns thereof; providing for information at source; providing methods and proceedings for determination and collection of the tax and imposition of liens therefor; imposing duties on prothonotaries, sheriffs, receivers, trustees, assignees, masters and other officers, and on the Department of Revenue; prscribing penalties; and making an appropriation" and which was referred to the Committee on Ways and Means on March 6, 1935, and that the same be placed upon the calendar, and further that the said committee be discharged from the further consideration of House Bill No. 1362, offered by Messrs. Sowers, Moore, Reynolds, Jackson, Gates, Merrell, Van Allsburg, Condon, Wasserman, Hart and Trout, entitled:

"An Act to amend the act approved the day of one thousand nine hundred and thirty-five (Act No. ) entitled '"An act imposing a State income tax on all residents of this Commonwealth including fiduciaries and on income of nonresidents derived from property or business in this Commonwealth; defining taxable income and requiring filing of returns thereof; providing for information at source; providing methods and proceedings for determination and collection of the tax and imposition of liens therefor; imposing duties on prothonotaries, sheriffs, receivers, trustees, assignees, masters and other officers and on the Department of Revenue; and prescribing penalties" by classifying taxpayers according to their abilities to maintain themselves on their incomes; graduating the income taxes according to such classes; and allowing deductions on account of living expenses" and which was referred to the Committee on ways and Means on March 6, 1935. from further consideration of the Bill and the Bill be placed on the calendar, and,

Further, that the Committee on State Government be discharged from further consideration of House Bill No. 1560, offered by Mr. Sowers, entitled "An Act providing for the selection of employes in the Department of Revenue for the administration of an income tax law, or laws by competitive examinations" and referred to the Committee on State Government on March 14, 1935, and be placed on the calendar, and

Further, thata the Committee on Ways and Means be discharged from further consideration of Resolution No. 83 (Serial No. 100, Legislative Journal Page 969) offered by Mr. Sowers and entitled "Secretary of Revenue to estimate revenue that would be produced by House Bills 1361 and 1362, also amount required to finance Old Age Pensions at different ages" and which was referred to the Committee on Ways and Means on March 6, 1935, from further consideration of the Resolution, and same be placed on the calendar.

On the question,
Will the House agree to the motion?

## MOTION TO MAKE SPECIAL ORDER

Mr. SOWERS. Mr. Speaker, I move that the motion to discharge committees from further consideration of bills be made a special order of business for Monday night at 9:30 o'clock.

On the question,
Will the House agree to the motion?

Mr. RUTH. Mr. Speaker, the gentleman from Philadelphia was at my desk yesterday and asked me about Resolution No. 83 and House Bills 1361 and 1362. I promised him that we would take it up at the next meeting of the Ways and Means Committee, which will in all probability be held Tuesday morning. Therefore, I urge the members of the House to vote down this motion.

Mr. SOWERS. Mr. Speaker, it is true that I called the Chairman's attention to the resolution yesterday, but it is also true that the resolution was offered on March 6th, but I would like to state that offering this motion is calling the Chairman's attention to it.

The income tax bills referred to in the resolution were offered a month ago, and certainly the Chairman of the Ways and Means Committee and the Ways and Means Committee had some notice of it long before yesterday, and it seems to me that in fairness to every one and to give every one an opportunity to study them, I am now giving notice that the matter will be called up next Monday night. If you want to vote down the motion to discharge, vote it down after you have studied it, but don't vote it down before you study it. I repeat, if you are for an income tax bill, then vote for this motion to make a special order, and if you are against an income tax bill, vote against this motion.

I ask for a roll call, Mr. Speaker.

Mr. BOYER. I second the request for a roll call.

Mr. ACHTERMAN. Mr. Speaker, on behalf of the Committee of State Government, I wish to state that the gentleman from Philadelphia, Mr. Sowers, never discussed nor met the committee relative to House bill No. 1560. For that reason I join with the gentleman from Berks, Mr. Ruth in asking that this motion be voted down.

## POINT OF ORDER

Mr. HOOPES. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HOOPES. Mr. Speaker, the motion is out of order because it is an omnibus motion to discharge the committee from the consideration of more than one bill.

Mr. SOWERS. Mr. Speaker, I think the gentleman's point of order is well taken. I merely wanted to call the public's attention to the fact that we have done nothing to pass an income tax bill.

The SPEAKER. The Chair rules that the point of order is well taken.

## EMERGENCY TAX LEGISLATION

Mr. BURKE offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 4, 1935.

Whereas, The House of Representatives has been greatly concerned over the existing relief crisis; and

Whereas, The House of Representatives in its great concern, immediately directed its energies to the introduction and passage of many measures to meet this existing crisis; and

Whereas, To the astonishment of every one, these various measures were either defeated in the Senate or held back in the Senate committees; and

Whereas, It was hoped that the Senate would in time grasp the seriousness of the existing emergency and would pass the bills; and

Whereas, The minority party of the House now takes cognizance of the gravity of the emergency situation as was evidenced by the feeling address of the gentleman from Delaware County, Mr. Turner; and

Whereas, It was agreed on all sides that the studied address of the gentleman from Delaware County, Mr. Turner, was in the wrong chamber; therefore be it

Resolved, That the gentleman from Delaware County, Mr. Turner, at the earliest pssible moment, address the Senate on the immediate necessity of passing the emergency tax legislation, so that the same may become laws and thereby provide immediate funds to meet the relief demand, and to assure the people of this State that no one shall starve. This is now the responsibility of the Senate.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. TURNER. Mr. Speaker, I naturally, with my modest disposition, hesitate to arise at this time and have anything at all to say with reference to this resolution. I thank the gentleman from Philadelphia, Mr. Burke, for the complimentary remarks. I trust that he will have a copy of this resolution sent to the Chester Times and the Democratic papers in our county, and I would ask that the Republicans do not object to the immediate consideration of this resolution were it not for the fact that the resolution, like so many other things in this House, is based upon a false promise. It is based on the promise that the program would relieve the immediate situation. The tax program will not do that. If it would, I would do everything that I could to get it passed.

Therefore, for the reasons stated so briefly by myself and in such a retiring manner, I object to immediate consideration.

The SPEAKER. The Chair hears objections and consent is not granted. The resolution will be filed with the Clerk.

## WELCOMING PENNSYLVANIA FEDERATION OF DEMOCRATIC WOMEN

Miss BRANCATO offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April t, 1935.

Whereas, The Pennsylvania Federation of Democratic Women is holding its Ninth Annual Convention in Harrisburg, and

Whereas, This distinguished group of women have carried on the spirit of Democracy through many dark years in this great Commonwealth, and

Whereas, This year finds them coming to the Capitol with light and happy hearts, for now the glorious fruitation of their efforts is theirs in having a Democratic Governor and Cabinet and a Democratic House of Representatives, therefore be it

Resolved, That the House of Representatives welcomes them most heartily to the Capitol and trusts their convention will be most successful and enjoyable; and be it further

Resolved, That the House of Representatives wishes to express to the Pennsylvania Federation of Democratic Women its keen appreciation for the many years of devo-

tion expressed by these women for the high and noble principles of Democracy and for the constant assistance given by them to all in the formation of prosperous homes and a happy people.

## PERMISSION GRANTED COMMITTEE ON WAYS AND MEANS TO MEET DURING SESSION OF HOUSE

Mr. RUTH asked and obtained consent of the House for the Committee on Ways and Means to meet during the session of the House at the rear of the Hall of the House.

## RESOLUTION NO. 110

Mr. HORST. Mr. Speaker, I desire to call up at this time Resolution No. 110, Printer's No. 502.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 1, 1935.

Whereas A number of investigating committees have been created by the House of Representatives to investigate the affairs of local relief boards in particular counties and

Whereas It is apparent from the widespread dissatisfaction that some inherent defect exists in the present system of relief distribution and that enormous sums of public money are being expended and are requested for the next fiscal biennium when no taxpayer appears to be assured that such expenditures are actually needed and

Whereas Taxpayers are demanding that the light of publicity be thrown upon the whole system of distributing public relief and that some system be devised to call from the list of recipients of relief those who are unworthy those who abuse the aid extended to them and those who paint false pictures of economic conditions in order to fasten a dole system foreign to American traditions on the body politic and

Whereas The system of investigating relief distribution in particular localities while beneficial to the locality affected fails to approach the task of placing relief upon a sound Statewide business basis whereby red tape may be eliminated and those actually in need aided in a manner suitable to an American citizen therefore be it

Resolved (if the Senate concur That the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint three members of their respective Houses whose duty it shall be (a) to make a searching and impartial study and investigation of the distribution of public relief throughout this Commonwealth (b) to ascertain whether and in what respect the present system is open to abuse (c) to ascertain whether additional legal safeguards should be provided (d) to ascertain whether appropriations for relief may be reduced (e) to collate and digest reports of other investigating committees and (f) to investigate such other facts and circumstances as may be deemed necessary and advisable to enable the General Assembly to act with some degree of certainty and establish an impartial unpolitical unwasteful and business system of aiding those of our unfortunates in need and of eradicating and punishing those who take advantage of distressing economic conditions for their personal selfish ends whether as recipients of relief or as distributors thereof.

Resolved That said committee shall make a report of its findings to this General Assembly as early as possible

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the court of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION NO. 107

Mr. McDERMOTT. Mr. Speaker, I desire to call up at this time Resolution No. 107, Printer's No. 503.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 27, 1935.

Whereas, The State Emergency Relief Board has created a Lehigh County Relief Board to administer the relief funds made available for said county; and

Whereas, The Department of Labor and Industry has established a State employment office in the City of Allentown, Lehigh County; and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in the Lehigh County Relief Board and in the State employment office at Allentown, and it is reported that certain groups and individuals have been discriminaed against; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of three Members of the House of Representatives, whose duty it shall be to make a rigid investigation of the conduct and operation of the Lehigh County Relief Board and of the Allentown State employment office, and to investigate such facts and circumstances surrounding the conduct of such board and office as it deems necessary for the information of the House of Representatives;

Resolved, That said committee shall make a report to the House of Representatives during this session as early as possible;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

On the question,

Will the House adopt the resolution?

It was adopted.

## COMMITTEE APPOINTED TO INVESTIGATE LEHIGH COUNTY RELIEF BOARD

The SPEAKER. In accordance with the provisions of Resolution No. 107, just adopted, the Chair appoints the following committee to investigate the Lehigh County Relief Board; Messrs. McDermott, Holstrom and Rinn.

## COMMITTEE APPOINTED TO INVESTIGATE LAWRENCE COUNTY RELIEF BOARD

The SPEAKER. Pursuant to the provisions of Resolution No. 111, the Chair appoints the following committee to investigate the operation and conduct of the Lawrence County Emergency Relief Board: Messrs. Eroe, Kelso, William G. Smith, Dilley and Klingler.

## RESOLUTION NO. 81

Mr. FITCH. Mr. Speaker, I desire to call up at this time Resolution No. 81, Printer's No. 501.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 6, 1935.

Whereas, The Federal Government, in order to alleviate unemployment, is developing various public works; and

Whereas, There are thousands of dangerous grade crossings in populous centers; and

Whereas, The removal and elimination of these dangerous grade crossings would give thousands of unemployed men, useful employment; and

Whereas, The removal and elimination of these dangerous grade crossings would create great demands for timber, stone, iron, cement and other building materials and would thereby increase employment in all these related industries; therefore be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memoralize the President of the United States to consider the advisability and feasibility of including within the public works program the removal and elimination of dangerous grade crossings within the State of Pennsylvania; and be it further

Resolved, If the Governor approve this resolution, he be respectfully requested to urge upon the President the removal and elimination of all grade crossings in Pennsylvania; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States by the Secretary of the Commonwealth.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. ANDREWS in the chair.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 914, entitled:

Ordered, To be laid aside for second reading.

An Act to supplement an act approved the twenty-ninth day of June one thousand nine hundred and twentyt-hree (Pamphlet Laws nine hundred sevnty-five) entitled "An act to amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five)"

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1621, entitled:

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (Pamphlet Laws sixty-six) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1788, entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1789, entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-eight) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of the House Bill No. 1021, entitled:

An Act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands at certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" by providing for condemnation proceedings and assessment of damages.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1064, entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1792, entitled:

An Act to amend section one thousand six hundred and three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and charging the law relating thereto" by authorizing the borrowing of money by township authorities to provide a water supply for public and private use.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1821, entitled:

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men" specifying the form and contents of applications for county contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providing a penalty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1780, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (Pamphlet Laws one hundred seventy-eight) entitled "An act taxing certain stocks of building and loan associations for State purposes" fixing the rate of the tax on matured stock of building and loan associations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1634, entitled:

An Act to amend section two thousand five hundred and sixty-eight of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing the city treasurer as collector of city school and poor taxes shall proceed against the personal property before filing liens for such taxes when instructed so to do by the taxing authorities but otherwise at his own discreation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1250, entitled:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue and fixing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1698, entitled:

An Act to amend sections three five seven eight ten twelve and thirteen of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1286, entitled:

An Act to amend sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1734, entitled:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1831, entitled:

An Act to further amend section one of the act approved the seventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" by requiring executors administrators and certain persons to file with the register of wills a copy of every return filed with the Federal Government for Federal estate tax purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1288, entitled:

An Act prescribing and limiting the rights and liabilities in cases of death from unlawful violence or negligence where no action has been brought by the party injured during his lifetime

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 79, entitled:

An Act to amend paragraphs (a) and (b) of section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and interinsurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" increasing the amount of reserve required of stock and mutual casualty insurance companies and exchanges for certain outstanding losses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 976, entitled:

An Act to amend article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" making provision for declaring vacant the office of councilman for refusal or neglect to qualify attend meetings or to act in his official capacity

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1836, entitled:

An Act authorizing boroughs to construct reconstruct and repair sidewalks gutters curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1645, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1567, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by requiring city records to be open to inspection

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1233, entitled:

An Act requiring street cars to be equipped with caution lights

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1732, entitled:

An Act to amend section four of article five of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by authorizing the employment of women as policewomen

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1477, entitled:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions by popular election and for the appointment of their members by the courts of common pleas and prescribing the powers and duties of such commissions the county commissioners and the State Secretary of Agriculture.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1044, entitled:

An Act to amend section two of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" granting licenses by the Board without examination to certain persons having had at least three years' practical experience as embalmer or undertaker under certain conditions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1776, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1143, entitled:

An Act to amend section one of the act approved the twentieth day of December, one thousand nine hundred and thirty-three (P. L. 89, 1933-34), entitled, "An act appropriating the moneys in The State Stores Fund;" making appropriations for the payment of refunds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1411 (Senate Bill No. 87), entitled:

An Act to further amend clause (a) of section six, and sections ten and eleven of the act approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties, regulating the procedure therein, and providing for the expenses thereof," by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars; by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants; by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate; by changing the effect of appeals from the county court upon judgments of that court; by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury; and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1535 (Senate Bill No. 256), entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 982 (Senate Bill No. 41), entitled:

An Act to amend section six of the act approved the eighteenth day of June, one thousand nine hundred and twenty-three (P. L. 840), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," further defining the circumstances under which the remedy provided is available.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1490 (Senate Bill No. 223), entitled:

An Act to establish jurisdiction in cases of kidnapping and murder perpetrated in kidnapping

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1923 (Senate Bill No. 710), entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL RECOMMITTED

Mr. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for further study.

The motion was agreed to.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1681 (Senate Bill No. 561), entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class (A) by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1078, as follows:

An Act Relating to judgments by agreement

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any parties to an action or proceeding at law shall have agreed to the entry of a particular judgment therein any judge of the court in which such action or proceeding is pending may enter such judgment directly without the verdict of a jury with the same force and effect as if such judgment were upon a verdict

Section 2 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1737, entitled:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by extending the scope of the title defining and further prohibiting the practice of law and providing additional penalties including the forfeiture of corporate charters for violations of the act

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as last amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-three (Pamphlet Laws sixty-six) are hereby amended to read as follows

An Act making it unlawful for any person partnership association or corporation to practic law or to hold himself herself or itself out or advertise himself herself or itself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing [a penalty] penalties therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall not be lawful for any person or partnership [association or corporation] in any county in the State of Pennsylvania to practice law or to hold himself herself or itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that he she or it is a practitioner of the law of this or any other State nation country or land or in any manner to advertise that he she or it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of the law of this or any other state nation county or land without such person or all the members of such partnership having first been duly and regularly admitted to practice law in a court of record of any county in this Commonwealth in accordance with the regularly established rules governing such admissions [Provided however That nothing herein contained shall be construed as prohibiting corporations of the first class acting in good faith and in pursuance of the purposes of their charters from rendering through attorneys-at-law legal service to the members of such corporations]

It shall not be lawful for any association or corporation in any county in the State of Pennsylvania to practice law or to hold itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that it is a practitioner of the law of this or any other state nation country or land or in any manner to advertise that it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of law of this or any other state nation country or land

The second section was read as follows:

Section 2 For the purposes of this act the practice of law shall be deemed to include among other things the following acts or services

(a) The appearance as an attorney-at-law for any other person partnership association or corporation in any court of this Commonwealth or before any commission referee master or any body board committee or commission constituted by law or having authority to hear and determine controversies

(b) The preparation and furnishing by persons partnerships associations or corporations of opinions in proceedings in law or in equity as to the necessary parties thereto and the preparation and rendering of advice in relation to conveyances and other papers pertaining to real estate transactions for the benefit of others exclusive of conveyances and other papers pertaining to and growing out of the business transactions of such persons partnerships associations or corporations and which are intimately connected therewith

(c) The giving of legal advice or the furnishing of attorneys-at-law or the rendering of legal services of any kind directly or indirectly to any person partnership association or corporation either for or without compensation and the conduct of a legal department for the benefit of others

(d) The advising of persons by a trustee as to their legal rights in the administration of a trust in which they are interested where a conflict of interests exists between such persons and the trustee or between persons interested in the same trust unless such persons shall be represented by an attorney-at-law not connected with or employed by the trustee

(e) The preparation or furnishing of opinions as to the condition or validity of the title to real estate or the advising of a patron or prospective patron concerning legal matters or procedure on litigation or proposed litigation involving the title to real estate when the person partnership association or corporation furnishing such advice is not an insurer of the title of the real estate involved

(f) The preparation of any will for others regardless of whether the person partnership association or corporation preparing such will is named therein as executor or trustee or the preparation for a valuable consideration of contracts trusts agreements leases deeds mortgages releases tax reports or other legal instruments or documents to which the person partnership association or corporation is not a party and in which he she or it has no interest The naming of such person partnership association or corporation as an executor or trustee shall be deemed valuable consideration within the meaning of this paragraph

(g) The preparation drafting or advising in the preparation or drafting of escrow instruments and instructions which express or purport to set forth either an agreement between the buyer and the seller or the rights and liabilities of the parties thereto Provided however That this paragraph shall not be construed to include provisions necessary for the protection of the person partnership association or corporation as escrow agent and for the disbursement of money upon the happening of stated events

(h) The drafting and preparation on behalf of others of corporate records or the furnishing of advice on legal matters pertaining to incorporation corporate management or procedure to others

The enumeration of the above acts of services which constitute the practice of law shall not be construed to mean that all acts other than those enumerated do not constitute the practice of law nor shall such enumeration be construed to be a complete or exclusive list of acts which constitute the practice of law

On the question,

Will the House agree to the section?

Mr. EBERHARTER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, paragraph (f), page 5, line 17, by striking out at the beginning of the line the first two words, "tax reports."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third, fourth, fifth, sixth and seventh sections and title were separately read and agreed to as follows:

Section 3 The fact that any member officer trustee director agent or employe of any partnership (other than one composed entirely of attorneys-at-law) association or corporation indicted under the provisions of this act is an attorney-at-law duly admitted to practice before the courts of this Commonwealth shall not constitute a defense on the trial of any person or any such partnership association or corporation for the violation of the provisions of this act

Section 4 (a) This act is not intended to limit diminish or impair in any manner any rights or remedies legal or equitable heretofore existing or hereafter created by law whereby any persons partnerships corporations or associations illegally practicing law may be restrained therefrom or punished therefor

(b) Nothing in this act shall affect or impair the right of an executor or administrator trustee guardian or other fiduciary to do and perform all acts and matters in proceedings in the Orphans' Court or otherwise which any individual not an attorney-at-law may lawfully do when acting in the same fiduciary capacity

(c) This act shall not prevent a corporation from lawfully engaging in the examination and insuring of titles to real property nor shall it prohibit a partnership association or corporation from employing one or more attorneys-at-law in and about its own immediate affairs or in any litigation to which it is or may be a party

(d) The provisions of this act shall not apply to organizations organized for benevolent or charitable purposes or for the purpose of assisting persons without means in the pursuit of any civil remedy nor to the legal departments of municipalities or of other political subdivisions

Section [2] 5 Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall upon conviction therefor be sentenced to pay a fine not exceeding five hundred dollars and to undergo an imprisonment not exceeding one year either or both at the discretion of the court

Any partnership association or corporation violating the provisions of this act or whose officers agents or employes violate the provisions of this act shall be guilty of a misdemeanor and shall upon conviction thereof be liable to a fine not exceeding one thousand dollars and the cost of prosecution and any corporation upon conviction for a second offense shall in addition to the above penalty also forfeit its corporate charter and may be liquidated and dissolved by a receiver appointed in a court of competent jurisdiction in an action brought for that purpose by the Attorney General on behalf of the Commonwealth of Pennsylvania

Section 6 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 7 Effective Date This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act To amend the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by extending the scope of the title defining and further prohibiting the practice of law and providing additional penalties including the forfeiture of corporate characters for violations of the act.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1419, as follows:

An act to further amend section one thousand seven hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the ac-

counts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by imposing penalties upon certain corporations and associations for failure to pay taxes imposed upon them

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand seven hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An Act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the first day of June one thousand nine hundred thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 1704 Intentional Failure of Corporate Officers to Make Reports Failure of Corporations to Pay Taxes A If any officer or officers of any corporation or association shall intentionally have neglected or refused to make reports to the Auditor General or to the Department of Revenue or successively to the Auditor General and to the Department of Revenue as required by law for any two successive tax years he or they shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine of five hundred dollars and undergo an imprisonment not exceeding one (1) year or either at the discretion of the court

B If any corporation or association shall have failed to pay any tax imposed under the authority of any law of this Commonwealth now existing or that may hereafter be enacted bonus interest penalty or any public account settled or determined against it within a period of two (2) years

1 From the date of settlement determination or assessment if no petition for resettlement redetermination or reassessment has been filed or

2 From the date of resettlement or redetermination if no petition for review has been filed or

3 From the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the said Board's time for acting upon such petition if no appeal has been filed or

4 From the date of the action of the Department of Revenue upon a petition for reassessment if no appeal has been filed or

5 From the date of the final decision of the courts upon an appeal from the disposition of a petition for review by the Board of Finance and Revenue or from the action of the Department of Revenue upon a petition for reassessment it shall be subject to the forfeiture of its charter or the termination of its right to do business in this Commonwealth in the manner hereinafter provided

C In any such case the Department of Rvenue shall report the fact to the Governor after having given at least sixty (60) days notice by registered mail to the last known address of the corporation or association of its intention so to do If the Governor shall be satisfied that [such] the failure to make reports described in subsection A hereof was intentional or if the failure to pay any tax bonus interest penalty or public account described in subsection B hereof in his opinion warrants he shall by proclamation

(a) In the case of a corporation or association organized under the laws of Pennsylvania declare the charter thereof forfeited and its charter privileges at an end whereupon the same shall cease end and be determined saving however the rights of the creditors and stockholders in and to any property assets claims or demands of or belonging to such corporation or association

(b) In the case of a corporation or association organized under the laws of any other State or of the United States or of any foreign government and qualified to do business within this Commonwealth declare forfeited the right of such corporation or association to do business within this Commonwealth and thereupon such right shall cease end and be determined.

Any person or persons who shall (a) exercise or attempt to exercise any powers privileges or franchises under a charter which shall have been declared forfeited hereunder or (b) do or attempt to do any business within this Commonwealth in the name of or for or on account of any corporation or association whose right to do business within this Commonwealth shall have been declared forfeited hereunder shall be guilty of a misdemeanor and on being convicted thereof shall be [fined] sentenced to pay a fine of not less than one hundred dollars or more than one thousand dollars and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 49, as follows:

An Act to amend the title and section one of the act approved the nineteenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred twenty-eight) entitled "An act fixing the penalty for murder of the first degree regulating the procedure incident to the infliction thereof prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth in Centre County making an appropriation therefor repealing inconsistent legislation and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act" by extending the provisions of said act to cases of kidnapping and limiting the same to cases where the penalty of death is imposed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the nineteenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred twenty-eight) entitled "An act fixing the penalty for murder of the first degree regulating the procedure incident to the infliction thereof prescribing and providing for a place and manner of inflicting said penalty on the

grounds of the new Western Penitentiary of this Commonwealth in Centre County making an appropriation therefor repealing inconsistent legislation and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act" are hereby amended to read as follows

The title was read as follows:

An Act fixing the penalty for murder of the first degree and kidnapping in cases where the penalty of death is imposed regulating the procedure incident to the infliction thereof prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth in Centre County making an appropriation therefor repealing inconsistent legislation and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every person his aiders abettors and counsellors hereafter convicted of the crime of murder of the first degree or of the crime of kidnapping in cases where the penalty of death has been imposed under the provisions of any law shall be sentenced to suffer death in the manner herein provided and not otherwise Such punishment in every case must be inflicted by causing to pass through the body of the convict a current of electricity of intensity sufficient to cause death and the application of such current must be continued until such convict is dead The said punishment shall be inflicted by the warden or deputy warden of the Western Penitentiary or by such person as the warden shall designate and shall be inflicted in a building to be erected on the land owned by the Commonwealth in Centre County whereon the buildings of the new Western Penitentiary are to be built

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 50, as follows:

An Act to amend section section one of the act approved the fourth day of April one thousand nine hundred and one (Pamphlet Laws sixty-five) entitled "An act to punish kidnappers their aiders assistors and abbettors" by imposing the penalty of death or life imprisonment in cases of kidnapping with intent to extort money or other valuable thing

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourth day of April one thousand nine hundred and one (Pamphlet Laws sixty-five) entitled "An act to punish kidnappers their aiders assistors and abbettors" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person who shall take or carry away or decoy or entice away or secrete any child or person with intent to extort money or any other valuable thing for the restoration or return of such person [such offender] shall be guilty of a felony and upon conviction thereof shall be sentenced to [undergo imprisonment by separate and solitary confinement at labor for the term of his or her natural life or for any term of years at the discretion of the court] suffer death in the manner provided by law or to undergo imprisonment for life at the discretion of the jury trying the case which shall fix the penalty by its verdict The court shall impose the sentence so fixed as in other cases In cases of pleas of guilty the court where it determines the crime to be kidnapping with intent to extort money or any other valuable thing for the restoration or return of the person kidnapped shall at its discretion impose sentence of death or imprisonment for life It shall be the duty of the clerk of the court wherein such conviction takes place and he is hereby required within ten days after such sentence of death to transmit a full and complete record of the trial and conviction to the Governor of this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 694, as follows:

An Act to amend section two of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within this Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended providing for the service of process upon the Secretary of Revenue by registered mail

Section 1 Be it enaced by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operator of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-one (Pamphlet Laws fifty) is hereby further amended to read as follows

Section 2 Such process shall be served by the officer to whom the same shall be directed [or by the sheriff of Dauphin County who may be deputized for such purposes by the officer to whom the service is directed upon the Secretary of Revenue of the Commonwealth of Pennsylvania by [leaving at the office of said secretary] sending by registered mail postage prepaid at least fifteen (15) days before the return day of such process a true and attested copy thereof and by sending to the defendant by registered mail postage prepaid a like true and attested copy with an endorsement thereon of the service upon said Secretary of Revenue addressed to such defendant at his last known address The registered mail return [receipt] receipts of the Secretary of Revenue and of such defendant shall be attached to and made a part of the return of service of such process

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1631, as follows:

An Act To provide revenue by imposing a State excise tax upon all gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Gift Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made

"Donor" Any natural person making a gift

"Department" The Department of Revenue of this Commonwealth

"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any devise whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education

"Person" Every natural person association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2000.00) at following rates

(a) Two per centum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descedants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother

(b) Ten per centum upon the clear value of any gift made to any person other than those set forth in subsection (a) of this section or to any body politic

Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purpose of this act be deemed a gift and shall be included in computing the amount of gifts

(b) The clear value of all gifts made during the year to the same donee by the same donor within the same calendar year shall be added together and the aggregate of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts

Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Inheritance Tax Law

Section 6 In case any taxpayer in any calendar year shall give or contribute and has given or contributed in each of the ten preceding calendar years ninety per centum or more of his net income in each year to any corporation or trust or community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation such net income so given or contributed shall not be considered a gift taxable under the provisions of this act

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reeassessment in the manner hereinafter provided

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever If a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to th date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appear to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum From the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Except as otherwise provided by the Constitution all taxes interest fines penalties and bail forfeited that shall be received recovered paid or collected

under the provisions of this act shall be paid into the State Treasury through the department and credited to the General Fund

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1611, as follows:

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth establishing Ports of Entry to aid in the collection of said taxes conferring powers and imposing duties upon certain officials boards and departments of this Commonwealth and political subdivisions thereof providing for the collection and disposition of the tax and for the administration and enforcement of the act providing penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Foreign Commercial Vehicle Mileage Tax Act"

Section 2 The following words and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Foreign Commercial Vehicles" Every commercial motor vehicle truck tractor trailer or semi-trailer by which any property is or may be transported or drawn upon the highways within this Commonwealth which is registerable under the provisions of the Vehicle or Tractor Code of this Commonwealth but has not been registered

"Gross Weight" Combined weight of vehicle and its maximum allowable load permitted under the provisions of the Vehicle or Tractor Codes of this Commonwealth

"Highway" Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel The term "highway" shall not be deemed to include a roadway or driveway upon ground owned by private persons colleges universities or other institutions

"Operator" Every person who is in actual physical control of a vehicle

The singular shall include the plural and the masculine the feminine and neuter

Section 3 (a) It shall be unlawful for any operator of a foreign commercial vehicle to operate such vehicle upon the highways of this Commonwealth except as herein provided unless the following mileage tax computed on the gross weight of the vehicle shall have been paid for each mile of highway over which said vehicle is to be operated

For any such vehicle equipped with pneumatic tires having a gross weight of

Less than 5000 pounds 2 mills per mile

5000 pounds and over but less than 7000 pounds 3 mills per mile

7000 pounds and over but less than 11000 pounds 6 mills per mile

11000 pounds and over but less than 13000 pounds 12 mills per mile

13000 pounds and over but less than 18000 pounds 18 mills per mile

18000 pounds and over but less than 22000 pounds 24 mills per mile

22000 pounds and over but less than 25000 pounds 30 mills per mile

25000 pounds and over but less than 26000 pounds 36 mills per mile

26000 pounds and over but less than 30000 pounds 42 mills per mile

30000 pounds and over but less than 34000 pounds 48 mills per mile

34000 pounds and over but less than 36000 pounds 54 mills per mile

36000 pounds and over but not over 39000 pounds 60 mills per mile

(b) The tax on foreign commercial vehicles equipped with cushion rubber tires shall be fifty (50) per cent and those equipped with solid rubber tires shall be sixty-six and two-thirds (66 2/3) per cent in addition to that herein provided for similar vehicles equipped with pneumatic tires

(c) For the purpose of this act a truck tractor and semi-trailer when combined shall be considered as one vehicle

(d) If any similar tax in a greater amount is imposed by any other state or foreign country for the use of its highways on or with respect to any commercial motor vehicle truck tractor trailer or semi-trailer registered under the laws of this Commonwealth the tax rates on or with respect to any similar foreign commercial vehicle registered under the laws of such other state or foreign country when using the highways of the Commonwealth shall be equal in amount to that imposed in such case by such other state or foreign country but in no case shall the rate be less than the amount provided herein.

Section 4 In order to obtain the payment of the mileage tax herein imposed it is hereby declared necessary to establish Ports of Entry on certain highways at or near the borders of this Commonwealth through which foreign commercial vehicles shall enter or leave this Commonwealth be registered be inspected and at which such taxes imposed herein shall be collected and permission procured to proceed into across or out of the Commonwealth upon the highways thereof

Section 5 The department is hereby authorized to make and enforce any needful rules and regulations to secure proper and efficient enforcement of this act not inconsistent with or in derogation of but supplementary to the powers duties and responsibilities imposed by law upon any department of the Commonwealth of Pennsylvania or any political subdivision thereof or the Public Service Commission and it is hereby declared to be the duty of officials and employes of any department of this Commonwealth and of any political subdivision thereof to cooperate in the proper and efficient enforcement of this act The department with the cooperation of the Department of Highways is hereby authorized to establish in cooperation with enforcement agencies of other states where laws having a purpose similar to this act are or shall be in effect joint Ports of Entry and otherwise cooperate with such boards or agencies

Section 6 The Department of Highways shall designate a sufficient number of highways entering into this Commonwealth to meet reasonably the needs and requirements of foreign commercial vehicles entering or leaving this Commonwealth and shall permit the Department of Revenue to establish on each such highway at a point as near as practicable to the State line a Port of Entry properly equipped for the purpose of this act

Section 7 The department with the approval of the Governor shall appoint fix the compensation and define the duties of such employes as shall be required for the operation of this act subject to the provisions of The Adminisrative Code of 1929

Section 8 Every operator of a foreign commercial vehicle except as hereinafter provided entering this Commonwealth shall enter on a highway designated as hereinbefore provided and shall proceed without delay to the nearest Port of Entry by such route as may be duly designated shall stop at such Port of Entry shall be registered shall be inspected and there shall be collected such compensation or taxes for the use of the highways of this Commonwealth as herein provided The operator of such vehicle shall make out and deliver to the employe in

charge of such Port of Entry a card showing such information as may be required by the board to determine the amount of taxes due and any other information deemed necessary Said card shall be signed by the operator and filed with the employe in charge of the Port of Entry Such employe shall verify the information contained upon such card and if he is doubtful as to the declared weight he may proceed to weigh the vehicle before issuing any clearance certificate or special clearance permit for such vehicle

Section 9 If such foreign commercial vehicle shall be classified and designated as

(a) a vehicle owned or operated by the United States any state or any local government or subdivision agency or instrumentality thereof

(b) a vehicle operated by a farmer carrying live stock milk or farm produce or supplies for himself or for neighboring farmers provided such farmer is not regularly engaged in such business

No tax shall be imposed under the provisions of this act and the employe in charge of the Port of Entry shall issue to the operator of such vehicle a clearance certificate of such distinction color and form as the department shall designate and carrying a large letter "E" plainly visible indicating "exempt" and showing the classification or designation of such vehicle as above set forth and the date of such certificate

Section 10 If such foreign commercial vehicle be not one classified and designated in Section 8 hereof the employe in charge of the Port of Entry shall issue to the operator of such vehicle upon payment of the tax or taxes herein imposed a special trip clearance permit authorizing it to be operated over the highways of this Commonwealth as declared upon said registration card Such special trip clearance permit shall be of a distinctive color and form prescribed by the board shall contain a large letter "S" signifying "special" plainly visible and shall show such other data as the board shall prescribe

Section 11 Clearance certificates or permits issued under this act shall consist of stickers in such size and form as may be prescribed by the department so that they can be readily fastened to the windshield of such vehicles where they must remain for identification purposes with their identifying letter plainly visible until the trip for which they have been issued has been completed unless rules and regulations are promulgated by the board contrary to the requirements hereof

Section 12 Nothing in this act shall be construed to apply to foreign commercial vehicles using the highways of this Commonwealth for a distance not in excess of ten (10) miles from the place of entry thereof unless and to the extent that the department shall from time to time find that such application is necessary to efficiently carry out the provisions of this act

Section 13 Any person violating any of the provisions of this act or rules and regulations promulgated thereunder shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100.00) and costs for each offense or imprisonment not exceeding thirty (30) days or both plus the payment of the proper taxes for a special trip clearance permit for the use of the highways of this Commonwealth as provided for herein

Any vehicle and cargo involved in the violation of this act may be held by the officer making the arrest or by the duly authorized representative of the department or any department of this Commonwealth or any political subdivision thereof vested by law with the duty of assisting in its enforcement until such fine costs and taxes are paid and the operator of such vehicle may be required to return to the Port of Entry through which this Commonwealth should be entered or was entered or the Port of Entry closest to the place of apprehension and then comply with all the provisions of this act compliance with which should have been had upon entry into this Commonwealth If the operator is required to return to the Port of Entry closest to the place of apprehension the amount of tax shall then be computed from the Port of Entry he should have entered

Section 14 The department shall be charged with the enforcement of the provisions of this act Such employes of the Commonwealth as are designated as "State Highway Patrolmen" shall aid the department in the enforcement of this act and for this purpose are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view without writ rule order or process any person suspected of having violated any of the provisions of this act or any rule or regulation promulgated hereunder

Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 15 The Board of Finance and Revenue may refund any moneys paid into the State Treasury and credited to the Motor License Fund under the provisions of this act as the result of an error of law or of fact or of both law and fact Claims or refund shall be made under the procedure prescribed by The Fiscal Code

As much of the moneys from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds as herein authorized Estimates of the amounts to be expended from these funds for refunds from time to time by the board shall be submitted to the Governor for this approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and Revenue for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

Section 16 Except as otherwise provided by the Constitution all taxes fines penalties and bail forfeited that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and credited to the Motor License Fund

Section 17 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act it is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included herein

Section 18 This act shall become effective the first day of October one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1810 (Senate Bill No. 71), entitled:

An Act to amend section forty-two of and to add section thirty-five A to the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers controllers registrars of vital statistics and boards of school directors and imposing penalties" adding certain

provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors and changing certain penalties

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

The SPEAKER (Wilson G. Sarig) in the Chair.

## REPORTS FROM COMMITTEES

Mr. FALKENSTEIN from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1815, entitled:

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material.

Mr. JAMES W. PATTERSON from the Committee on Cities reported as committed, House Bill No. 1838, entitled:

An Act requiring cities to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year, except in emergency cases.

Mr. ZAPPALA from the Committee on Corporations reported as committed, House Bill No. 1906, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirteen (P. L. 843), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employes, and prescribing a penalty for noncompliance therewith," by further defining the duty of employers to make reports of injuries received by their employes; requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so; and clarifying the provisions of the act pertaining to the evidential value of such reports.

Mr. COHEN from the Committee on Appropriations reported as amended, House Bill No. 1594, entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts, P 169) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incured and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five.

Mr. RUTH from the Committee on Ways and Means reported as amended, House Bill No. 1473, entitled:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

## TIME EXTENDED ON BILL

Mr. SOWERS. Mr. Speaker, I move that the time on House Bill No. 357, Printer's No. 278, entitled:

An Act to amend clause (b) of section eight hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellarefunds," as amended, by requiring front registration neous receipts; making an appropriation and providing for plates to be illuminated.

on page 18 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1608, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—137

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Kobelak, | Robinson, |
| Alexander, | Falkenstein, | LaRue, | Ruffennach, |
| Allen, | Ferko, | Long, | Ruth, |
| Altenburg, | Finnerty, | Lovett, | Sarraf, |
| Andrews, | Fitch, | Lynch, | Scanlon, |
| Arnold, | Flanagan, | Male, | Schrock, |
| Atkins, | Flinchbaugh, | Mason, | Shortz, |
| Aukerman, | Furman, | McCreary, | Shreiner, |
| Baine, | Gates, | McDermott, | Shugarts, |
| Baker, J J., | Gerard, | McElroy, | Siegel, |
| Baldi, | Gillette, | McHenry, | Sloan, |
| Bernhard, | Habbyshaw, | McKinney, | Smith, J. A., |
| Boose, | Haberlen, | Melchiorre, | Smith, W. G., |
| Bradley, | Hagerty, | Mentzer, | Snyder, F. E., |
| Brancato, | Haluska, | Merrell, | Sowers, |
| Brennan, | Hamilton, F. P., | Moomaw, | Stevens, |
| Brown, H. S., | Harkins, | Mooney, | Sumney, |
| Brown, J. E., | Harmuth, | Moran, | Surface, |
| Brownfield, | Hart, | Muir, | Tronzo, |
| Brumbaugh, | Hartman, | Murrin, | Trout, |
| Burke, | Hermansen, | Nagel, | Tumelty, |
| Cannon, | Hetrick, | Ominsky, | Turner, |
| Caputo, | Hindman, | Panton, | Van Allsburg, |
| Carson, | Hirsch, | Parks, | Van Sickle, |
| Coakley, | Holstrom, | Patterson, C., | Walker, |
| Cochran, | Hoopes, | Patterson, J. W., | Weidemann, |
| Cohen, | Horst, | Pearson, | Welliver, |
| Coleman, | Jackson, | Peters, | Welsh, |
| Coolahan, | Jones, | Pfaff, | Westrick, |
| Decker, | Kane, | Piole, | Wickersham, |
| Dent, | Kelder, | Powers, | Wilson, |
| Dilley, | Kelso, | Reising, | Woodside, |
| Downey, J. J., | Kilroy, | Rhys, | Zappala, |
| Duffort, | Klingler, | Roan, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. COHEN. Mr. Speaker, I ask that House Bill No. 1032, Printer's No. 475, on page 20 of today's calendar, bills on third reading be passed over in its order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1070, as follows:

An Act to amend sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring one years residence in the township for the commissioner elected from a ward regulating the terms of office of certain commission officers and providing for a special tax on fire districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 504 Number and Election of Commissioners in Townships Having Wards In townships having less than five wards the number of commissioners shall be five One such commissioner shall be elected from each ward and the remaining number of commissioners to which the township is entitled shall be elected at large In townships having five or more wards one commissioner shall be elected from each ward Commissioners shall reside in the ward from which elected and shall have resided in said township continuously for at least one year before their election Township commissioners shall be elected at municipal elections preceding the expiration of the terms of commissioners then in office for terms of four years each from the first Monday of January succeeding their election At the election in the year one thousand nine hundred and thirty-one the commissioners from odd-numbered wards shall be elected and at the election in the year one thousand nine hundred and thirty-three those from even-numbered wards shall be elected Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large

Section 701 Organization Failure to Organize The township commissioners shall organize on the first Monday of January of each even-numbered year They shall assemble for such purpose at their place of meeting at seven-thirty o'clock post meridian Until otherwise designated by ordinance the place of meeting shall be the oldest polling place in the township

The board shall organize by the election of one of their number as president and one as a vice president who as long as they continue to be commissioners shall hold office until their successors are elected and qualified The president or in his absence the vice president shall preside at all meetings of the board and perform such other duties as are specified in this act or which may be prescribed by ordinance

If a majority of the commissioners shall not attend at the organization meeting those present may adjourn the meeting day to day until a majority attend

If the township commissioners of any township shall fail to organize within ten days from the time prescribed by this section the court of quarter sessions upon the petition of ten taxable inhabitants verified by the affidavit of five of the petitioners shall issue a rule upon the delinquent or delinquent to show cause why their seats should not be declared vacant The rule shall be returnable not less than five days from the time of its issue and after hearing the court may declare the seats of any delinquent vacant and appoint others in their stead to hold office until a successor is elected for the unexpired term at the next municipal election occurring at least sixty days thereafter

XV Fire and Water Districts Bond Issues and Taxes To create by ordinance fire and water districts in any portion or portions of townships when in their opinion the same is necessary for the safety and convenience of the inhabitants of said township to issue bonds restricted to the districts so created for the purpose of procuring and maintaining the necessary supply of water to said district and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued In lieu of the foregoing provisions relating to the issue of bonds the township commissioners may charge for any such water supply by an assessment of a special water or fire tax on all properties located in the water or fire district which tax shall be based on the assessmen for county purposes as established for general taxation Such tax may be levied for a single year or for a term of years as the township commissioners may determine but in the case of fire districts shall not exceed two mills per annum and shall be collected in the same manner as other taxes Provided also That in lieu of the foregoing provisions that in all cases where said township shall have established a water system and shall construct main water lines in said township the board of township commissioners may charge the cost of construction of any municipal water lines or lateral lines upon any streets alleys and thoroughfares adjacent to main lines or such portion of the cost of construction as the board may deem proper upon the properties benefited or accommodated thereby The ordinance providing for such charge shall be adopted by the board within six

months from date of the final completion of such system of water lines Said charges shall be assessed and collected in the manner provided in this act for the assessment and collection of charges for the construction of sewers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—136

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | LaRue, | Ruth, |
| Alexander, | Eroe, | Long, | Sarraf, |
| Allen, | Falkenstein, | Lovett, | Scanlon, |
| Altenburg, | Ferko, | Lynch, | Schrock, |
| Andrews, | Finnerty, | Male, | Shortz, |
| Arnold, | Fitch, | Mason, | Shreiner, |
| Atkins, | Flanagan, | McCreary, | Shugarts, |
| Aukerman, | Flinchbaugh, | McDermott, | Siegel, |
| Baine, | Furman, | McElroy, | Sloan, |
| Baker, J. J., | Gates, | McHenry, | Smith, J. A., |
| Baldi, | Gerard, | McKinney, | Smith, W. G., |
| Bernhard, | Gillette, | Melchiorre, | Snyder, F. E., |
| Blumberg, | Habbyshaw, | Mentzer, | Snyder, J. L., |
| Boose, | Haberlen, | Merrell, | Sowers, |
| Bradley, | Hagerty, | Moomaw, | Stevens, |
| Brancato, | Haluska, | Mooney, | Sumney, |
| Brennan, | Hamilton, F. P., | Moran, | Surface, |
| Brown, H. S., | Harkins, | Muir, | Tronzo, |
| Brown, J. E., | Harmuth, | Murrin, | Trout, |
| Brownfield, | Hart, | Nagel, | Tumelty, |
| Brumbaugh, | Hartman, | Ominsky, | Turner, |
| Burke, | Hermansen, | Panton, | Van Allsburg, |
| Cannon, | Hetrick, | Parks, | Van Sickle, |
| Caputo, | Hindman, | Patterson, C., | Walker, |
| Carson, | Hirsch, | Patterson, J. W., | Weidemann, |
| Coakley, | Holstrom, | Pearson, | Welliver, |
| Cochran, | Hoopes, | Peters, | Welsh, |
| Cohen, | Horst, | Pfaff, | Westrick, |
| Coleman, | Jackson, | Piole, | Wickersham, |
| Coolahan, | Jones, | Powers, | Wilson, |
| Decker, | Kane, | Reising, | Woodside, |
| Dent, | Kelder, | Rhys, | Zappala, |
| Dilley, | Kilroy, | Roan, | Zimmerman, |
| Downey, J. J., | Klingler, | Robinson, | Sarig, |
| Duffort, | Kobelak, | Ruffennach | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1151, entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and non-residents and providing for their exceptions to the tax on transient merchants

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—137

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Kobelak, | Robinson, |
| Alexander, | Falkenstein, | LaRue, | Ruffennach, |
| Allen, | Ferko, | Long, | Ruth, |
| Altenburg, | Finnerty, | Lovett, | Sarraf, |
| Andrews, | Fitch, | Lynch, | Scanlon, |
| Arnold, | Flanagan, | Male, | Schrock, |
| Atkins, | Flinchbaugh, | Mason, | Shortz, |
| Aukerman, | Furman, | McCreary, | Shreiner, |
| Baine, | Gates, | McDermott, | Shugarts, |
| Baker, J J., | Gerard, | McElroy, | Siegel, |
| Baldi, | Gillette, | McHenry, | Sloan, |
| Bernhard, | Habbyshaw, | McKinney, | Smith, J. A., |
| Boose, | Haberlen, | Melchiorre, | Smith, W. G., |
| Bradley, | Hagerty, | Mentzer, | Snyder, F. E., |
| Brancato, | Haluska, | Merrell, | Sowers, |
| Brennan, | Hamilton, F. P., | Moomaw, | Stevens, |
| Brown, H. S., | Harkins, | Mooney, | Sumney, |
| Brown, J. E., | Harmuth, | Moran, | Surface, |
| Brownfield, | Hart, | Muir, | Tronzo, |
| Brumbaugh, | Hartman, | Murrin, | Trout, |
| Burke, | Hermansen, | Nagel, | Tumelty, |
| Cannon, | Hetrick, | Ominsky, | Turner, |
| Caputo, | Hindman, | Panton, | Van Allsburg, |
| Carson, | Hirsch, | Parks, | Van Sickle, |
| Coakley, | Holstrom, | Patterson, C., | Walker, |
| Cochran, | Hoopes, | Patterson, J. W., | Weidemann, |
| Cohen, | Horst, | Pearson, | Welliver, |
| Coleman, | Jackson, | Peters, | Welsh, |
| Coolahan, | Jones, | Pfaff, | Westrick, |
| Decker, | Kane, | Piole, | Wickersham, |
| Dent, | Kelder, | Powers, | Wilson, |
| Dilley, | Kelso, | Reising, | Woodside, |
| Downey, J. J., | Kilroy, | Rhys, | Zappala, |
| Duffort, | Klingler, | Roan, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1152, entitled:

An Act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred and thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—137

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Klingler, | Robinson, |
| Alexander, | Eroe, | Kobelak, | Ruffennach, |
| Allen, | Falkenstein, | LaRue, | Ruth, |
| Altenburg, | Ferko, | Long, | Sarraf, |
| Andrews, | Finnerty, | Lovett, | Scanlon, |
| Arnold, | Fitch, | Lynch, | Schrock, |
| Atkins, | Flanagan, | Male, | Shortz, |
| Aukerman, | Flinchbaugh, | Mason, | Shreiner, |
| Baine, | Furman, | McCreary, | Shugarts, |
| Baker, J J., | Gates, | McDermott, | Siegel, |
| Baldi, | Gerard, | McElroy, | Sloan, |
| Barber, | Gillette, | McHenry, | Smith, J. A., |
| Bernhard, | Habbyshaw, | McKinney, | Smith, W. G., |
| Boose, | Haberlen, | Melchiorre, | Snyder, F. E., |
| Bradley | Hagerty, | Mentzer, | Sowers, |
| Brancato, | Haluska, | Merrell, | Stevens, |
| Brennan, | Hamilton, F. P., | Moomaw, | Sumney, |

| | | | |
|---|---|---|---|
| Brown, H. S., | Harkins, | Mooney, | Surface, |
| Brown, J. E., | Harmuth, | Moran, | Tronzo, |
| Brownfield, | Hart, | Muir, | Trout, |
| Brumbaugh, | Hartman, | Murrin, | Tumelty, |
| Burke, | Hermansen, | Nagel, | Turner, |
| Cannon, | Hetrick, | Ominsky, | Van Allsburg, |
| Caputo, | Hindman, | Panton, | Van Sickle, |
| Carson, | Hirsch, | Parks, | Walker, |
| Coakley, | Holstrom, | Patterson, C., | Weidemann, |
| Cochran, | Hoopes, | Patterson, J. W., | Welliver, |
| Cohen, | Horst, | Pearson, | Welsh, |
| Coleman, | Jackson, | Peters, | Westrick, |
| Coolahan, | Jones, | Pfaff, | Wickersham, |
| Decker, | Kane, | Piole, | Wilson, |
| Dent, | Kelder, | Powers, | Woodside, |
| Dilley, | Kelso, | Reising, | Zappala, |
| Downey, J. J., | Kilroy, | Rhys, | Sarig, |
| Duffort, | Kinney, | Roan, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1153, entitled:

An Act to amend section two thousand nine hundred ten as amended and section two thousand nine hundred twenty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. COOLAHAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 300, entitled:

An Act to amend sub heading (e) of article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto as amended authorizing appropriations to veterans organizations for certain purposes.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. MOOMAW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens

Whereupon,

The SPEAKER in the presence of the House signed the same.

## BILLS INTRODUCED AND REFERRED

By Mr. COHEN. HOUSE BILL No. 1971.

An act limiting the scope of testimony which newspaper employes may be compelled to give.

Referred to the Committee on Judiciary General.

By Mr. LYNCH. HOUSE BILL No. 1972.

An act fixing the salary of the district attorney in counties of the seventh class.

Referred to the Committee on Counties.

By Mr. COLEMAN. HOUSE BILL No. 1973.

An Act to further amend section twelve of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the benefits of said act to certain employes who have heretofore separated from school service.

Referred to the Committee on Pensions and Gratuities.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

A meeting of the Anthracite Freight Investigating Committee will be held at the close of the session in the conference room in the rear of the House.

In addition to the present members of the Committee, the following new members will report at this meeting: Messrs. O'Neill, Munley, Mason, Phillips, Shortz, and Bernhard.

The Committee on Appropriations will hold a public hearing on House Bill 212 in the House Caucus room, room No. 326, Thursday, April 11, 1935, at 2:00 P. M.

The Judiciary General Committee will hold a public hearing on House Bills 688, 4 and 104 on Tuesday, April 9, 1935, at 2:00 P. M. The place of holding the hearing will be announced later.

## ADJOURNMENT

Mr. ATKINS. Mr. Speaker, I move that this House do now adjourn until Monday evening, April 8, 1935, at 9:00 o'clock P. M.

The motion was agreed to, and (at 11:54 o'clock A. M.) the House adjourned until Monday, April 8, 1935, at 9:00 o'clock P. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, APRIL 8, 1935 No. 41

## SENATE

MONDAY, April 8, 1935.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O Lord, our God, after another week-end, with its varied diversions, we are met in Thy Providence to resume the responsibilities confronting the Legislature of this great Commonwealth. During the time which has elapsed since last we assembled in this place of beauty and of duty we have had opportunity to rest, to reflect, to perform home tasks and to worship Thee, our God.

Grant, our Father, that the members of this Senate may now face the duties of the present hour and a new week with an eager desire to learn Thy will and a firm determination to do it. Speak unto them, lead them, use them as instruments by which Thou mayest accomplish Thy great purposes in the economy of government and civilization.

Bless our nation and its Executive Head, our State and its Governor; honor Thy name through what we are and what we do as civic leaders of America and Pennsylvania.

This our prayer is offered in the name of Thy Son and our Saviour, Jesus the Christ. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HUNSICKER, the further reading was dispensed with, and the Journal was approved.

### ADMINISTRATION OF OATH OF OFFICE TO SENATOR-ELECT ANDREW J. SORDONI

The PRESIDENT. The official returns and certification of the election of November 6, 1934, of Honorable Andrew J. Sordoni as Senator from the Twentieth Senatorial District were transmitted to the Senate by the Secretary of the Commonwealth and read on Tuesday, January 1st. Senator Sordoni has been prevented by illness from taking his seat but is present tonight to assume his duties. The Chair appoints the Senator from Lackawanna, Mr. Howell, and the Senator from Westmoreland, Mr. Thompson, to escort Senator-elect Sordoni to the bar of the Senate where the oath will be administered by Judge John E. Fox, Additional Law Judge of the Twelfth Judicial District.

Mr. HOWELL. Mr. President, we have the honor to present the Senator-elect from Luzerne, Mr. Andrew J. Sordoni.

The oath of office accordingly was administered.

### LEAVES OF ABSENCE

Mr. THOMPSON (Westmoreland) asked and obtained leave of absence for the Senator from Armstrong, Mr. Graff, on account of illness.

Mr. CLARK asked and obtained leave of absence for the Senator from Schuylkill, Mr. Staudenmeier.

Mr. CLARK asked and obtained leave of absence for the Senator from Luzerne, Mr. Harvey.

### PETITIONS

#### PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from numerous residents of Nw Florence, ministers of the Bakertown Ministerial Association and numerous citizens of Wampum protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

#### FAVORING ARTS COURSES IN PUBLIC SCHOOLS

The Chair also laid before the Senate petition from the Lehigh Valley Arts Association, Bethlehem, favoring arts courses in public schools.

Which was referred to the Committee on Education.

#### FAVORING REDUCTION OF TAXES ON REAL ESTATE

The Chair also laid before the Senate petition from the Real Estate Owners Association, Conemaugh Tax Club, favoring reduction of taxes on real estate.

Which was referred to the Committee on Finance.

#### FAVORING PENDING LEGISLATION ON TAXATION

The Chair also laid before the Senate petitions from the Greene County Slavonic Club, Nemacolin, and from Local Union 6290, United Mine Workers of America, favoring pending legislation on taxation.

Which were referred to the Committee on Finance.

#### FAVORING TAXATION OF STATE EMPLOYES' SALARIES

The Chair also laid before the Senate petition from George German, Wilkes-Barre, favoring taxing State employes' salaries.

Which was referred to the Committee on Finance.

FAVORING SENATE BILL No. 693

The Chair also laid before the Senate petition from the Central Labor Union, Armstrong County, favoring Senate Bill No. 693.

Which was referred to the Committee on Judiciary Special.

FAVORING PENDING LEGISLATION ON TAXATION

Mr. REED (Washington) presented petition from the Young Democratic Club of West Franklin Township, favoring pending legislation on taxation.

Which was referred to the Committee on Finance.

FAVORING HOUSE BILLS NOS. 426 AND 427

Mr. REED (Washington) presented petition from the Washington Lodge No. 22, Loyal Order of Moose, favoring House Bills Nos. 426 and 427.

Which was referred to the Committee on Law and Order.

FAVORING SENATE BILL No. 507

Mr. McCLURE presented petition signed by twelve hundred merchants of Delaware County favoring Senate Bill No. 507.

Which was referred to the Committee on Finance.

COMMUNICATION FROM THE STATE OF COLORADO

The Chair cleared his table and laid before the Senate the following communication which was referrd to the Committee on Interstate Cooperation:

DEPARTMENT OF STATE

State of Colorado, Denver, April 1, 1935.

James H. Carr, Secretary of State.
William B. McClean, Deputy.
Honorable Thomas Kennedy,
Lieutenant-Governor,
Harrisburg, Pa.

Dear Sir:

We are enclosing herewith copy of Senate Joint Resolution No. 10, adopted by our State Legislature, with the respectful request that a similar resolution be enacted by the Legislature of your State.

Respectfully yours,
JAMES H. CARR, Secretary of State.
W. E. ALEXANDER, Chief Clerk.

SENATE JOINT RESOLUTION No. 10

BY SENATORS AFFOLTER AND KNOUS

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE THIRTIETH GENERAL ASSEMBLY OF THE STATE OF COLORADO, THAT:

1. There is hereby established the Colorado Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding and cooperation between the State of Colorado and the other states of the Union, both regionally and nationally.

2. The said Commission shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate, President Talbot, Senators Knous, Affolter, Hill and Elliott, heretofore appointed by the American Legislators Association:

The five members of the Committee on Interstate Cooperation of the House of Representatives, Representatives Smith, England, Hallen, Constantine and Strain, heretofore appointed by the American Legislators Association;

Five officials of the state named by the Governor.

3. The commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. The Commission shall meet and select a chairman and a secretary. The members of the Commission shall serve without compensation. Meetings shall be called at the request of the Governor and the chairman of said Commission.

4. The said Committees of the Senate and of the House of Representatives, hereby or heretofore established, shall be standing committees, and their members shall be designated as are the members of other standing committees. These committees shall function during the regular sessions of the legislature, and also during the interim periods between such sessions; their members shall serve until their successors designated; and they shall constitute the Colorado Councils of the American Legislators Association.

5. The Secretary of State of Colorado shall forthwith communicate the text of this measure to the Governor and to the legislature of each of the other states of the Union, with the respectful request that each legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this state in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition and conflict.

RAY H. TALBOT, President of Senate.
M. J. WALSH, Secretary of Senate.

MOSES E. SMITH, Speaker of House of Representatives.
John T. Doyle, Chief Clerk.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of personal privilege.

Mr. OWLETT. Because the Senate of Pennsylvania has refused to become a mere rubber stamp for the purpose of rushing through the Legislature Governor Earle's tax program he has seen fit, over the radio, to predict dire disaster to the State. He suggests the possibility of martial law and demands the defeat of all who oppose him, saying "if they want war they shall have it."

It seems to me most unfortunate that the Chief Executive of our state in his desperation over the defeat of one of his tax bills is willing to lend himself and the influence of his office to the demagogues who are preaching class hatred throughout our land. If the time has come when representatives elected by the people are not to be permitted to exercise their calm, unbiased judgment in passing on proposed legislation, the fate of our democracy is in doubt.

The Governor states that Pennsylvania stands disgraced before the entire nation and he decries what he terms "the past forty years of misrule." I am proud of Pennsylvania and I maintain, Mr. President, that Pennsylvania's history and its contributions to the welfare of the nation during these past forty years constitute a record of which every true Pennsylvanian can be proud. It seems to me in somewhat bad taste to thus malign the state which furnished the opportunity to his father to amass the fortune upon which he is now living, and from which, by his own statement, he contributed more than $140,000 to be elected to the office which he now holds. I have confidence, Mr. President, in the good sense and sound judgment of the people of Pennsylvania and I know that they will not be led into revolution by such ill-considered appeals.

That the Senate of Pennsylvania is justified in carefully scrutinizing the Governor's budget and in refusing to be

stamped into blindly adopting his whole program is very forcibly illustrated by the statement made today by State Treasurer Waters. Mr. Waters points out facts which indicate that there has been a gross underestimate of the revenues to be expected during the next biennium from the tax sources that are now operative under the law, I quote the State Treasurer: "I believe that the estimate of income as contained in the budget now before the Legislature to be realized from existing taxes is $20,000,000 below what may reasonably be expected in the next two years from these sources."

An examination of the Governor's budget, Mr. President, shows the following: On page four we note that the Governor estimates revenue from present tax laws and other sources for the 1935-37 biennium, the detail of which is carried on page forty-seven of the budget, in the amount of $128,388,995. The 1933-35 estimate on these same sources amounted to $153,795.872. The actual amount collected to March 30, 1935, from these existing sources have been $140,250,000. With the same diligence during the two months yet remaining of the biennium the budget estimate of $153,795,872 will be more than reached.

With the spending of nearly $5,000,000,000 by the Federal Government in prospect we must certainly conclude, if there is any efficacy in such spending, that revenues during the two years ahead will be at least as great as during the two years just past. Yet the Governor sees fit to submit to the Legislature a budget estimate amounting to $25,406,877 less. Surely the State Treasurer's estimate that the budget has been short-changed by $20,000,000 is conservative.

Let us analyze a few of the items which go to make up the budget estimates:

1. "Taxes on Capital Stock, Shares and Loans," were estimated for the 1933-35 biennium at $53,555,000. Collections for the past twenty-two months were $52,228,000, leaving less than $1,300,000 to be collected from this source during the next two months. The average monthly collections under this item for the biennium thus far amount to approximately $2,500,000. Yet the Governor estimates taxes from this source for the 1935-37 biennium at $47,645,000, a drop of $5,900,000.

2. "Gross Receipts Tax on Transportation, Power and Transmission." The 1933-35 biennium estimated $6,232,000, while actual collections for twenty-two months, to March 30th of the present year, amounted to $5,190,000, while collections from this source for the next two months will surely bring the total up to, if not over, the budget estimates. Yet the Governor, for 1935-37, says we will get only $5,500,000.

3. "Inheritance Taxes." The 1933-35 budget estimated $30,544,000 and the actual collections to March 30, 1935, amount to $29,000,000. Our average monthly collections from this source have been in excess of $1,000,000. There is no question that the actual collections will reach the estimate for this biennium, yet we note the Governor in his budget for 1935-37 makes a reduction of $5,000,000 in inheritance tax receipts.

Mr. President, I have no hesitancy in saying that from the figures of the Commonwealth, which are matters of public record, the revenues from existing tax sources will certainly reach as high a figure as was estimated for the current biennium, a figure which will be reached if not surpassed at the end of the fiscal period, May 31, 1935.

Surely Governor Earle has little confidence in returning prosperity when he estimates our income $25,000,000 under the actual receipts of the past biennium.

## QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, you and the members of this Senate, will recall that on March 25th of this year I rose to a question of personal privilege as a preface to the presentation of a motion demanding the immediate discharge of the Committee on Constitutional Changes.

Since that date additional exigencies have been engendered and greater imperilment has been cast over many needed public measures.

Tonight, Mr. President, the common people of this great Commonwealth, whether in hovel, field, or shop, stand agape with consternation and wondering what next day may be the tiding from beneath this Capitol Dome.

I wish to God we could portray, tonight, the needs and wants of our bewildered people upon the screen of our understanding.

As we sit here tonight, surely our consciousness dictates that the public's patience is not infinite but that if it be sufficiently abused its vengeance is certain.

The history of mankind teaches that the culminations of an abused public patience have often soaked with gore the guillotine and stretched with hangman's skill the unyielding neck.

Prudence warns, Mr. President, that I shall not wait until that public patience is exhausted before I raise my voice in protest.

My neck I deem was never made to feast the guillotine, nor unprotestingly to grace the hangman's noose.

The necks of men, I deem, were made to hold aloft the head wherein the God of Nature lit the spark of reason that marks the realm where man begins and beast departs.

It is fitting that we take consolation from the fact that on this Senate floor there have stood in years past men of noted abilities who knew how to use the contents of their heads to solve the problems of their times.

The common people of this Commonwealth are tonight, no doubt, wondering whether we, of the present, can do the same to solve the problems of our times.

Let us, Mr. President, have implicit regard for the integrity of this Senate.

Let us bask arrogantly in the buoyancy of Senatorial dignity and integrity.

Let us strut about this Senate floor in turkey gobbler fashion.

Let us regard our Senatorial seats with peacock eyes.

But, after we have consummated all this vanity, let us condescend to the level of common men so that we may be better able to receive and solve the problems of our people.

Though extremely jealous of our own Senatorial integrity and dignity, we have not hesitated upon the floor of this Senate to flaunt, defame, deride, ridicule and vituperate the integrity and dignity of all other branches of our government that do not respond with servility to the expediencies of our own whims and caprices.

Upon the floor of this Senate, we have heard the tongue

of party spirit and party chief hurl salvo after salvo of captious abuse against the integrity and dignity of our Federal Administration.

Upon this Senate floor our Senatorial integrity and dignity has held in ridicule and contempt the honest efforts of our State Administration to solve with justice and wisdom the troubled problems that confront our Commonwealth.

A fortnight or so ago the integrity and dignity of the House of Representatives was unwarrantedly and sophistically attacked on the floor of this Senate.

Last week the sincerity of a member of this body was questioned when he sought in a constitutional and parliamentary way to offer a necessary amendment to a bill then under consideration.

It appears as though the mind of Longfellow was belaboring with a situation akin to the one before us when he penned these beautiful verses of Hiawatha:

"Never stoops the soaring vulture
On his quarry in the desert
But another vulture watching
From his high arial look-out
Sees the downward plunge and follows,
And a third pursues the second
Coming from the invisible ether,
First a speck and then a vulture
Till the air is dark with pinions.
So disasters come not singly,
But, as if they watched and waited,, ,
When the first descends the others follow,
Follow flock-wise around their victim sick and wounded,
First a shadow and then a sorrow
Till the air is dark with anguish."

It must be alarming, Mr. President, to our constituents to behold how deeds of parliamentary insobriety pursue each other flock-wise on the floor of this Senate.

For a time it seemed as though the crowning abuse of parliamentary integrity and dignity was reached several weeks ago when the sincerity of the President of this august body was mangled beneath parliamentary insolence for committing to a certain committee a particular bill.

Not only was that a deliberate attack upon the integrity of the President of this body but, it was also a malicious taint upon the integrity of the committee that considered and reported the bill to the floor of this Senate.

But the acme of parliamentary enormity is now being groomed for unleashment upon the harassed, tax-burdened and poverty-stricken people of this Commonwealth.

Not many days ago the halls of this chamber vibrated with the sonorous notes of that enchanting refrain entitled "compromise", sung in masterly operatic style by the Republican Lorelei, under the deleterious baton of obstinate Republican predatory party spirit.

Mr. President, the patriot with literary mood has written that

"They enslave their children's children who make compromise with sin,"
While another in moral mood cries out
"They betray their lawful duty who make compromise with crime."

Mr. President, cries of "compromise" on the floor of this Senate must of course breed in the minds of the public suspicion and anxiety.

Sincerity admits no compromise, Justice repudiates compromise, and honesty needs no compromise.

Do the gentlemen who cry "compromise" and those who are moved by the "spirit of compromise" on the floor of this Senate doubt the sincerity, justice and honesty of His Excellency, the Governor, in offering a program to ease the burdens of our people?

Do these gentlemen question the integrity and dignity of His Excellency in the discharge of his constitutional duties to the people of this Commonwealth?

If these gentlemen would alleviate the suspicion and anxiety of the public whose patience they brazenly flaunt, they should, in the words of my colleague from Centre County, "show us the horse which they expect to swap."

On what is their offer of compromise predicated?

Shall we say that they will compromise on the program if His Excellency will shake into their laps a few plums from the patronage tree?

Or shall we say that they will compromise on the program if His Excellency will emasculate his tax program so that capital and other predatory interests may continue to escape their just share of taxation?

Is the horse they want to swap the white elephant they have kept hitched at the public trough for many years?

Mr. President, these cries of "compromise" need explanation.

These matters blacken the integrity and dignity of this Senate and its sincere members.

Let us not wait until the abused public moves with sternness to vindicate its sovereign rights.

Let us set aside our partisan stubbornness.

Let us cease this studious abuse of parliamentary integrity and dignity.

Let us accept the common people's approval of His Excellency's tax-program.

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

### APPROVAL OF SENATE BILL NO 153

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 4, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 153, Printer's No. 54, entitled, "An Act to further amend section five hundred and thirty-one of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws' by classifying foreign mutual fire mutual marine or mutual fire and marine companies for the purpose of licensing and relicensing and providing the requirements for licensing and relicensing."

GEORGE H. EARLE.

### APPROVAL OF SENATE BILL NO 149

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 4, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 148, Printer's No. 69,

entitled, "An Act authorizing counties cities boroughs townships poor districts school districts or other municipalities or incorporated districts to rent, lease and hire suitable office and warehousing space and provide suitable accommodations therein within said districts or municipalities for distributing funds and merchandise or both by emergency relief boards."

GEORGE H. EARLE.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

### MEMBERS OF THE STATE PARK AND HARBOR COMMISSION OF ERIE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Martin Mayer, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice George B. Taylor, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Robert M. Thompson, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice Paul D. Wirght, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Dr. G. C. Boughton, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice S. A. Sisson, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Patrick J. Grant, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified (reappointment).

S. Y. Rossiter, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice W. W D. Sones, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Norman Wilson, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice Austin J. White, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Fred J. Waldinger, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice James N. Wilson, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

### JUSTICE OF THE PEACE

April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Louis W. Adams, of 159 McCoy Road, McKees Rocks, Allegheny County, as Justice of the Peace in the Township of Stowe, Allegheny County, vice Tony Savatt, resigned, until the first Monday in January, 1936.

GEORGE H. EARLE.

### MEMBER OF THE BOARD OF FISH COMMISSIONERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Charles A. French, of Ellwood City, Lawrence County, as a member of the Board of Fish Commissioners, vice John Hamberger, resigned, for the term of six years.

### MEMBERS OF THE SANITARY WATER BOARD

Philip G. Platt, of Wallingford, Delaware County, as a member of the Sanitary Water Board, vice W. C. McCormick, resigned, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Dr. Samuel J. Waterworth, of Clearfield, Clearfield County, as a member of the Sanitary Water Board, vice Edmund C. Wingerd, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

### NOTARIES PUBLIC

April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Margaret L. Carlin, 1211 Berger Bldg., Pittsburgh.
Miss Rose Rubenstein, 526 Federal St., Pittsburgh.
Ralph T. Seneff, Turtle Creek.
Oswald J. Unger, 400 Lexington Ave, Pittsburgh.
Albert F. Yunker, McKees Rocks.

CAMBRIA COUNTY

Miss Rita H. Ruhe, Johnstown.
Renus G. Strand, Johnstown.

COLUMBIA COUNTY

Elbert A. Roberts, Bloomsburg.

CRAWFORD COUNTY

H. Wm. Johnson, Meadville.

DAUPHIN COUNTY

Mrs. Catherine H. Yarwood, Harrisburg.

FAYETTE COUNTY

Bernard Brunetti, Uniontown.

LANCASTER COUNTY

Miss Ruth M. Nickel, Lancaster.

LEBANON COUNTY

Samuel K. Clark, Lebanon.

LUZERNE COUNTY

Samuel Rudolph, Wilkes-Barre.

McKEAN COUNTY

Leland H. Thomas, Bradford.
Ted V. Weld, Bradford.

MONTGOMERY COUNTY

Miss Cherry Y. Craven, Bridgeport.
Paul C. Fronheiser, Pottstown.
Miss Katherine J. Laffen, Narberth.

PHILADELPHIA COUNTY

John J. Carroll, 1829 W. Thompson St., Philadelphia.
Miss Clara Edwards, 260 S. Broad St., Philadelphia.
John W. Happel, 1938 S. 22d St., Philadelphia.
John J. Hayes, 5323 Walnut St., Philadelphia.
Robert J. Hewitt, 3411 Frankford Ave., Philadelphia.
Alexander Hirsh, 5633 Christian St., Philadelphia.
Miss Mollie Lewis, 2023 N. 32d St., Philadelphia.
Miss J. Milward-Oliver, 123 S Broad St., Philadelphia.
Maurice Solomon, 328 Walnut St., Philadelphia.

SCHUYLKILL COUNTY

Joseph W. Miernicki, Shenandoah.

WESTMORELAND COUNTY

Miss Bertha Cost, Torrance.
Raymond D. Schaeffer, Vandergrift.

YORK COUNTY

Miss Chloe M. Stever, York.

ALLEGHENY COUNTY

Albert P. Dible, North Bessemer.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Miss Lulu Creighton, Pittsburgh, April 9, 1935.

LUZERNE COUNTY

M. V. Quinn, Pittston, April 10, 1935.

ALLEGHENY COUNTY

Miss Agnes Lubbers, Pittsburgh, April 12, 1935.

PHILADELPHIA COUNTY

Miss Mary E. Doyle, Philadelphia, April 13, 1935.
Miss Mildred E. Hill, Philadelphia, April 13, 1935.

ALLEGHENY COUNTY

William M. Young, Avalon, April 16, 1935.

LACKAWANNA COUNTY

Harry C. Hubler, Scranton, April 21, 1935.

WASHINGTON COUNTY

James M. Colaizzo, Canonsburg, April 22, 1935.

LUZERNE COUNTY

Russell H. Crisman, Kingston, April 24, 1935.

ALLEGHENY COUNTY

Miss L. Crossman, Pittsburgh, April 27, 1935.

PHILADELPHIA COUNTY

Chas. P. Hart, Jr., Philadelphia, April 27, 1935.

WESTMORELAND COUNTY

Fred J. Upton, Sr., Monessen, April 30, 1935.

LANCASTER COUNTY

Melvin L. Miller, Columbia, May 6, 1935.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1070 (Senate Bill No. 799), entitled:

An Act to amend sections five hundred and four, seven hundred and one, and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law"; requiring one years residence in the ward for the commissioner elected from such ward; regulating the terms of office of certain commission officers; and providing for a special tax on fire districts,

Which was committed to the Committee on Municipal Government.

House Bill No. 1151 (Senate Bill No. 800), entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "First Class Township Law" by further equalizing license taxes on residents and non-residents and providing for their exceptions to the tax on transient merchants

Which was committed to the Committee on Municipal Government.

House Bill No. 1152 (Senate Bill No. 801), entitled:

An Act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred and thirty-two) entitled "Third Class City Law" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants,

Which was committed to the Committee on Municipal Government.

House Bill No. 1608 (Senate Bill No. 802), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

Which was committed to the Committee on Banking.

### MEMORIALIZING THE PRESIDENT TO CONSIDER THE ELIMINATION OF GRADE CROSSINGS IN THE PUBLIC WORKS PROGRAM

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Federal Relations:

In the House of Representatives, March 6, 1935.

Whereas, The Federal Government, in order to alleviate unemployment, is developing various public works; and

Whereas, There are thousands of dangerous grade crossings in populous centers; and

Whereas, The removal and elimination of these dangerous grade crossings would give thousands of unemployed men useful employment; and

Whereas, The removal and elimination of these dangerous grade crossings would create great demands for timber, stone, iron, cement and other building materials and

would thereby increase employment in all these related industries; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President of the United States to consider the advisibility and feasibility of including within the public works program the removal and elimination of dangerous grade crossings within the State of Pennsylvania; and be it further

Resolved, If the Governor approve this resolution, he be respectfully requested to urge upon the President the removal and elimination of all grade crossings in Pennsylvania; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States by the Secretary of the Commonwealth.

## JOINT COMMITTEE TO INVESTIGATE THE DISTRIBUTION OF PUBLIC RELIEF THROUGHOUT THE COMMONWEALTH

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on State Government:

In the House of Representatives, April 2, 1935.

Whereas, A number of investigating committees have been created by the House of Representatives to investigate the affairs of local relief boards in particular counties; and

Whereas, It is apparent, from the widespread dissatisfaction, that some inherent defect exists in the present system of relief distribution, and that enormous sums of public money are being expended and are requested for the next fiscal biennium when no taxpayer appears to be assured that such expenditures are actually needed; and

Whereas, Taxpayers are demanding that the light of publicity be thrown upon the whole system of distributing public relief and that some system be devised to cull from the list of recipients of relief those who are unworthy, those who abuse the aid extended to them, and those who paint false pictures of economic cconditions in order to fasten a dole system, foreign to American traditions, on the body politic; and

Whereas, The system of investigating relief distribution in particular localities, while beneficial to the locality affected, fails to approach the task of placing relief upon a sound State-wide business basis, whereby red tape may be eliminated and those actually in need aided in a manner suitable to an American citizen; therefore, be it

Resolved (if the Senate concur), That the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint three members of their respective Houses, whose duty it shall be (a) to make a searching and impartial study and investigation of the distribution of public relief throughout this Commonwealth, (b) to ascertain whether, and in what respect, the present system is open to abuse, (c) to ascertain whether additional legal safeguards should be provided, (d) to ascertain whether appropriations for relief may be reduced, (e) to collate and digest reports of other investigating committees, and (f) to investigate such other facts and circumstances as may be deemed necessary and advisable to enable the General Assembly to act with some degree of certainty and establish an impartial, unpolitical, unwasteful, and business system of aiding those of our unfortunates in need and of eradicating and punishing those who take advantage of distressing economic conditions for their personal selfish ends, whether as recipients of relief or as distributors thereof.

Resolved, That said committee shall make a report of its findings of this General Assembly as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the followingbill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 169, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims and municipal liens, in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth, and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## REPORT FROM COMMITTEE

Mr. PRINCE from the Committee on Agriculture rereported as committed, Senate Bill No. 403 (House Bill No. 442), entitled:

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of one thousand nine hundred thirty-three or from Federal intermediate credit banks organized under the Agricultural Credits Act of one thousand nine hundred twenty-three

## BILLS INTRODUCED

Mr. CHAPMAN read in his place and presented to the Chair, Senate Bill No. 803, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Venango.

Which was committed to the Committee on Highways.

Mr. REED (Washington) read in his place and presented to the Chair, Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon

the Department of Revenue, the Department of Highways, officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases.

Which was committed to the Committee on Highways.

Mr. SONES read in his place and presented to the Chair, Senate Bill No. 805, entitled:

An Act making an appropriation to the George F. Geisinger Memorial Hospital, Danville, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. BUCKMAN (by request) read in his place and presented to the Chair, Senate Bill No. 806, entitled:

An Act to re-enact and amend the act approved the second day of January, one thousand nine hundred thirty-four (P. L. 174, 1933-34), entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licenses to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by he board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream, mix powdered whole milk, and powdered skimmed milk; changing, adding to and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; imposing certain charges on milk dealers and permitting milk dealers to collect part of such charges from producers; providing new and changing existing penalties, and making an appropriation.

Which was committed to the Committee on Agriculture.

Mr. RUPP read in his place and presented to the Chair, Senate Bill No. 807, entitled:

An Act relating to the public inspection of books and records of poor districts.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair, Senate Bill No. 808, entitled:

An Act to amend section 605, section 800 as amended and section 902; to add section 912 to, and amend sections 1009 and 1012 of the act approved the 14th day of May, 1925 (P. L. 762, entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class; and revising, amending consolidating and changing the law relating thereto"; providing that officers of districts may attend certain meetings; changing conditions to gain settlement; providing for the employment of poor persons on public works and improvements; authorizing employers and debtors to turn over wages and moneys to a district; and making certain relatives liable for past and future support.

Which was committed to the Committee on County Government.

Mr. McGINNIS read in his place and presented to the Chair, Senate Bill No. 809, entitled:

An Act making an appropriation to the Children's Home Society of Pennsylvania.

Which was committed to the Committee on Appropriations.

## LEGISLATIVE COMMITTEE ON FINANCE CONTINUED

Mr. WOODWARD offered the following resolution, which was twice read, considered and referred to the Committee on State Government:

In the Senate, April 8, 1935.

Resolved (if the House of Representatives concur), That the Legislative Committee on Finances authorized to be appointed pursuant to a Concurrent Resolution, approved April 30, 1929, P. L. 1816, and continued pursuant to a Concurrent Resolution approved April 22, 1931, P. L. 1426, and further continued by Resolution of April 28, 1933, P. L. 1551, to devise ways and means of financing the Commonwealth, is hereby continued for a further period of two years, and shall make further report of their recommendations to the General Assembly of 1935.

Any vacancy existing on said Committee for any cause shall be filled by appointment of a Senator or a Member of the House of Representatives, by the President Pro Tempore or the Speaker, as the case may be.

## TIME OF NEXT MEETING

Mr. BENNETT offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 8, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 15th, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene on Monday evening, April 15th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 149, as follows:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if in any trial civil or criminal in any of the courts of common pleas municipal courts and county courts quarter sessions of the peace or oyer and terminer and general jail delivery of any county it is the opinion of the trial judge that the trial is likely to be a

protracted one and the district attorney or counsel for the plaintiff or for the defendant or both shall request the selection of two additional jurors as alternates the court shall have power to allow the drawing of two additional jurors such alternate jurors shall be seated near the jury with equal power and facilities for seeing and hearing the proceedings in the case and shall take the same oath as the other jurors selected and must attend at all times upon the trial of the case in company with the other jurors They shall obey the orders of and be bound by the admonitions of the courts upon each adjournment of the courts but if the regular jurors are ordered to be kept in custody during the trial of the case such alternate jurors shall also be kept in confinement with the other jurors and except as hereinafter provided shall be discharged upon the final submission of the case to the jury Such alternate jurors shall be drawn from the same source in the same manner and have the same qualifications as the other jurors drawn and be subject to the same examinations but shall not retire with the jury of twelve after the case is submitted to it unless one or two of the jurors shall have died or in the opinion of the trial judge shall have become ill so as to be unable to perform their duty or discharged for other legal cause in which case the thirteenth juror shal take the place of the first juror becoming incapacitated and the fourteenth juror shall take the place of the second juror becoming incapacitated Such juror or jurors to taking the place of any incapacitated juror or jurors shall thereafter be deemed to be members of the jury of twelve and shall have full power to take part in the deliberations of the jury and the finding of the verdict Any verdict found by any such jury having thereon alternates shall have the same force effect and validity as if found by the original jury of twelve

Where the court allows two alternate jurors in accordance with this act each side shall have one additional peremptory challenge in the selection of said two alternate jurors

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Norton, | Rodgers, |
| Batchelor, | Howell, | Owlett, | Rupp, |
| Baumer, | Huffman, | Pierson, | Salus, |
| Bennett, | Hunsicker, | Prince, | Sones, |
| Buckman, | Kahle, | Pytko, | Sordoni, |
| Cavalcante, | Lanius, | Rankin, | Thompson, |
| Chapman, | Law, | Reed, | (Centre) |
| Clark, | Mallery, | (Dauphin) | Thompson, |
| Coyne, | McClure, | Reed, | (Westmoreland) |
| Ealy, | McCreesh, | (Washington) | Trainer, |
| Frey, | McGinnis, | Rice, | Woodward, |
| Gelder, | Miller, | Roberts, | Ziesenheim, |
| Harris, | | | |

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 352, entitled:

An Act to reenact and amend the act approved the twenty-third day of March one thousand eight hundred and seventy-seven (P. L. 34), entitled: "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases," extending said act to all courts of record.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Aron, | Gelder, | Norton, | Shapiro, |
| Batchelor, | Harris, | Owlett, | Sordoni, |
| Bennett | Homsher, | Pierson, | Thompson, |
| Buckman, | Howell, | Prince, | (Westmoreland) |
| Chapman, | Huffman, | Reed, | Trainer, |
| Clark, | Hunsicker, | (Dauphin) | Woodward, |
| Coyne, | Mallery, | Salus, | Ziesenheim, |
| Ealy, | McClure, | | |

NAYS—18

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Rupp, |
| Frey, | McGinnis, | (Washington) | Sones, |
| Kahle, | Miller, | Rice, | Thompson, |
| Lanius, | Pytko, | Roberts, | (Centre) |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. EALY. Mr. President, I notice several misspelled words in the text of Senate Bill No. 402 (House Bill No. 441), on third reading, entitled:

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof

and I, therefore, ask unanimous consent that it go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL RECOMMITTED

Mr. ROBERTS. Mr. President, I move that Senate Bill No. 516 (House Bill No. 648), on third reading, entitled:

An Act to amend section three of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and

breeding purposes prescribing certain privileges for certain hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by providing for the free licensing of certain dogs of blind persons

be recommitted to the Committee on Agriculture for the purpose of amendment.

Mr. BAUMER. Mr. President, I second the motion.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 85, as follows:

An Act making an appropriation to the Board of Managers of the Seamen's Church Institute of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twelve thousand dollars ($12,000) or so much thereof as may be necessary is hereby specifically appropriated to the Board of Managers of the Seamen's Church Institute of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

Section 2 In the event of the merger or consolidation of the Seamen's Church Institute of Philadelphia Pennsylvania with any other institution the amount of the aforesaid appropriation remaining unpaid at the time of such merger or consolidation is hereby appropriated and made available to the institution with or in which such Seamen's Church Institute has been merged or consolidated for the same purpose and in the same manner the Auditor General is hereby authorized to issue his warrant upon the State Treasurer in favor of the institution into which such Seamen's Church Institute has been merged or consolidated for the payment of the sum to it so appropriated and made available

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. BENNETT. Mr. President, I second the motion.

The motion was agree to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## COMMUNICATION

The CHAIR laid before the Senate the following communication, which was referred to the Committee on Finance.

State Senate,
Commonwealth of Pennsylvania..
Gentlemen:

The Unemployed League, Inc., and the Citizens' Vigilance Association, representing tens of thousands of men, women and children throughout this Commonwealth—all of them the unfortunate victims of economic conditions beyond their control—have viewed with grave misgivings the tactics of delay and obstruction which have characterized the actions of the Republican majority in the State Senate.

Our organizations have waited patiently, for many weeks, in the hope that the Senate majority would be impelled, by considerations of common humanity, to declare a moratorium on politics during the crisis which our Commonwealth faces.

Instead the Senate has become the slaughter house for all measures proposed by the Administration and passed by the House of Representatives. In the face of universal distress, the members of the Senate have ruthlessly butchered measures drafted to provide food for the hungry and shelter for the homeless.

We have waited for the Senate, if it opposed the Administration's program, to present a substitute program. No such program has appeared, although it was promised weeks ago by supposedly responsible Republican leaders.

We are forced to conclude that the Senate majority does not intend to provide an alternative program, and we respectfully submit that Federal relief will stop in this State on April 15th—only one week hence—unless the Legislature demonstrates by enacting tax legislation that Pennsylvania will pay her share.

Therefore we, the unemployed, demand that the members of the Senate lay aside partisanship, give heed to the sufferings of the poor, and immediately enact the revenue measures which have been proposed by His Excellency, George H. Earle, Governor of the Commonwealth.

We make this demand in the name of justice and common humanity.

Leo T. McAtee Robert J. Smalley Michael Falzone
Wm. B. McDonald W. S. Williams Barton Hendershot
Arthur Jenkins

JOINT COMMITTEE.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 110, as follows:

An Act to amend section eight hundred and twenty-four as added to the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon own-

ers counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating the display of caution signals by certain disabled vehicles

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and twenty-four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as added by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand sixty-four) is hereby amended to read as follows

Section 824. Danger and Caution Signals Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial motor vehicle having a carrying capacity of two tons or over shall be equipped with [at least two] a red or yellow [burning] illuminated danger or caution signal or signals [with friction cap ignition similar in type to a time-burning railway fusee signal and so constructed as to burn with a brillian red or yellow light for not less than fifteen minutes] which shall not depend on any mechanism of the motor vehicle for proper operation

Whenever any such vehicle becomes disabled while within the limits of the traveled part of a highway to such an extent that it cannot proceed under its own power and its lighting is so disabled that it constitutes a menace to other vehicular traffic the operator thereof shall cause to be continuously displayed on the surface of the highway the red or yellow [burning] illuminating danger or caution signals as here required in such manner as to prevent personal injuries loss of life and damage to property by collision and shall cause such signal or signals to be continuously displayed until the vehicle so disabled ceases to be a menace because of lack of proper lights or has been removed from the traveled portion of the highway

Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

And said bill having been read at length the second time, and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 134, as follows:

An Act making an appropriation to the Home of Industry for Discharged Prisoners of the city of Philadelphia and State of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven thousand dollars ($7,000) or as much thereof as may be necessary be and the same is hereby appropriated to the Home of Industry for Discharged Prisoners of the city of Philadelphia and State of Pennsylvania for the purpose of maintenance for the two fiscal years beginning June first one thousand nine hundred and thirty-five Provided That the sum hereby apropriated shall not be paid if at any time during the said two years satisfactory evidence shall be produced to the Auditor General that articles manufactured are being sold at less than the open market price

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 135, as follows:

An Act making an appropriation to the Western Temporary Home of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven thousand dollars ($7,000) or so much thereof as may be necessary is hereby specifically appropriated to the Western Temporary Home of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 139, entitled:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for refunds of taxes paid on liquid fuels, consumed for purposes other than the operation of motor vehicles on the public highways of this Commonwealth and providing penalties.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and seventeen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one

hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

[Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act]

The tax imposed by this section shall be payable by the distributor but shall be borne by the last purchaser and the payment by the distributor shall be deemed to have been for the account of such purchaser However the intent of this act is to place the ultimate burden resulting from such tax so far as possible on persons who use the public highways of the Commonwealth for operating motor vehicles thereon on persons who operate motor boats on the waters of this Commonwealth or the boundaries thereof and on persons who operate air craft over this Commonwealth and to that end provisions for refunds are made hereinafter where the tax has been paid by a distributor on liquid fuels used for other purposes

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 17 Refunds The Board of Finance and Revenue may refund to distributors taxes penalties and interest paid by them on liquid fuels delivered to the United States government or paid as the result of an error of law or of fact or of both law and fact Claims for such refunds shall be made under the procedure prescribed by The Fiscal Code

Any person who shall buy liquid fuels on which the tax imposed by this act shall have been paid and shall consume the same in any manner except in the operation of a motor vehicle upon or over the highways or motor boats on waters or air craft through the air of this Commonwealth shall be entitled to a refund of the amount of such tax All such claims for refund shall be made by affidavit in such form and containing such information and be presented within such time as the Board of Finance and Revenue by rules and regulations shall prescribe and the claimant shall satisfy the board that he has borne the tax and that the liquid fuels have been consumed by him in a manner other than in the operation of a motor vehicle upon or over any of the highways or a motor boat on the waters or aircraft through the air of this Commonwealth The board may require such further information or proof as it shall deem necessary Any person making any false or fraudulent affidavit for the purpose of a refund of the tax shall be guilty of perjury

All refunds of moneys allowed hereunder shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such moneys into said funds

As much of the moneys from time to time in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds as herein authorized Estimates of the amounts to be expended from these funds for refunds from time to time by the board shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and Revenue for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

On the question,

Will the Senate agree to the section?

Mr. ZIESENHEIM. Mr. President, I move to amend Section 1, page 3, lines 21, 22 and 23, by striking out the words "on persons who operate motor" in line 21, all of line 22, and the words "aries thereof" in line 23; also page 4, line 16, by inserting in light-faced brackets, after the word "for," the word "refund" as follows: [refund]; also line 16, by underscoring the entire word "refunds" as follows: "refunds"; also lines 21 and 22, by striking out the words "or motor boats on waters"; also page 5, line 4, by striking out the words "or a motor boat on the waters."

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by providing for refunds of taxes paid on liquid fuels consumed for purposes other than the operation of motor vehicles on the public highways of this Commonwealth and providing penalties

On the question,

Will the Senate agree to the title?

Mr. ZIESENHEIM. Mr. President, I move to amend Title, page 2, last line of title, by inserting after the word "of" the following: "and air craft over",

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 184, as follows:

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one thousand two hundred and twenty-one dollars and eighty cents (1,221.-80) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of any moneys due for labor and material cost of plans and specifications for a low pressure steam line for the children's unit of the State Sanitorium at Cresson Payment from such appropriation shall be made upon proof of such claim to the satisfaction of the Department of Property and Supplies by requisition of said department in the manner provided by law

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 186, as follows:

An Act making an appropriation to the Friends' Home for Children of the city of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of four thousand dollars ($4,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Friends' Home for Children of the city of Philadelphia Pennsylvania for the purpose of maintenance for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 187, as follows:

An Act making an appropriation to the Board of Trustees of the Philadelphia Commercial Museum Exhibition and Convention Halls Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Board of Trustees of the Philadelphia Commercial Museum Exhibition and Convention Halls Philadelphia for the distribution of geographical collections and educational material among the public and other free schools of the Commonwealth and for the preparation and installation of exhibits for the two fiscal years beginning June first one thousand nine hundred and thirty-five payments to be made according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 222, as follows:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pnnsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the second class there is hereby created a board to be designated as the board for the assessment and revision of taxes composed of nine persons citizens of the county The members of such board shall be appointed by the county commissioners of such county and shall hold their office for the term of four years from the first Monday of January one thousand nine hundred and thirty-six and the county commissioners shall fill all vacancies in the board for the unexpired term thereof Each member of such board shall receive a salary of six thousand dollars per annum payable monthly out of the treasury of the county

Section 2 It shall be the duty of the board for the assessment and revision of taxes in each county of the second class to make and to have supervision of the making of all assessments and valuations of property whether real or personal taxable for county or city purposes and of all lists of residents and inhabitants as required by existing law

Section 3 The said board shall divide the county into convenient districts and shall appoint one subordinate assessor for each of said districts The subordinate assessors shall receive such compensation as the salary board shall fix The board shall have the right to appoint such clerk as the salary board of the county may allow for the proper discharge of the duties of said board All salaries herein provided for shall be fixed by the salary board and all such salaries and all other expenses in connection with the making of assessments under the provisions of this act shall be paid out of the county treasury

Section 4 The subordinate assessors shall make the assessment and valuations of all property taxable for county and city purposes together with a list of all persons within their respective districts as provided by existing law and in so doing shall view all property in their district taxable for such purposes and in cities of the second class shall classify all real estate in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings The subordinate assessors shall make a personal house-to-house canvass of their district in order that such lists of persons may be accurate and correct in so far as it is possible to so make them All such assessors who shall fail to make such assessments and lists in the manner as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days

Section 5 The subordinate assessors shall make such

assessments of property and occupations each year preceding the triennial assessment in such counties and shall file the same with the board for the assessment and revision of taxes on or before the first Monday of November of such year

Section 6 The board shall as provided by this act and by the provisions of existing law examine and revise the said assessments and valuations increasing or decreasing the same as in their judgment may seem proper and shall add thereto such property or subjects of taxation as may have been omitted After such revision the board shall by rule fix convenient times for the hearing of appeals from said assessments and valuations and after the hearing of said appeals and the making of whatever changes may be considered proper the valuations as so ascertained and revised unless changed in the manner hereinafter provided or as provided by existing law shall stand as the valuations for the assessments of all county city borough township school and poor taxes until the next triennial assessment

Section 7 When the triennial assessments shall be fixed either for the whole county or in districts thereof notice of that fact shall be given by publication in at least two newspapers of the county of the time when appeals will be heard and a copy of the assessments made in boroughs and townships shall be placed in some public place in each such borough or township by the assessor After the hearing of appeals the board shall take such action in regard thereto as may be right and proper

Section 8 After action on such assessments by the board for the assessment and revision of taxes any taxpayer dissatisfied with the assessment of his property may within sixty days after the board has held the appeals provided for by this act appeal therefrom to the court of common pleas of the said county as provided by existing law and it shall be the duty of the court at once to hear and determine said appeal and if necessary to make such changes therein as may be right and proper

Section 9 The subordinate assessors shall between the triennial assessments revise any assessmnt or valuation according to right and equity by correcting errors and by adding thereto any property or subjects of taxation which may have been omitted or any new property or subjects of taxation which may have come into being since the last triennial assessment In each such case the subordinate assessors shall in cities of the second class classify all real estate in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings

They shall also add thereto the names of any persons who may have moved into such district and strike therefrom the names of any persons who have removed from such districts since the last triennial assessment

The assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or valued has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been adjacent thereto or in the vicinity thereof or where for any other reason whatsoever the value of the property has changed and it seems to the board necessary and equitable to make a change in the valuation thereof The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments revise and correct the same by increasing or decreasing the same where the value of the property or subjects of taxation assessed do not conform to the generality or uniform standard of assessments Provided however That is such revision or correction of such assessment shall increase the amount thereof the owner of such subjects of taxation whose assessment has been so increased between the triennial assessments shall be given at least ten days written notice of such revision or correction and have the right of appeal to the court of common pleas in the same manner as provided in section ten of this act

All assessments required to be made by the subordinate assessors in the years between the triennial assessment shall be returned to the board for the assessment and revision of taxes not later than the first Monday of November of the year preceding the one for which it is made

Section 10 At least ten days written notice shall be given to any taxable person whose assessment shall be changed between triennial assessments setting forth any change which has been made and the time and place set for hearing objections thereto

Such notice shall be served by the board or any member thereof or by any subordinate assessor or by any other person authorized so to do by the board upon said taxable person if he or she can be found in the county or upon an adult person residing upon the property in question in case the taxable person cannot be found in the county

When no service is made upon the taxable person or upon an adult person residing upon the property assessed said notice shall be deemed to have been properly served if tacked or conspicuously posted upon the property assessed

No defect in service of any such notice shall be sufficient ground for setting aside any assessment so made but upon proof thereof being made the taxable person shall have the right to a rehearing before said board relative to said assessment and to appeal therefrom to the court of common pleas as hereinafter provided

Section 11 After the hearing of any objections thereto and the making of any changes that may be deemed proper the valuation as so ascertained shall unless changed in the manner herein provided or as provided by existing law stand as the valuations for the assessments for county city borough township school and poor taxes in such county until the next triennial assessment

Section 12 Any taxable person dissatisfied with changes made in any assessment in the years between the triennial may within thirty days after the final fixing of the same appeal to the court of common pleas of said county and it shall be the duty of the court at once to hear and determine said appeal and if necessary make such changes therein as may be right and proper

Section 13 No appeal taken from any such assessments shall affect the validity of any taxes assessed but if such assessment shall thereafter be reduced an exoneration shall be granted or restitution ordered for the excess of taxes paid by reason of any improper increase in the assessment

Section 14 Upon request by any taxpayer he shall at any time receive from the board a statement of his taxable property and its valuation

Section 15 When the said valuations and assessments have been made all taxation for county city borough township school and poor purposes within the limits of such county shall be based upon such valuations and the board for the assessment and revision of taxes shall certify to the councils of all cities in the county the aggregate valuation of city property in each of such cities subject to taxation for city purposes

Section 16 On the first Monday of January one thouand nine hundred and thirty-six the terms of all members of the board for the assessment and revision of taxes and of all subordinate assessors and clerks employed by the board in counties of the second class and of all members and employes of the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties shall cease and terminate and the board for the assessment and revision of taxes as now constituted in counties of the second class and the department of assessors in cities of the second class and the office of city assessor in cites of the third class in such counties are hereby abolished

It is the intent and meaning of this act that in counties of the second class there shall be but one assessment made for taxation purposes and that all county city borough township school and poor taxes shall be levied on the basis of such assessment

Section 17 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity

of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstituional provision not been included therein

Section 18 Except where inconsistent therewith this act does not repeal any of the provisions of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws"

Section 19 The act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 20 Except as to the appointment of the members of the board for the assessment and revision of taxes which may be done at any time after the final enactment of this act the provisions thereof shall become effective on the first Monday of January one thousand nine hundred and thirty-six Provided That this act shall not affect assessments made under existing laws as the basis of city taxes for the year one thousand nine hundred and thirty-six and such laws shall remain in force as long as may be necessary for such purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The Senate proceeded to the second reading and consideration of Senate Bill No. 227, as follows:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing additional powers for a sequestrator of property appointed by court under the provisions of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

Section 24 After the expiration of twenty days from the recovery of judgment whether on the original scire or any scire facias to revive except in cases where the property named is essential to the business of a quasi public corporation the court shall upon the petition of the plaintiff appoint a sequestrator of the rents issues and profits of the property bound by the judgment unless in the meantime an appeal be taken and approved security given to operate as supersedeas If the owner against whom the judgment is entered be in possession of the property sequestered or the party in possession refuse to pay a fair rent the court shall upon petition filed and served grant a rule and if it be made absolute award a writ in the nature of a writ of habere facias possessionem directed to the owner and/or the party in possession commanding him or them to deliver such possession [of] to the sequestrator within fifteen days thereafter unless such property be occupied by the owner and his family for a home in which case he shall be entitled to retain possession for a period of [three months] one month from the time the petition was served upon him A sequestrator once appointed shall have power to retain possession as sequestrator until all the taxes owing at the time of his appointment shall have been collected or paid He shall have power to lease the property for a period not exceeding one year with the usual privilege of renewal or termination thereof upon three months notice He may make such repairs to the property as may be reasonably necessary to restore it to and maintain it in a tenantable condition He may advertise for tenants and collect the costs of repairs and advertising from rentals collected or from a redeeming owner He may appoint an agent or agents to collect the rentals of the property and pay such agent or agents the customary commissions for rent collections The sequestrator may be entitled to such fee or fees as compensation for his services in addition to the five per centum commission on rents collected by him personally without employing an agent as to the court on application may see just and proper all fees commissions costs and necessary expenses to be deducted from the rents collected before paying the net balance towards the taxes Any owner of the property may redeem it from the sequestrator and be again entitled to possession thereof upon payment of the net amount of taxes then owing upon the property after payment of the fees commissions costs and expenses of the sequestration proceedings Upon payment of all taxes owing either by a redeeming owner or by collection of rentals the sequestrator shall transfer the possession of the property to the owner or owners subject to any existing lease or leases given or executed by the sequestrator which said lease or leases shall be assigned to the owner

Sequestrators appointed under this act shall have and exercise all the powers and shall be entitled to use all the remedies conferred by the laws of this Commonwealth upon sequestrators in other proceedings so far as they may be applicable

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 246, as follows:

An Act to amend section eight of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended by increasing the commission of the county treasurer and providing that the same shall be for the use of the county

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as last amended by section one of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred thirty-nine) is hereby further amended to read as follows

Section 8 Such sale shall be made on the first Monday of August in the second year succeeding the year in which the respective taxes are assessed and levied or on any day to which such sale may be adjourned or readjourned from time to time except in the case of taxes levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law in which case and for such taxes the sale shall be held in the year one thousand nine hundred and thirty-three or on any day to which such sale is adjourned or readjourned Provided That the advertisement and notice of a sale as required by this act may be given preceding the date of any adjourned or readjourned sale in which case no prior advertisement or notice shall be required and in case the sales for different years' taxes be held on the same date the advertisements and notices may be consolidated Provided further That if any such sale be adjourned or readjourned after advertisement and notice by public announcement at such sale adjournment or readjournment no additional advertisement or notice shall be necessary for such adjourned or readjourned sale Provided further That no such adjournment or readjournment shall be for a longer period than thirty days unless the county treasurer with the consent in writing of the county commissioners and the approval of the judge of the court of the county in which the sale is pending shall declare at the time fixed for a sale or any adjournment or readjournments thereof that because of widespread economic and business depression and usual unemployment incident thereto a sale would be inadvisable in which case any such sale may be adjourned or readjourned at any time and from time to time for a period not exceeding two years and six months and in no case beyond the date of the actual holding of the first subsequent sale for any other year's taxes provided that when after advertisement of a sale it has been determined as aforesaid to adjourn any sale for taxes the county treasurer shall publish at the expense of the county in at least two newspapers of general circulation in the county if so many be published in the county a brief notice or advertisement announcing said adjournment and the actual new date to which such sale for taxes has been adjourned

For each tract of land so disposed of the county treasurer shall be entitled to the following fees which shall be taxed as part of the costs of such proceedings and shall be paid the same as other costs

Advertising each tract including printer's charge the actual cost

| | |
|---|---|
| Selling each tract or part thereof | $0.25 |
| Writing and signing each deed | 1.50 |
| Acknowledging every deed | .50 |
| Writing and filing every bond to acknowledge the purchase money | .25 |

The county shall in the first instance be liable for the cost of advertising treasurers' sales and the fees collected for such advertising shall be paid into the county treasury for the use of the county.

For receiving and paying over the purchase money or taxes collected by him the county treasurer shall be entitled to a commission of [two] five per centum [(2%)] (5%) thereof for the use of the county such commission to be deducted from the amount to be paid to the taxing district upon any settlement with the taxing district and upon presentation to the taxing district of a transcript of the information required to be compiled by the county treasurer by section eleven hereof

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 290, as follows:

An Act making an appropriation to the Rush Hospital for Consumption and Allied Diseases of Philadelphia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety-one thousand ninety-two dollars and ten cents ($91,092.10) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Rush Hospital for Consumption and Allied Diseases of Philadelphia for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 321 (House Bill No. 552), entitled:

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 330, as follows:

An Act making an appropriation to the Women's Hospital of Philadelphia Preston and Parrish Streets Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and seventeen thousand seven hundred and ninety-four dollars and twenty-eight cents ($117,794.28) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Women's Hospital of Philadelphia Preston and Parrish Streets Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 384, as follows:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part day service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 385, as follows:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety-nine thousand dollars ($99,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee on the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 387, as follows:

An Act making an appropriation to the Mercy Hospital of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred eleven thousand ninety dollars ($111,090) or so much thereof as may be necessary is hereby specifically appropriated to the Mercy Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid-

eration of Senate Bill No. 423 (House Bill No. 450), entitled:

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 441, as follows:

An Act to define the liability of grantees of real estate to their grantors in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the grantee of real estate which is subject to a mortgage or other encumbrance who has not expressly assumed the liability of such mortgage or other encumbrance shall not be liable to his grantor unless on foreclosure either by scire facias sur mortgage or by fieri facias on the bond said grantee purchases the real estate at less than the amount of the debt interest and costs and the grantor thereafter is required to pay and has paid the deficiency to the holder of the judgment on the encumbrance in which case the grantee shall be liable to the grantor for such deficiency

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 442, as follows:

An Act providing for appeals in civil cases from the decisions of the court of common pleas granting new trials

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That an appeal may be taken to the Supreme Court or the Superior Court dependent upon the respective appellate jurisdictions of said courts from the granting of a new trial in any civil case in any court of common pleas

Section 2 If on the said appeal the appellate court shall decide that a new trial should not have been granted then a judgment shall be directed to be entered upon the verdict returned in the court of common pleas

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 519, as follows:

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to promote public health safety and the general welfare and to insure the protection and development of established lanes of commerce and navigation by air it is hereby declared to be unlawful for any person firm or corporation to hereafter erect and maintain any smoke stack flag pole elevated tank radio station tower building or other structure or obstruction to the operation of aircraft of a height in excess of thirty-five (35) feet within five hundred (500) feet of the exterior boundaries of any airport landing field or intermediate landing field within and licensed by this Commonwealth.

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution or undergo imprisonment for not more than one (1) year or suffer both such fine and imprisonment Each day's continuation of a violation of the provisions of this act shall be deemed a separate and distinct offense

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senatee proceeded to the second reading and consideration of Senate Bill No. 552 (House Bill No. 462), entitled:

An Act to validate and confirm certain contracts expenditures or payments heretofore made ratified or approved by councils of cities of the third class and to direct payments thereunder by the fiscal officers of such cities in certain cases

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senatee proceeded to the second reading and consideration of Senate Bill No. 560, as follows:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens one to be known as the general judgment or lien index or docket and the other to be known as the in rem judgment or lien index or docket

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second class the court of common pleas of such county may order and direct that the judgment or lien index or docket kept by the prothonotary of such county shall be divided into two parts one part of which shall be a general judgment

or lien index or docket and the other part of which shall be an in rem judgment or lien index or docket on the latter of which shall be entered in order of time all tax claims and municipal claims required by law to be entered on the judgment or lien index or docket and all suggestions and averments writs of scire facias verdicts awards and judgments thereon all mechanics' liens and all writs of scire facias verdicts awards and judgments thereon all no lien building contracts and such other judgments liens or other proceedings as the said court from time to time hereafter may order and direct Such in rem judgment or lien index or docket shall be primarily divided by the locality of the real estate subject to such judgment lien or other proceedings with the name of the individual affected by such judgment lien or other proceedings as the owner of the real estate bound thereby entered on such in rem judgment or lien index or docket only under the locality of the real estate subject to such judgment lien or other proceedings which locality shall hereafter be determined by a certificate which the plaintiff his attorney or agent shall file with the said judgment lien or other proceedings showing the exact locality of such real estate

Section 2 After the adoption preparation and installation of the general judgment or lien index or docket and the in rem judgment or lien index or docket provided for in this act the same shall be constructive notice to all persons of the judgments liens or other proceedings so as aforesaid indexed thereon and no person shall be affected with notice of such judgments liens or other proceedings hereinbefore required to be indexed on such general judgment or lien index or docket or on such in rem judgment or lien index or docket unless the same shall be indexed thereon as herein provided for

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senatee proceeded to the second reading and consideration of Senate Bill No. 568 (House Bill No. 454), entitled:

An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities townships and boroughs for payment of firemen's relief pension and retirement funds

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senatee proceeded to the second reading and consideration of Senate Bill No. 616, as follows:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in ctiies of the first class and on certain school taxes in school districts of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in six equal semi-annual instalments beginning June first one thousand nine hundred and thirty-one and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

Section 2 In case any taxpayer shall default in the payment of any instalment of taxes or in the payment of current taxes as required in section one of this act the penalties and interest or penalties as the case may be on the instalments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law

Section 3 If any delinquent tax-payer shall on or before September first one thousand nine hundred and thirty-five elect to and shall pay all delinquent taxes described in section one of this act he shall in addition to an abatement of the penalties and interest on such taxes be allowed a further discount of three per centum (3%) on the tax

Section 4 The abatement of penalties and interest and the allowance of discounts on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county but the taxpayer shall become liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 631, as follows:

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" are hereby amended to read as follows

Section 5 Annually on or before the fifteenth day of [November] December an association applying for the benefits of this act shall file with the Auditor General a statement sworn to by its president attested by its secretary with corporate seal attached setting forth he name of the association the time and place of the exhibition and the amount of premiums actually paid giving the names and addresses of the persons to whom such premiums were paid and in what class kind or department

Any association which applied for the benefits of this act during the years of one thousand nine hundred and thirty-three or one thousand nine hundred and thirty-four or both which complied with the provisions of the act in all respects except in that the statement herein required to be filed with the Auditor General was not filed at the time heretofore specified by the act but was sub-

sequently filed on or before the fifteenth day of December of the year in which the exhibition was held shall be deemed to have fully complied with the requirements of the act and payment of such benefits shall be made to such associations within thirty days after the effective date of this amendment

Section 6 Payments to incorporated agricultural associations under the provisions of this act shall be made by the State Treasurer upon warrant of the Auditor General issued on or before the fifteenth day of [December] January of the year following the year in which the exhibition is held

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 649 (House Bill No. 1023), entitled:

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 665, as follows:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making an appropriation for carrying the same into effect

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational purposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of three million nine hundred and thirty-two thousand two hundred and thirty-four dollars ($3,932,234) is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-five to the Trustees of The Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agriculture the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education for the general maintenance of other departments offices and services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expenditures as the trustees may deem necessary and practicable including any payments becoming due under a cooperative agreement between the Commonwealth and the trustees for the joint use of the facilities of the Pennsylvania State Forest School at Mont Alto the sum of three million seven hundred and ninety-eight thousand dollars ($3,798,000)

For reimbursement for the cost of emergency repairs to the foundations of the dairy buildings constructed at The Pennsylvania State College by authorization of the Legislature session of one thousand nine hundred and thirty-one the sum of one hundred and thirty-four thousand two hundred and thirty-four dollars ($134,234)

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 668 (House Bill No. 88), entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 669 (House Bill No. 224), entitled:

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 669 (House Bill No. 224), the bill just read be recommitted to the Committee on Municipal Government for the purpose of amendment.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 674 (House Bill No. 720), entitled:

An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended sections six hundred and fifty-four six hundred and fifty-five and six hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties to acquire lands for recreational purposes and to build parkways bridle paths and foot paths.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 696 (House Bill No. 1061), entitled:

An Act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 701 (House Bill No. 1354), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 705, as follows:

An Act making an appropriation to the Department of Public Instruction to aid financially distressed school districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five million dollars ($5,000,000) is hereby specifically appropriated to the Department of Public Instruction of the Commonwealth of Pennsylvania for the two fiscal years commencing June first one thousand nine hundred and thirty-five for aiding financially handicapped and distressed school districts The Superintendent of Public Instruction shall apportion the sum hereby appropriated to such school districts and in such amounts as he shall deem expedient The sum appropriated shall be in addition to any appropriation made to the said Department of Public Instruction by the general appropriation bill passed at this session of the Legislature

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILLS RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 743 (House Bill No. 885) on second reading, entitled:

An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of of the clerk of the orphans' court" by requiring three days to elapse between the application for and the issuance of the license.

be recommitted to the Committee on Judiciary Special.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. ARON. Mr. President, I move that Senate Bill No. 749 (House Bill No. 1421) on second reading, entitled:

An Act providing for the management and administration of the Cumberland County Poor District by the county commissioners of said county as directors of the poor abolishing the elected directors of the poor and terminating the terms of those now in offices but providing that certain directors shall continue as employes and repealing existing laws

be recommitted to the Committee on County Government.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 754, as follows:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million dollars ($1,000,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the University

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 755, as follows:

An Act making an appropriation to the Temple University Garretson Hospital Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and fifty thousand dollars ($250,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Temple University Garretson Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capital in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 756, as follows:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain county city borough town township school district and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city borough town township school district and poor district taxes for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the proper taxing authority if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in equal semi-annual instalments beginning June first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

Section 2 In case any taxpayer shall default in the payment of any instalment of taxes or in the payment of current taxes as required in section one of this act the penalties and interest or penalties as the case may be on the instalments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law

Section 3 If any delinquent taxpayer shall on or before September first one thousand nine hundred and thirty-five elect to and shall pay all delinquent taxes described in section one of this act he shall in addition to an abatement of the penalties and interest as aforesaid on such taxes be allowed a further discount of three per centum (3%) on the tax

Section 4 The abatement of penalties and interest and the allowance of discounts on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county but the taxpayer shall become liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 763, as follows:

An Act making an appropriation to the Coaldale State Hospital Coaldale Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred and eighty-eight thousand six hundred and ninety-four dollars ($388,694) or so much thereof as may be necessary is hereby specifically appropriated to the Coaldale State Hospital for the two fiscal years beginning June one thousand nine hundred and thirty-five for the payment of the salaries wages or other compensation of the superintendent and other employes for the expense of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the board of trustees and incidental expenses for the elimination of hazards to life and property for major repairs and replacements to buildings for equipment and machinery for a new ward building and for all other expenses of maintenance and operation necessary for the proper conduct of the work necessary for the proper conduct of the work of the said State hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 764, as follows:

An Act making an appropriation to the Department of Welfare for use of Coaldale State Hospital for payment of an indebtedness incurred by and lapsing a prior appropriation made to the Board of Trustees of Coaldale State Hospital

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-eight thousand two hundred eighty-six dollars and four cents ($28,286.04) is hereby specifically appropriated to the Department of Welfare for the purpose of making payment of an indebtedness incurred by the Board of Trustees of Coaldale State Hospital to the Trustee of the Special Fund created by the Beneficial Fund of the Lehigh Coal and Navigation Company for labor and material used in the construction of the Superintendent's residence at the Coaldale State Hospital

Section 2 Upon the effective date of this act the unexpended balance of the appropriation item of thirty-one thousand three hundred sixty-two dollars ($31,362) made to the Board of Trustees of Coaldale State Hospital by the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts number twenty-four-A) shall lapse into the General Fund

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 765, as follows:

An Act making an appropriation to the Elizabeth Steel Magee Hospital Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred forty-three thousand five hundred dollars ($143,500) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Elizabeth Steel Magee Hospital Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 768, as follows:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the committee appointed by the Speaker of the House of Representatives under the provisions of House Resolution Number thirty-six Serial Number forty-five of the session of one thousand nine hundred and thirty-five together with a similar committee of five members of the Senate to be appointed by the President Pro Tempore of the Senate shall form a joint legislative committee whose duty it shall be to secure all readily available information as to the present cost and functioning of the school system in this Commonwealth and collate and digest the results of studies made by various private research agencies which are willing to place the results of their research activities at the disposal of the General Assembly and to make such other studies and to compile such material as may be deemed necessary by the committee for the information of the General Assembly

Section 2 The joint legislative committee shall organize at the call of the chairman of the present house committee by electing a chairman and secretary The committee shall have power to employ such experts and assistants as may be deemed necessary to carry into effect the provisions of this act and to enable it to make a report which shall be made as early as possible to this session or to the General Assembly next convened

Section 3 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the joint legislative committee created by this act for the purpose of paying the expenses of the members of the committee for the payment of the compensation of experts and assistants employed by the commission for postage telephone telegraph and incidental expenses and for printing its report

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 770, as follows:

An Act making an appropriation to the Shamokin State Hospital Shamokin Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and twenty-five thousand dollars or so much thereof as may be necessary is hereby specifically appropriated to the Shamokin State Hospital Shamokin Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of salaries wages or other compensation of the superintendent and employes for the expenses of maintaining and operating automobiles and for other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for the expenses of the board of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the said hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 771, as follows:

An Act authorizing guardians of minors to expend parts of the income of said minors in life insurance policies with leave of the orphans' court and stipulating the rights of such minors in regard thereto upon becoming of age

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any guardian of the estate of a minor having sufficient income may upon petition to the orphans' court of the proper county and allowance of said court invest a portion of the income of such minor in contracts of life insurance for the benefit of such persons or person or the estate of such minor as the court may direct The court may at any time upon the petition of the guardian direct that the beneficiary in such policy be changed and the minor upon reaching the age of twenty-one years shall have the right to change any such beneficiary in the same manner as any other person having a policy of life insurance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL OVER IN ORDER

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent that Senate Bill No. 783, on second reading, entitled:

An Act authorizing municipal corporations to appropriate moneys out of general revenues to pay bonds and obligations issued by such municipal corporations for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed with the consideration of Senate Bill No. 440, on third reading postponed for the present, entitled:

An Act establishing as State highways subject to certain restrictions all existing township roads in townships of the second class which have not heretofore been established as State highways and providing for their maintenance and repair and for the vacation of certain of said roads

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

## BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 440 be recommitted to the Committee on Highways.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, this motion is made with the consent of the sponsor for the purpose of recommitting the bill for further consideration of the Committee on Highways.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

## REPORT FROM COMMITTEE

Mr. EALY from the Committee on State Government, reported as amended, the following resolution:

### JOINT COMMISSION TO INVESTIGATE DISTRIBUTION OF PUBLIC RELIEF THROUGHOUT THE COMMONWEALTH

In the House of Representatives, April 1, 1935.

Whereas, A number of investigating committees have been created by the House of Representatives to investigate the affairs of local relief boards in particular counties; and

Whereas, It is apparent, from the widespread dissatisfaction that some inherent defect exists in the present system of relief distribution, and that enormous sums of public money are being expended and are requested for the next fiscal biennium when no taxpayer appears to be assured that such expenditures are actually needed; and

Whereas, Taxpayers are demanding that the light of publicity be thrown upon the whole system of distributing public relief and that some system be devised to cull from the list of recipients of relief those who are unworthy, those who abuse the aid extended to them, and those who paint false pictures of economic conditions in order to fasten a dole system foreign to American traditions, on the body politic; and

Whereas, The system of investigating relief distribution in particular localities, while beneficial to the locality affected, fails to approach the task of placing relief upon a sound State-wide business basis, whereby red tape may be eliminated and those actually in need aided in a manner suitable to an American citizen; therefore, be it

Resolved (if the Senate concur), That the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint three members of their respective Houses, whose duty it shall be (a) to make a searching and impartial study and investigation of the distribution of public relief throughout this Commonwealth, (b) to ascertain whether and in what respect the present system is open to abuse, (c) to ascertain whether additional legal safeguards should be provided, (d) to ascertain whether appropriations for relief may be reduced, (e) to collate and digest reports of other investigating committees, and, (f) to investigate such other facts and circumstances as may be deemed necessary and advisable to enable the General Assembly to act with some degree of certainty and establish an impartial, unpolitical, unwasteful and business system of aiding those of our unfortunates in need and of eradicating and punishing those who take advantage of distressing economic conditions for their personal selfish ends, whether as recipients of relief or as distributors thereof.

Resolved, That said committee shall make a preliminary report of its findings to this General Assembly as early as possible, and shall make a final report to the General Assembly not later than February 1, 1937.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them, and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Mr. EALY. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions lie on the table be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk return the same to the House of Representatives with the information that the Senate has passed the same, with amendments, in which the concurrence of the House is requested.

## REPORTS FROM COMMITTEES

Mr. HARRIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS from the Committee on State Government reported as amended, Senate Bill No. 691 (House Bill No. 1480), entitled:

An Act to amend the title and section one as amended, and section three, of the act approved the tenth day of April, one thousand nine hundred and thirty-one (P. L. 23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Pennsylvania Historical Commission; providing for cooperation by the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by transferring the control and supervision of said park to the Department of Forests and Waters.

Mr. HUNSICKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUNSICKER from the Committee on State Government reported as committed, Senate Bill No. 695 (House Bill No. 609), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," permitting the assignment of rights by members in certain cases.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Pensions rereported as amended, Senate Bill No. 147, entitled:

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties.

Mr. FREY. Mr. President, I ask unanimous consent to make report form committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on State Government reported as committed, Senate Bill No. 690 (House Bill No. 1479), entitled:

An Act to amend the title and section three of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg, Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, in attempting to solve the financial and the unemployment relief problems of Pennsylvania, the important question is whether we are to isolate Pennsylvania, or may we include it as an integral and important part of the United States of America? Are we to be permitted to make the logical assumption that the expenditure of approximately Five Billions of Dollars by the Government of the United States, in public works, will tend in a great measure to facilitate employment and increase buying power, or must we take the view of the "glooms" that there will not be the slightest change for the better in the status and number of unemployed for the next two years. I prefer to take, and I think I am justified by reason and logic in doing so, the position that the expenditure of this colossal sum of money must have a helpful effect upon the present deplorable conditions of the Commonwealth of Pennsylvania; otherwise, the intent of those who authorize the expenditure will be wholly lost. The fiscal program of the present Administration assumes that there will be no change of our "unemployment" condition before the end of the next two years.

## POINT OF ORDER

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, it being 12:25 o'clock, I call for the order of the day.

Mr. SHAPIRO. Mr. President, there is no order of the day—there is no legislative order of the day; and I object to the motion. That may be some other Senator's idea, but never heard of it. There is an order of the day on the last legislative day, when the time is fixed.

The PRESIDENT. The clock points to the hour of 12:25, and the call for the order of the day is sustained.

## POINT OF ORDER

Mr. HARRIS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his point of order.

Mr. HARRIS. Mr. President, according to the rules of this body the order of the day must be called precisely at twelve o'clock.

The PRESIDENT. The point of order raised by the Senator from Allegheny, Mr. Harris, is well taken. The Senator from Monroe, Mr. Huffman, has slept upon his rights.

## MOTION TO ADJOURN

Mr. HUFFMAN. Mr. President, I move that the Senate do not adjourn.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. ARON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Aron, will state his point of order.

Mr. ARON. Mr. President, the Senator from Monroe, Mr. Huffman, is out of order in making the motion. The Senator from Philadelphia, Mr. Shapiro, has the floor on a question of personal privilege.

THE PRESIDENT. The Chair is of the opinion that the motion to adjourn is in order, and that the Senator from Monroe, Mr. Huffman, is not out of order.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, seventeen Senators voted in the affirmative and twenty-two in the negative, whereupon the question was decided in the negative.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, has the floor.

Mr. SHAPIRO. Mr. President, the fiscal program of the present administration assumes that there will be no change of our "unemployment" condition before the end of the next two years. It also assumes a reduction in the normal income of the Commonwealth during the same period as compared with the past two years. It seems to me, therefore, that a two-year plan, based upon conjecture in both important elements, is too long and creates the necessity of imposing an unnecessary burden of taxation upon citizens of all classes. It appears logical to me therefore to suggest that we adjust our minds towards a one-year program instead of the usual two-year plan. I am the more convinced that this is proper because I have said the vast governmental expenditures above referred to must necessarily have a favorable effect upon conditions, and because I notice that the budget prepared by the Administration estimates that the normal income of the Commonwealth of Pennsylvania in the next two years will be $25,000,000.00 less than that of the previous biennium. I can account for $9,000,000.00 of the decrease, by the fact that that sum is a non-recurring income returned to the Commonwealth by the Delaware River Bridge Commission. But as to the remaining $16,000,000.00, I suggest that an examination of the following statement proves conclusively that the estimates are matters of conjecture:

The $16,000,000.00 difference is made up as follows:

1. Receipts from taxes on capital stock, shares and loans, 1933-1935, $53,555,613.00; Governor's estimate, $47,645,000.00; difference, $5,910,613.00.

2. Receipts from taxes on income receipts, premiums and commodities produced, $34,628,131.00; Governor's estimate, $29,258,400.00; difference $5,370,131.00.

3. Receipts from inheritance tax, $30,554,792.00; Governor's estimate, $25,500,000.00; difference, $5,044.792.00.

Total difference, $16,325,536.00.

With the fact established that both the receipts and the amount necessary for unemployment relief are subject to future conditions, and playing as they do so important a part in the fiscal program of the Commonwealth, I repeat that a one-year plan, where such a tremendous sum is involved, is the better method of attacking the problem.

For the consideration of my colleagues in the Senate, and of His Excellency, the Governor, and his advisors, I submit the following suggestions:

FIRST: That we reduce our program to a one-year plan.

SECONDLY: That we assume for the purpose of this plan that there will be a constitutional revision with an increase in the borrowing capacity of the Commonwealth

THIRDLY: That we eliminate from the amounts said to be necessary those amounts that are not absolutely necessary during the next fiscal year. With that start we find that the $203,000,000.00 required can be reduced to one-half, or approximately $101,500,000.00; that this sum is subject to the following deductions:

(a) One-half of $1,750,000.00—cost of collection of new taxes, to wit, $875,000.00.

(b) Repayment to special funds of money borrowed and spent for relief during 1933-1935, to wit, $13,843,000.00 which may be postponed.

(c) Unexpended portion of the $15,000,000.00 included in the Governor's budget for relief from March 1st to May 31st which, up to April 15th, will amount to $7,500-000.00.

TOTAL—$22,218,000.00.

When we direct this sum from the $101,500,000.00, we have $79,282,000.00 as the approximate necessary sum for the one year program.

I suggest to meet that sum the following "Tax Program for One Year:"

1. Extending capital stock tax under present laws to domestic manufacturing corporations which, under the Governor's estimate for two years should net for one year $16,500,000.00.

2. Extending capital stock tax under present laws to foreign manufacturing corporations, which under the Governor's plan estimate for two years of $1,300,000.00, should net for one year $650,000.00.

3. Increase taxes paid by foreign corporations to equalize them with taxes paid by domestic corporations which, under the Governor's estimate for two years should net for one year $1,500,000.00.

4. Impose tax upon transfers of property by gift at the same rate as the present inheritance tax taxes which under the Governor's estimate for two years should net for one year $750,000.00.

5. Impose a documentary tax at the rate of two cents per hundred on all notes, deeds, bonds and mortgages which, under the Governor's estimate for two years should net for one year $1,000,000.00.

6. Reduce the time limit for escheating or payment of uncollected deposits to the State by banking or saving institutions which under the Governor's estimate for two years should net for one year $687,500.00.

7. An imposition of tax on chain stores and chain theatres with a rate increase according to the number of store or theatre units in the State which, under the Governor's estimate for two years should net for one year $2,000,000.00.

8. Impose for State purposes only a two mills personal property tax which under the Governor's estimate of six mills with a return of one-half to the counties for two years amounts to $49,000,000, should at two mills to the State alone net for one year $16,500,000.

TOTAL—$39,687,500.00.

9. Transfer from the road fund as it is received up to $42,000,000.00.

TOTAL—$81,687,500.00.

As I have pointed out the Governor's budget estimates that the receipts for the next biennium will be $16,325,-

536.00 less than the previous biennium. That makes an estimated decrease in income of over $8,000,000.00 for one year and that means that the sum required for the next year will fluctuate between the $79,218,000.00 that I have itemized above, and $71,056,000.00 depending upon the income from taxes on Shares and Loans income, and commodities and the inheritance tax, and therefore the transfer from the Motor Fund may be reduced by $8,000,000.00 or the major portion thereof.

It is to be understood that these taxes are to be entitled "Emergency Taxes" and are to end by the terms of the Act at the end of the fiscal year.

My reason for taking this position is that I feel as I have said that the one year plan is dependent upon a constitutional revision allowing an increase in the borrowing capacity of the State, and I hope that the committee on constitutional changes will shortly report out a Bill providing for a Constitutional convention. It can provide for submission to the people for approval and to save time the action for approval or disapproval and the election of delegates can take place at the same time; In this connection I should like also to make the following suggestions:

I feel that it is dangerous to make changes in the constitution of a State or Nation in times of stress, and that if such changes are necessary they should be made with care and entrusted only to persons who have a true regard for the traditions of the country and the form of Government under which we have so long prospered. In this respect I think I should say in fairness that the Committee which His Excellency the Governor of this Commonwealth appointed to draft a suggested revised constitution, as a whole, consist of citizens who can be looked to to guard with care the fundamental structures of our Government and the rights and obligations of the institutions created and existing under it. That being so, I suggest to the Constitutional Revision Committee that they shall accept the nominees of the Governor's Committee as the delegates at large to the Convention and so provide in the Act which they report out. Setting aside political partisanship, and viewing it as a whole, no one can deny that the Committee represents almost every walk of life and consists of men who will not be carried away by public clamor in dealing with so responsible a task. With an additional delegate from each Senatorial District elected by the people to join this Committee of sixty-five citizens as delegates at large, I think that the people of Pennsylvania need have no fear that their rights and privileges will be frittered away, or that the obligations of individuals or corporations to the Commonwealth will be disregarded. It seems to me that the success of the one year plan and its acceptance is dependent upon this constitutional revision so that if our present condition still continues at the end of the next fiscal year there may be a borrowing capacity which will enable us to spread the obligations over a longer period of time so that the burden may be lightened.

I hope that any constitutional convention, however, will provide, as I think it should, in connection with borrowing, that any effort to borrow shall first receive the approval of the people at an election, and that any borrowing program shall carry with it an imposition of taxes to meet the debt and interest in accordance with the terms of the loan.

I should like also to point out that the proposed taxes to be levied under this one year plan can in no sense be termed a "sock-the-poor" tax. Not a single one of these taxes can be criticized on that score. The first two impose taxes on domestic and foreign corporations of five mills where none existed before, and will not be burdensome upon any manufacturer. Other corporations who sell goods pay the same tax and there is a great deal of force in the argument that the reason for the exemption of manufacturing corporations no longer exists.

Increasing taxes to be paid by foreign corporations to equalize those taxes paid by domestic corporations effects only foreign corporations who are enjoying in this State practically the same privileges as domestic corporations and there can be no just criticism against that tax.

As to the tax upon a transfer of property by gifts, it is sufficient to say that in these times those who can afford the joy of making gifts can have no complaint as to the tax.

The documentary stamp tax cannot touch the poor and can have very little material effect upon others.

The imposition of a tax on chain stores and chain theatres would in my humble opinion in no way increase unemployment or the prices of food products. It can only effect the stockholders of these corporations.

The imposition of a two mills tax on stocks and bonds will certainly not effect materially the person who owns a few bonds. It amounts to but one-fifth of one per cent, and as to those who own many bonds I am sure that they will be able to bear this temporary burden in the interest of a needy community.

Mr. THOMPSON (Centre). Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. THOMPSON (Centre). Mr. President, will the Senator from Philadelphia, Mr. Shapiro, give up, in his plan of last week, his proposed taxes?

Mr. SHAPIRO. Mr. President, if the Senator from Centre, Mr. Thompson, had listened to my plan last week he would have noticed, would have heard, I made three suggestions. They were not my plans; they were suggestions. I suggested a sales tax of two cents for one year, and a sales tax of three cents for two years. I have studied the problem further and I have come to the conclusion that it can be solved without a sales tax; and therefore, if any problem can be solved without any tax that will hurt, and without its hurting the poor, I am in favor of abandoning it.

Mr. THOMPSON (Centre). Mr. President, has the Senator from Philadelphia, Mr. Shapiro, also abandoned his plan of last week to transfer funds from the Motor Fund?

Mr. SHAPIRO. Mr. President, not at all. I am in favor of letting up on the construction of new concrete roads, and giving the poor something concrete in the way of help, in the way of food to eat.

Mr. THOMPSON (Centre). Mr. President, does the Senator from Philadelphia County, Mr. Shapiro, still propose doing away, then, with the normal highway construction during the next year?

Mr. SHAPIRO. Mr. President, I propose, in the suggestion I make, to leave $61,000,000 in the Highway Fund for maintenance purposes; and I think that under present conditions we can temporarily abandon new construction, for the time being; and I may further answer the Senator

from Centre, Mr. Thompson, by suggesting that according to the figures of the Highway Department there is $5,700,000, which the Federal Government pays the Commonwealth of Pennsylvania for interstate use of highways, which can be used for matching purposes with the Government, so that there can be at least $10,400,000 worth of new construction work done.

Mr. THOMPSON (Centre). Mr. President, the Senator from Philadelphia, Mr. Shapiro, read his proposals so rapidly perhaps I did not catch all of them, but, as I listened to them, I understood that he also proposed to eliminate the suggested tax on utilities. Is that correct?

Mr. SHAPIRO. Mr. President, I did not have any suggested tax on utilities in the suggestions I made last week. I do not think it necessary. There are taxes on utilities now, and I take the view that we cannot just put the utilities out of business and then expect to increase employment; that would increase unemployment. I am trying to find a source of revenue, where taxes do not now exist, so as to distribute the burden as lightly as possible. I am of the opinion that we need the corporations to employ help; and I therefore suggest that they can be taxed in certain ways, and that is why I read them off this evening.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 690 (House Bill No. 1479), entitled:

An Act to amend the title and section three of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" by transferring the control management supervision restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 691 (House Bill No. 1480), entitled:

An Act to amend the title and section one as amended and section three of the act approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" by transferring the control and supervision of said park to the Department of Forests and Waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 695 (House Bill No. 609), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" permitting the assignment of rights by members in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 P. M. until Tuesday morning, April 9, 1935, at 11 o'clock.

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# HOUSE OF REPRESENTATIVES

MONDAY, April 8, 1935.

The House met at 9.00 o'clock P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Eugene S. Keller, State Chaplain of the American Legion offered the following prayer:

Almighty God, our Father and our God, creator of all things visible and invisible, we Bless Thee for Thy great love. We thank Thee for life and we acknowledge Thee as our God.

We pray Thee to bless all who are assembled here this evening, and may Thy richest blessing rest upon this commonwealth of ours, and upon these Representatives of Thy people. Grant that our fellow-ship one with the other this evening, may inspire us all to greater service to Thee and this beloved state and nation of ours, and keep us ever true to the principles for which we were founded, of justice, freedom and democracy.

Grant Heavenly Father, that these who serve us and guard our public welfare may receive from Thee, Thy richest blessing of wisdom and understanding—which

shall enable them to discharge their privileged and honorable duties of statesmanship honestly and well.

Keep us all steadfast in the cause of human rights, justices and liberties, of law and order, and true Americanism. Give us the power to see, and the will to do the right.

Finally O, God, we would ask Thee to grant us the blessings of health, strength and good courage, and may our lives show forth our gratitude by our upright conduct.

Bless to us we pray Thee, a sweet peace of mind, that peace that passeth all understanding, and the counsel and wisdom of those who live with Thee and are made strong and wise.

We ask all in the name of the Master of Men, our God and our Redeemer. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 4, 1935.

The Clerk proceeded to read the Journal of Thursday, April 4, 1935, when, on motion of Mr. Bradley the further reading was dispensed with and the Journal approved.

## COMMUNICATIONS AND PETITION

The SPEAKER laid before the House the following communications and petition which were read by the Clerk.

### SALES TAX

A communication from the Pennsylvania Restaurant Association protesting passage of sales tax.

Referred to the Committee on Ways and Means.

### EQUALIZATION OF TAXES

A petition from Conemaugh Tax Club, Indiana County Pennsylvania urging passage of legislation equalizing taxes.

Referred to the Committee on Ways and Means.

### POOR DIRECTORS

A resolution from the Mifflin Townships Commissioners of Allegheny County;

Elizabeth Board of Education, Allegheny County;
Borough Council of Sharpsburg,
Bethel Township School District,
Borough of Etna, Allegheny County,

addressed to Mr. Robinson, protesting passage of Senate Bill No. 204, and House Bill No. 660.

Referred to the Committee on Counties.

### REPORT OF DEPARTMENT OF REVENUE

The SPEAKER. The Chair lays before the House the report of the Department of Revenue in pursuance with a resolution of the House presented by the gentleman from Delaware, Mr. Turner, and adopted April 5.

The report was read by the Clerk as follows:

Department of Revenue,
Harrisburg, Pennsylvania, April 5, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

In response to your Resolution of April 3, 1935 asking for "a statement showing: (a) the effective date of each proposed tax act; (b) the dates when returns or reports are to be made under each proposed tax act; (c) the period covered by the return or report; and (d) the date each respective tax becomes due and payable," I submit the following information:

| *House Bill No.* | *Effective Date* | *When Reports or Returns are Due* | *Period of Report or Return* | *Date Tax is Due* |
|---|---|---|---|---|
| 836 | June 1, 1935 and Jan. 1, 1936 | | | |
| 837 | Immediately upon enactment. Retroactive to Jan. 1, 1934 | March 15, or 75 days after end of fiscal year. | Preceding calendar or fiscal year. | 60 days after settlement. |
| 838 | Immediately upon enactment. Retroactive to Jan. 1, 1935 | March 15, or 75 days after end of fiscal year. | Preceding calendar or fiscal year. | 60 days after settlement. |
| 839 | 1st day of month succeeding enactment. | Last day of month. | Preceding month. | Last day of succeeding month. |
| 840 | Immediately upon enactment. Retroactive to Jan. 1, 1935. | March 15. | Preceding calendar yr. | March 15. |
| 841 | Immediately upon enactment. | February 1 August 1. | 6 mo. period ending Dec. 31 and June 30. | 60 days after settlement. |
| 842 | Immediately upon enactment. Retroactive to Jan. 1, 1935 | March 15. | Preceding calendar yr. | March 15. |
| 843 | Immediately upon enactment. | February 1 August 1. | 6 mo. period ending Dec. 31 and June 30. | 60 days after settlement. |
| 857 | Immediately upon enactment. | During month of January. | Preceding calendar yr. | |
| 858 | Immediately upon enactment. | During month of January. | Preceding calendar yr. | |
| 862 | 30 days after enactment. | (Stamp Act) | | |
| 864 | Immediately upon enactment. | License required 60 days after effective date of act and renewable on or before Dec. 31 thereafter. | License for calendar yr. | On or before Dec. 31. |
| 923 | Jan. 1, 1936 | March 15. | Preceding Dec. 31. | 60 days after settlement. |

| House Bill No. | Effective Date | When Reports or Returns are Due | Period of Report or Return | Date Tax is Due |
|---|---|---|---|---|
| 924 | Jan. 1, 1936 | March 15. | Preceding Dec. 31. | 60 days after settlement. |
| 925 | (Sec. 3) Jan. 1, 1936 | March 15. | Day fixed by Dept. of Revenue between 1st and 15th of January. | 10 days after notice of settlement. |
| 925 | (Sec. 20) Jan. 1, 1936 | March 15 or 75 days after end of fiscal year. | Preceding calendar or fiscal year. | 60 days after settlement. |
| 936 | Immediately upon enactment. | 10th of each mo. | Preceding month. | 10th of each month. |
| 948 | March 1, 1935 | 15th of each month. | Preceding month. | 15th of each month. |
| 969 | Jan. 1, 1936 | License renewable on or before Dec. 31. | License for calendar yr. | On or before Dec. 31. |
| 970 | Jan. 1, 1936 | License renewable on or before Dec. 31. | License for calendar yr. | On or before Dec. 31. |
| 971 | Immediately upon enactment. | 15th of each month. | Preceding month. | 15th of each month. |
| 972 | Immediately upon enactment. | 15th of each month. | Preceding month. | 15th of each month. |
| 973 | Immediately upon enactment. | 15th of each month. | Preceding month. | 15th of each month. |
| 974 | Immediately upon enactment. | | | |
| 975 | Immediately upon enactment. | 15th of each month. | Preceding month. | 15th of each month. |
| 991 | Jan. 1, 1936 | License renewable on or before Dec. 31. | License for calendar yr. | On or before Dec. 31. |
| 992 | Jan. 1, 1936 | License renewable on or before Dec. 31. | License for calendar yr. | On or before Dec. 31. |
| 1127 | Immediately upon enactment. | February 1 August 1. | 6 mo. period ending Dec. 31 and June 30. | 60 days after settlement. |
| 1128 | Immediately upon enactment. | (Stamp Act) | | |
| 1192 | Immediately upon enactment. Retroactive to Jan. 1, 1935 | April 15 or 30 days after Federal Return is or would be due. | Calendar or fiscal year. | When return is due. |
| 1473 | Immediately upon enactment. Retroactive to Jan. 1, 1935 | March 15. | Preceding calendar yr. | March 15. |
| 1611 | October 1, 1935 | | | |
| 1631 | Immediately upon enactment. | March 15. | Preceding calendar yr. | March 15. |

Respectfully submitted,
M. CLYDE SHEAFFER,
Deputy Secretary of Revenue.
For
H. EDGAR BARNES,
Secretary of Revenue.

The SPEAKER. The report will be noted in the Journal and printed in the Legislative Journal.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 275, 276, 277, 278, AND 877.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.
April 4, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 275, Printer's No. 126, entitled, "An Act to amend section two thousand one hundred twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled, 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs,' providing for and regulating joint sewer improvements."

House Bill No. 276, Printer's No. 149, entitled, "An Act to amend section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' providing for and regulating joint sewer improvements."

House Bill No. 277, Printer's No. 128, entitled, "An Act to amend section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled, 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' providing for and regulating joint sewer improvements."

House Bill No. 278, Printer's No. 129, entitled, "An Act to amend section two thousand four hundred forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' providing for and regulating joint sewer improvements."

House Bill No. 877, Printer's No. 150, entitled, "An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made."

GEORGE H. EARLE.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 677.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.
April 4, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 677, Printer's No. 102, entitled, "An Act to amend sections three hundred eleven three hundred eighteen and three hundred twenty-one of the act approved the second day of May on thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' as amended further amplifying the powers of the retirement board in counties of the second class increasing the contributions of such counties county poor districts and employes and restricting rights to retire for disability in certain cases."

GEORGE H. EARLE.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Those members of the House who have not as yet been photographed by the House photographer are to report at the House Caucus Room to have this done, not later than tomorrow.

## LEAVES OF ABSENCE

Mr. James W. Patterson asked and obtained leave of absence for Mr. ROBINSON.

Mr. Ruth asked and obtained leave of absence for Mr. LaRUE on account of illness.

Mr. Falkenstein asked and obtained leave of absence for Mr. SCANLON on account of illness.

Mr. Wood asked and obtained leave of absence for Mr. SPANGLER for the balance of the week on account of illness.

Mr. Conner asked and obtained leave of absence for Mr. ROBERT S. HAMILTON for the balance of the week on account of death in the family.

## RESOLUTION FROM COMMITTEE ON RULES

Mr. RUTH offered a resolution from the Committee on Rules which was twice read, considered and adopted as follows:

In the House of Representatives,
April 8, 1935.

Resolved, That Thursday, April 18th, 1935, be fixed as the last day for the introduction of bills in the House of Representatives during the present session of the Legislature, except bills relating to social security or for the raising of revenue which may be introduced after said date.

Wilson G. Sarig
Frank W. Ruth
Roy E. Furman
William Sinwell
H. G. Andrews
Herbert B. Cohen

## REPORT FROM COMMITTEE

Mr. JOHN J. BAKER, from the Committee on Cities reported as committed, House Bill No. 766, entitled:

An Act to amend section two of the act approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class," providing for appeals from assessments in years other than the triennial year.

## RESOLUTIONS

### SYMPATHY EXTENDED ON DEATH OF HON. JOSEPH T. EVANS

Mr. WOOD offered the following resolution which was twice read, considered and unanimously adopted by a rising vote.

In the House of Representatives, April 8, 1935.

Whereas, On April fourth, God in his infinite wisdom removed from our midst the Honorable Joseph T. Evans, a member of this House from the second district of Lancaster County during the sessions of 1919-1921-1929-1931-1933; and

Whereas, This body, which he long honored by his membership, by his counsel and wisdom, desires to express its high regard for his character and its sorrow for his loss; and

Whereas, It is fitting and proper that we should take official note of his passing and inscribe in our records a tribute to his memory; therefore be it

Resolved, That the people of the community in which he resided have lost a modest and kindly man whom they always delighted to honor, but whose record among them will always stand as one above reproach and well worth emulation. and be it further

Resolved, That while we feel the ineffectiveness of any act or expression on our part to in any way reduce the grief and sense of loss to his family who sorrowfully survive and mourn his death, we extend to them our deepest and most profound sympathy; trusting that in their knowledge of our love and admiration for him, and of our grief at his passing, they may perhaps find a fuller measure of joy in the life that was; and be it further

Resolved, That a copy of this resolution shall be forwarded by the Chief Clerk to the family of the late Honorable Joseph T. Evans.

## MOTION TO DISCHARGE COMMITTEE

Mr. SOWERS. Mr. Speaker, I move that the Committee on Ways and Means be discharged from further consideration of Resolution No. 83 (Serial No. 100, Legislative Journal page 969) offered by Mr. Sowers and entitled, "Secretary of Revenue to estimate revenue that would be produced by House Bills 1361 and 1362, also amount required to finance Old Age Pensions at different ages" and which was referred to the Committee on Ways and Means on March 6, 1935, from further consideration of the Resolution, and same be placed on the Calendar.

Mr. WALKER. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker and members of the House, the resolution before the House is to discharge the Ways and Means Committee from further consideration of a resolution No. 83.

The resolution was offered on March 6 and referred to the Ways and Means Committee on the same day. The resolution merely requests that the Secretary of the Commonwealth furnish information to this House as to how much tax would be derived from income taxes assessed by different methods, that is, graduated, one per cent, two per cent, and so on to eleven per cent, and asks for information as to how much would be required to finance the Old Aged Pensions at seventy, sixty-five and sixty years. The resolution is merely calling upon the

Secretary of the Commonwealth for information so that this House may be guided and pass legislation accordingly. I ask every member of this House to vote to discharge the Committee and request the Secretary of the Commonwealth for the information so that we can work intelligently.

Mr. RUTH. Mr. Speaker, I arise to oppose this motion. When the gentleman from Philadelphia called on me last week I promised him that this resolution and these two bills would be taken up when the Committee on Ways and Means met. That Committee has not met but will meet this week, probably Tuesday morning, or Wednesday morning for sure.

Mr. SOWERS. Mr. Speaker, may I interrogate the gentleman from Berks, Mr. Ruth?

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. SOWERS. If I understand rightly, the gentleman from Berks says that tomorrow the Ways and Means Committee will meet and will consider this resolution, House Bill No. 1361, and 1362.

Mr. RUTH. Mr. Speaker, I have a request from Senator Woodward on Senate Bill No. 99, Resolution No. 83 and House Bills Nos. 1361 and 1362 to be taken up by the Committee tomorrow morning.

## MOTION TO DISCHARGE COMMITTEE WITHDRAWN

Mr. SOWERS. Mr. Speaker, under the circumstances I would request the privilege to withdraw the motion to discharge the Committee, without prejudice, and to renew it at a later date.

## STATEMENT BY MR. BLUMBERG

Mr. BLUMBERG asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, during previous sessions of the Legislature, the middle of April has always been significant because it marked the time of a possible adjournment of the General Assembly. At this session of the Legislature it is important for a much more vital reason with no possible date of adjournment in view, there is a much graver question and situation that confronts us.

Yesterday in one of the Governor's fireside broadcasts he said the following: "We are all living on the top of a volcanoe, and no one knows when it will erupt. In eight more days we will reach our relief deadline, and what may happen after that, God only knows."

April 15th is only one week off. We have been informed that Federal Administrator Hopkins, has advised us that unless we provide $5,000,000 per month as this state's share of unemployment relief, that further Federal grants for unemployment relief will no longer be available.

Several weeks ago it must have been apparent to us that the tax program of the Governor could not pass the Senate in its entirety. Today we are absolutely certain that no portion of that program can be enacted in the time to provide any revenue, any necessary revenue to be made available by April 15 for unemployment relief. At this late date there certainly is not sufficient time to expect compromise, and when the executive and the objectors to his present tax program find themselves in that situation, what are we going to do? Are we to sit idly by and permit April 15 to arrive and pass by without this Legislature having made any provision to insure the continuance of unemployment relief, and administer to the needy and the hungry after April 15? Are we going to hide behind the statement that this House has passed a program and let the Senate act? Are we going to hide either behind technicalities or sophistries, and say "It is up to the Senate"? I say that we should face the situation, and that we must under no circumstances permit the fifteenth of April to arrive without having made some adequate provision to meet the situation. I for one am unwilling to subscribe to and stand upon the statement that we have already done our duty in providing revenue, merely by the passage in this body of tax bills.

Tonight I have introduced at the desk House Bills Numbers 1981, 1982, 1983, 1984, 1985. These bills provide for the transfer of inactive funds in special pockets of the State to the general fund, to be used solely for unemployment relief and needs, to be available immediately, and to be returned from the general fund to those special funds by December 31, 1935.

These transfers are as follows:

From the liquid fuels tax fund, the bill provides for a transfer of $2,000,000. There is at present in that fund and up to and including May 31, upwards of $3,000,000.

Another bill provides for the transfer of $1,000.000 from the liquor license fund. At the present time, not including the expected additional license fees between now and the end of the biennium, there is one and three-quarter millions in that fund.

Another bill provides for the transfer of two and a half million dollars from the Veterans' Compensation Fund. There is at the present time in that fund $5,637,000 plus, so that after the transfer thereof a balance of $3,000,000 is still available for other bonus applications which will arrive between now and the date of repayment.

Another bill provides for the transfer of $1,000,000 from the State Liquor Store profits.

The last bill provides for the transfer of one million dollars from the motor license fund, where there is at present $5,000,000 unencumbered, not including the additional five million dollars of estimated revenue to the end of the biennium.

In this manner we can assure the Federal Government that there will be available immediately, certainly by April 15, seven and one-half million dollars as Pennsylvania's share at the rate of five million dollars a month to insure Federal grants from the government.

We are not using these special funds for general purposes. We are merely borrowing temporarally for relief for a period not to exceed eight months, for unemployment relief needs.

If this House will agree with that plan, and it is the only solution that I have been able to think of, and the only one that I know of that is available, because the Appropriation Committee has no bill either in Committee or on the floor of the House, which will make available that sum by April 15, nor is there any other bill of the Governor which will so do. If the Speaker of this House will immediately refer these bills to the appropriate committee and a recess of the House is declared to permit that Committee to meet and immediately report back bills to the House, with a request that first reading be given by unanimous consent, this House can pass these bills by

Wednesday, and message them over to the Senate and secure final enactment in the Senate by April 15.

In the firm belief that this action is of the most paramount importance might I say that we have not done our full duty unless we approve some such system as this, and I unanimously consent, Mr. Speaker, that you refer these bills immediately to the appropriate committees, and that a recess of this House be declared to permit that committee to act upon these bills during the session of the House this evening.

The SPEAKER. Will the House give it unanimous consent for the immediate reference of the bills?

Are there objections?

Mr. RUTH. Mr. Speaker and ladies and gentlemen, this is simply a cheap political maneuver on the eve of an election in Montgomery County.

Last September we were called in a special session, and we robbed these funds, we robbed the boroughs and the townships and the cities of their liquor license money and their liquid fuel tax money. Today the cry comes from every municipality, "Where is our money?" They have budgeted it and they don't have it. This action is not required by the Federal Relief Administrator. The only thing he puts up to us is that we shall have legislation on our books by April 15th that will show our good faith, that we will meet the program of five million dollars a month. That has not been done. The House has done its duty. We have passed it on to the Senate. There is no place in the budget for these bills which have been brought in. This will add an additional one million seven hundred and fifty thousand dollars of new taxes. We have passed the tax bills and we can go no further. We have no reason to feel sure if we added seven million and a half dollars more in new taxes, it would pass in the Senate; it might possibly pass in the House, but we are not sure whether it would pass in the Senate. We should see that the tax program is passed in the Senate, and if that is done all the requirements of the Federal Administrator are met. We have robbed all these funds. We were told that it is illegal to transfer money out of the soldiers' bonus fund for other purposes. In the liquid fuel tax fund we have also been told that it is illegal to transfer money out of that fund for other purposes. The boroughs and the cities are almost in bankruptcy because they have not received what belonged to them in the early part of the year. The promise was made in this House that this money would be returned by the first of June if we robbed these funds, and they have not received it. They have not received the share that they should have gotten at the beginning of this year, and if we continue to rob the funds there will be none to distribute on the first of June. We should not pass these bills. We should not have special committee meetings for the purpose. We have met here with a plan and a program, and that program has had the approval of this House. The opposition has presented no program, none whatsoever. Any one conversant with conditions in Pennsylvania know that taxes have been sorely needed. You were told that this was a comic opera. The Democrats are the stage hands in presenting the plan, but the players are not doing their part in the program and in the opera. We should fight and see that this tax program is passed in the Senate and then we will satisfy the Federal Administrator of Relief, who has said that we should provide the necessary legislation on our tax books. He did not say that we should lay five or seven and a half million dollars on the table of April 15th. We cannot meet that obligation by robbing these special funds, and I oppose the idea.

The SPEAKER. For the information of the gentleman from Philadelphia, Mr. Blumberg, the Chair will read Section 2 of Article III of the Pennsylvania State Constitution, which is as follows:

"No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members."

Therefore, the bills could not be read tonight.

## STATEMENT BY MR. BROWNFIELD

Mr. BROWNFIELD asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, we met in special session last September, faced with a crisis, a relief crisis, and we transferred $14,000,000 of funds in much the same way as the gentleman from Philadelphia, Mr. Blumberg, asks shall be done again.

I would ask the patience of the House while I read from the record of the special session in September. At this particular time Mr. Fitzgerald and Mr. Witkin were speaking.

Mr. Fitzgerald said: "Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Witkin."

The Speaker said: "Will the gentleman permit himself to be interrogated"?

Mr. Witkin answered, "I will, Mr. Speaker."

Mr. Fitzgerald said, "I would like to ask the gentleman from Philadelphia how he intends to repay this money"?

Mr. Witkin gave the following answer: "The next session of the Legislature will have to enable the repayment of this money by finding out a means of taxation that will affect most of the people the least. I also believe that economies can be affected in the State Government and thereby prevent great additional taxation. This money is to be borrowed now and repaid at the next session, and in that manner I presume, and know that it will be paid."

Mr. Witkin further stated: "The next legislature in their wisdom, will have to sit down and devise ways and means of raising this money. I am not the next legislature. The next legislature will well know what this legislature has said and that this money must be paid by a specified time. The legislature of Pennsylvania has never failed to fulfill their duties and have always maintained their honor and their integrity and I am sure that the next legislature will be able to meet that situation, and if the gentleman from Erie comes back then I know that the problem will be solved."

I believe that the gentleman from Philadelphia, Mr. Witkin, was voicing the feeling of his group at that time. He said that the funds were to be transferred then and they were to be paid back now. Now then, they make the same maneuver to again transfer money. When and how long will this continue? Just when is it going to stop? We transferred $14,000,000 then to meet a crisis, and now the same maneuver is made again towards the transferring of money. I am unable to understand ladies and gentlemen of this House, after

hearing what was said here, how the gentleman on the other side of the House can be consistent in this respect.

Mr. BLUMBERG. Mr. Speaker, with reference to the excerpts of the constitution which you read for the information of the House and for my information I am wondering whether that article of the constitution prevailed when the administration bill for constitutional revision was introduced into this House, referred to a Committee the same night and after twelve minutes session reported back to this House and given a first reading. I am asking for these bills the same treatment that was received to the administration bills then, and because there is a much graver situation now than that which confronted the constitutional revision bill.

The SPEAKER. The Chair wishes to inform the gentleman that the constitutional revision bill was in pink at the time.

Mr. BLUMBERG. Mr. Speaker, I beg to differ with you. I am a member of that Committee and attended a meeting of that Committee and pleaded for delay because of that reason. We were informed that someone had spoken to a gentleman in the Attorney General's office, and he said it was perfectly alright to go ahead. We only had the original bill before the Committee on the night of its introduction. We had a subsequent meeting of the Committee, after a re-referring of that bill to the Committee, at which time we had the bills in pink.

The SPEAKER. The Chair would like to answer the gentleman from Philadelphia, Mr. Blumberg. The Chair wishes to inform the gentleman from Philadelphia, Mr. Blumberg, that a bill cannot be given first reading unless it is printed, and the constitutional revision bill at that time, the Chair was informed, was in pink print, and therefore, could be considered.

The gentleman from Philadelphia will proceed.

Mr. BLUMBERG. I merely desired to make a reply that the bill was referred to the Constitutional Amendments Committee of which I am a member, and was considered the night of its introduction, the original bill, and returned to this House given first reading.

Mr. SHUGARTS. Mr. Speaker, I desire to read from the history. The bill was reported as committed, on January 21st, passed first reading on January 22nd.

Mr. BLUMBERG. Mr. Speaker and members of the House, I simply felt that I ought to express my resentment at the statement of the gentleman from Berks to the effect that my introduction of these bills tonight was a cheap political maneuver for the purpose of affecting the voting in Montgomery County.

The gentleman from Berks has served with me in this House long enough to know that I am not a cheap political trickster; that if there is a thing that I have brought to this Legislature it is my absolute sincerity of purpose. In introducing these bills tonight, I do it under the gravest sense of my responsibility as a member of the House, and in the desire to do my part and to help the House do its part towards making certain that there is no cessation of unemployment relief in Pennsylvania after April 15.

The gentleman from Berks further said that these bills will in effect increase the budget by seven and one-half million dollars. Might I say to the gentleman from Berks that if he will take the budget up in his hand as I have it in mine, he will see that the Governor has included in the budget $15,000,000 of unemployment relief for the months of March, April, and May, at the rate of $5,000,000 per month, so that the seven and one-half million dollars provided for by these bills is now in the budget, and it cannot affect the budget in any way.

Might I also say to the gentleman that so far as the transfer of funds in the special session of 1934 is concerned, that special session of the Legislature provided that this sum was to be repaid by December 31, 1935 by acts of this Legislature, and the Governor early in his budget provided for the return of $13,483,000 borrowed from special funds in September, 1934. So that also does not affect the situation. These amounts are included in the budget.

We are confronted with this situation, that there is nothing in sight to make this Legislature feel certain that the present tax program will pass, either as a whole or in part. If we provide this means of insuring the Federal grants of unemployment relief until the end of this biennium it gives us six additional weeks during which intelligence and sane consideration of the tax program can be made; during which time there will be further opportunity of effecting a compromise as suggested by the gentleman from Berks here on the floor last week.

Let me assure you, gentlemen, it is in absolute good faith, and there is nothing of a political nature behind it. I request the members on the other side of the House to feel the situation just as keenly as we feel it, and to join with us in putting these bills through at the earliest possible moment. If the Speaker rules that we cannot consider these bills and they will have to be printed, it means but the delay of one day. That also can be taken care of. If the Senate can pass these bills by April 16th, I am quite certain that Federal Administrator Hopkins, will go along with us for one day more.

Mr. WEISS asked and obtained unanimous consent to make the following statement :

Mr. Speaker, the move of the Republican leadership to transfer $7,500,000 from special funds for unemployment relief needs for the months of April and May is one piece of political juggling which will fool no one.

In making this proposal, the Republican leadership shows itself in absolute ignorance of the critical situation with respect to unemployment relief which exists today. It is a flimsy effort on the part of the sponsors of this program to divert attention of the people of Pennsylvania from the obstructionists tactics of the Republican majority in the Senate towards Governor Earle's program to finance unemployment relief as well as the other needs of the Government. It is a clumsy maneuver to conceal the fact that the Republican leadership has brazenly refused to submit its own tax program for the solution of the State's financial problems, despite the fact that this Legislature has been in session since January 1st, and despite the fact that Governor Earle, on February 12th in his Budget Message, notified the Legislature that it will be necessary to levy $203,000,000 in new taxation to provide funds for unemployment relief, Old Age Assistance, Blind Pension, $50,000,000 deficit inherited from the preceding Adimnistration and the normal needs of Government during the next two years.

In pursuing its ruinous policy, the Republican leadership has failed to take time out to acquaint itself with the real facts of the financial crisis confronting the State.

On March 25th, two weeks ago today, Governor Earle called upon Federal Emergency Relief Administrator, Harry L. Hopkins, at Washington. He did so in response

to a summons of the Federal Relief Administrator who desired to know from the Governor just what steps were being taken by Pennsylvania to meet its share of the unemployment relief burden. Federal Relief Administrator Hopkins, in his conference with the Governor, pointed out that the Federal Government had given Pennsylvania approximately $58,000,000 for unemployment relief in Pennsylvania for the months of January, February and March without the State putting up a single dollar of its own. He told the Governor that it would be necessary for Pennsylvania to pay its fair share of unemployment relief costs in Pennsylvania amounting to approximately $20,000,000 per month. Governor Earle thereupon made an agreement with the Federal Relief Administrator that Pennsylvania would, beginning with April, put up $5,000,000 per month if the Federal Government would put up the rest of the money needed, approximately $15,000,000 per month. The Governor, however, pointed out that under the tax program which he had submitted that it would be impossible for Pennsylvania to put up $5,000,000 monthly in cash inasmuch as most of the money which would come in under his tax program would not be forthcoming until after the first of next year and that only approximately two and a half million dollars monthly would come in from the emergency taxation such as gasoline, amusements and tobacco, included in the Governor's program.

Federal Relief Administrator Hopkins, in view of this situation, agreed that if Pennsylvania, within the next three weeks, that is, by April 15th, would enact a tax program which would provide for unemployment relief that the Federal Government would not insist upon the cash payment of $5,000,000 per month by Pennsylvania but would treat such appropriation as a promissory note on the part of the State, payable when the tax revenues came in, at which time the Federal Government would be paid. The Federal Relief Administrator gave a three week grace period to the State of Pennsylvania so as to permit sufficient time for the enactment of a tax program, whether Governor Earle's or some other program. He warned, however, that unless tax legislation was passed that the Federal relief would be shut off on April 15th.

All the facts that have just been stated were incorporated in an announcement made by the Federal Relief Administrator in the public press on March 25th. Despite that fact the Republican majority in the Senate has pursued its policy of obstruction and do-nothing. Intent more on its course of killing the Governor's tax program, it has failed to present a program of its own. Now, one short week before the dead-line fixed by the Federal Relief Administrator, the Republican leadership is presenting this program to raid special trust funds of $7,500,000 so as to put itself in the light of champion of the unemployed of the State, knowing full well in its heart, first, that there is no necessity actually to provide $7,500,000 in cash by April 15th and knowing furthermore that if it had done its duty and enacted a tax program that that would be sufficient, even though such a tax program would not immediately yield the $5,000,000 per month cash needed for unemployment relief.

Mr. BARBER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Blumberg.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Blumberg, permit himself to be interrogated?

Mr. BLUMBERG. Mr. Speaker, I will.

Mr. BARBER. Mr. Speaker, I would like to ask Mr. Blumberg, as one of the leaders of the minority of this House, whether he has sponsored or proposed publicly any legislation attempting to raise money that has not been covered by the taxes levied and the tax bills passed in this House by the majority.

Mr. BLUMBERG. Mr. Speaker, my reply is to the effect that this House has already approved the Governor's program, and it is now the duty of this House to await the action of the Senate. The resolution offered by the Committee on Rules to night fixing the last day for the introduction of bills specifically excepts bills pertaining to social security and revenue raising.

Mr. BARBER. Mr. Speaker, does the gentleman from Philadelphia then wish this House to understand that he has not publicly sponsored or proposed legislation as a substitute for that which has been enacted?

Mr. BLUMBERG. That is a fact, Mr. Speaker; I personally have not.

Mr. BARBER. Will the gentleman from Philadelphia kindly tell this House whether as a leader of the minority in this House, he has conferred with the leaders of the majority in the Senate for the purpose of effecting a plan to use as a substitute for the plan that has been proposed by the administration, and whether or not the leaders of the minority in the House and the leaders of the majority in the Senate have publicly sponsored such a plan, if one has been arrived at?

Mr. BLUMBERG. Mr. Speaker, I cannot, of course, speak with any authority for the Senate, but as an individual I can state to the gentleman from Erie that I and others of the minority in this House have been in conference with representatives of the majority in the Senate for the very purpose which the gentleman mentioned, and because of the shortness of time there will not be time for any substitute program to be offered, which will produce sufficient revenue by April 15, and I have taken this action tonight to provide the necessary state contribution.

Mr. BARBER. Mr. Speaker, is the gentleman from Philadelphia aware that for the last three weeks the leaders of the minority party in the House and the leaders of the majority party in the Senate have been talking about affecting a compromise and passing acts that will be a compromise to the plan proposed?

Mr. BLUMBERG. I have no such knowledge, Mr. Speaker.

STATEMENT BY MR. BARBER

Mr. BARBER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, for about two months we have been discussing a plan for the raising of two hundred and three million dollars for emergency purposes. For the last two months the members of the minority in this House, and the members of the majority in the Senate have been doing anything and everything that they could for the purpose of obstructing those plans. For the last three weeks I as a member of this House have heard the members of the minority state to the majority that we should get together at a round table conference; that we should adopt plans that would be a compromise, and at the same time I have heard members in the Senate speak of this same compromise, but as yet I have heard no one in this House belonging to the minority sug-

gest that they as a minority in this House, and the majority in the Senate have a plan which they can propose as a substitute to the one that has been offered. They have had ample time so to do, and I believe that we as members of the majority of this House should stand by the platform that has been adopted, and we should stand pat on the acts that have been passed by this House and submitted to the Senate for their consideration, and until such time as the membership of the minority here and the majority of the Senate see fit to sponsor publicly a plan, which will be a fit substitute, I thing we ought not allow them to further plunder our special funds.

## STATEMENT BY MR. FURMAN

Mr. FURMAN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, in regard to this transfer of money from different funds, there is one angle that has not been discussed very much, and that is the source from whence these funds come.

To begin with, two million dollars is to be transferred from the liquid fuel tax fund. Whose money is that? That money is allocated to the different counties, and the counties of this state have made up their budgets, with the expectation of receiving that money. Now, if we take that money away from them at the present time, we are causing them a great deal of trouble. It is going to upset their financial system. The money that they have provided, the taxes they have levied to run their own counties on top of the troubles that we have here in the state, they are having troubles locally.

It is also proposed to transfer two and one-half million dollars from the Veterans' Pension Fund. In that fund, as the gentleman from Philadelphia has stated, there is five million six hundred and thirty-seven thousand dollars. Two million four hundred and fifty thousand dollars of that total is presently due for payment to soldiers who have already presented their claims, and there are other applications that no doubt will be acted upon favorably very soon. Now, if it is proposed to borrow this money, would it be fair to those soldiers who have not already received their bonus, to further delay these payments to them? I say that it would not. And I also say that this Legislature does not have the right to borrow this fund, since it was set up, it was borrowed on a bond issued by a vote of the people of this state to be used for a specific purpose, and we have no right to transfer that money.

In regards to the Liquor License Fund, it is also the property of the counties, which are depending upon that revenue to run their counties, or rather, all municipalities in this state, and this legislature has no right to transfer the fund.

Further in regard to the amount that is proposed to be borrowed from the Motor License Fund, the money in that fund is already obligated,—there were contracts let by the previous administration,—and if this money is taken away, we are breaking a contract, and I ask the membership of this House if it is fair for the state to set an example in breaking contracts.

The only real proposal that is offered is the one to borrow from the Liquor Store profits, and that could be done providing there are profits to be borrowed. That is very small, less than one-seventh of the total amount proposed to be borrowed.

As the gentleman on the opposite side of the House has already said, this House has performed its duty by passing the only tax program that has been presented. The Senate has failed to act. They have known for several weeks that it will be necessary to act by the fifteenth of April, and why should we, in view of this, try to take the blame away from them. They know what is needed in the state. It is their duty to act and to act in a way that will be approved by the people of this state. I ask the membership of this House to have no part in the transfer of these funds, because we do have a program, and we have had plenty of time to enact that program into law. That program is a fair program. It is one that will meet with the approval of the majority of the people of this state. The money under that program, the majority of it, is raised by taking out of the present laws exemptions that have been in there for years, and I ask you who has benefited by these exemptions? When they were exempted, the public and the people of the state knew that they should not be exempted, but should pay their fair share of this burden along with the average citizen of this state. I ask again this membership to have no part in this robbing of funds, over which we have no control, funds that do not belong to this body to be transferred.

The SPEAKER. The Chair hears objection and unanimous consent for the immediate reference of the bills is not granted.

## MOTION TO RECESS

Mr. BLUMBERG. Mr. Speaker, I move you that this House do now take a recess of twenty minutes to permit the Speaker to refer House Bills 1981, 1982, 1983, 1984, and 1985 to an appropriate committee, and to further direct that committee to meet during said recess to consider those bills.

The SPEAKER. The Chair will read for the information of the House Rule 17 as follows:

"Bills will be introduced by filing with the Chief Clerk to be by him numbered and handed to the Speaker for reference to appropriate committees, and report at the session following the day of presentation."

It will therefore be necessary to move to suspend the rules if the gentleman from Philadelphia wishes to proceed.

## MOTION TO SUSPEND RULE 17

Mr. BLUMBERG. Mr. Speaker, because this House has in the past done exactly the things that I proposed in that motion I now move you that House Rule No. 17 be suspended for the specific purpose of permitting reference of House Bills, 1981 to 1985 inclusive to an appropriate committee to permit action by that committee on those bills.

On the question,

Will the House agree to the motion?

Mr. RUTH. Mr. Speaker, I again rise to oppose this motion, for the very reason that the House has done its part and the obstruction methods of the opposition have caused this program to go over. I, therefore, rise to oppose this motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Blumberg and Mr. Witkin and were as follows:

YEAS—79

| | | | |
|---|---|---|---|
| Altenburg, | Gillette, | Merrell, | Sproul, |
| Atkins, | Green, | Moore, | Stewart, |
| Baker, F. T., | Greenstein, | Muir, | Stockham, |
| Baldi, | Habbyshaw, | Nothnagle, | Stott, |
| Barnhardt, | Hart, | Parks, | Surface, |
| Bernhard, | Hefferon, | Perry, | Tahl, |
| Blumberg, | Hermansen, | Phillips, | Terry, |
| Boose, | Hoffner, | Reynolds, | Trout, |
| Boyd, R., | Hoopes, | Rhys, | Turner, |
| Boyer, | Horst, | Roan, | Van Allsburg, |
| Brennan, | Jackson, | Root, | Wall, |
| Carr, | Jones, | Schrock, | Wasserman, |
| Castor, | Kane, | Schwartz, | Weidemann, |
| Conner, | Kelder, | Shortz, | White, |
| Cordier, | Linderman, | Shreiner, | Wickersham, |
| Davies, | Longaker, | Simpson, | Witkin, |
| Duffort, | Mallen, | Sloan, | Wood, |
| Ferko, | Mason, | Snyder, F. E., | Woodside, |
| Flynn, | McDevitt, | Snyder, J. L., | Yeakel, |
| Gates, | McKinney, | Sowers, | |

NAYS—112

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Long, | Ruffennach, |
| Alexander, | Downey, G. E., | Lovett, | Ruth, |
| Allen, | Downey, J. J., | Lynch, | Sarraf, |
| Andrews, | Eberharter, | Male, | Schrope, |
| Arnold, | Eroe, | McCreary, | Schwab, |
| Aukerman, | Falkenstein, | McDermott, | Shaw, |
| Baine, | Finnerty, | McElroy, | Shepard, |
| Baker, J J., | Fitch, | McHenry, | Shugarts, |
| Barber, | Flanagan, | Melchiorre, | Siegel, |
| Bradley, | Flinchbaugh, | Mentzer, | Simon, |
| Brancato, | Furman, | Moomaw, | Sinwell, |
| Brown, H. S., | Gerard, | Mooney, | Smith, J. A., |
| Brown, J. E., | Haberlen, | Moran, | Smith, W. G., |
| Brownfield, | Hagerty, | Moul, | Stank, |
| Brumbaugh, | Haluska, | Murrin, | Stevens, |
| Burke, | Hamilton, F. P., | Nagel, | Stone, |
| Cannon, | Harkins, | O'Keefe, | Sumney, |
| Caputo, | Harmuth, | Ominsky, | Tronzo, |
| Carson, | Hartman, | O'Neill, | Tumelty, |
| Chervenak, | Hetrick, | Panton, | Van Sickle, |
| Coakley, | Hindman, | Patterson, C., | Walker, |
| Cochran, | Hirsch, | Patterson, J. W., | Weiss, |
| Cohen, | Holstrum, | Pearson, | Welliver, |
| Coleman, | Kelso, | Pfaff, | Welsh, |
| Condon, | Kilroy, | Piole, | Westrick, |
| Coolahan, | Kinney, | Powers, | Yourishin, |
| Dent, | Klingler, | Reising, | Zappala, |
| Diehl, | Kobelak, | Rinn, | Sarig, |

So the question was determined in the negative and the motion was not agreed to.

STATEMENT BY MR. WITKIN

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. SPEAKER and members of the House, I have listened with a great deal of interest to the debate that has just taken place. I have listened to the Democrats deploring the taking and the transferring of the special funds. I have heard them refer to the last session of the Legislature as being the Legislature that ought to be severely condemned and criticized because of this absolutely wrong and improper thing they did.

I wonder if the Democrats of this House are aware of the fact that the exponent of this session of the Legislature, not the last session, but this one, for the transferring of special funds to meet a special emergency, happens to be His Excellency, the Governor of the Commonwealth of Pennsylvania, who on March 4, 1935, to meet an emergency that may have been an emergency but certainly not as great an emergency as the present one, came before this Joint Assembly and said: "Members of this Honorable Body, what we have to do in order to raise this immediate fund is to take money from special funds and transfer them to the general fund."

If your memory is good, you will recollect that the Republicans said in effect, "O. K. Governor we are with you." But you seem to have a lax memory, you seem to forget that at that time you wanted special funds transferred to the general fund. Therefore, so that if the session prior to this one was wrong, you certainly have started off on the wrong foot, and you are getting us into bad habits in this session.

Let us compare the emergencies. What are they? I have read it in the newspapers, I have heard it shouted from the house tops, that the deadline is April 15. I do not want to criticize the language that is used by our high officials in the state, but I am frank to say when reading the wording of some of those statements eminating from high authority, you are given to think that the danger of war does not only exist on the other side, but you are almost given to think that it is being advocated by high officials in this state. They say that the emergency is great. They say that relief will stop by April 15 unless we do what the Federal Administrator said we ought to do, to wit, pay our share each month towards unemployment relief.

I do not care whose fault it is. You are trying to put it on the Republicans, and let us assume for the sake of the argument that the Republicans are trying to put it on you. In passing, I must say this, I have got to laugh, and I say to laugh perhaps sadly when the Democrats will interrogate the Republicans of this House and say, "What measure did you introduce to accomplish thus and so?" In the first instance, the history of this Legislature is such that we were taught in the beginning of the legislative session that it was dumb, stupid, assinine and ridiculous for us to introduce any good measures because the minute we did so, to use the common vernacular it was taken away from us and became one of yours. So, we have a right to assume in introducing any measure in the beginning they would have been taken over by you. But that is neither here nor there. If you asked whether the Republicans have introduced any measures for taxes, then I am sure that I am correct in saying that those who ask this question ought to know better, because there have been introduced in this House by Democrats and there have been introduced in this House by Republicans, both by the Democrats and the Republicans, a lot of tax measures that did not happen to have the stamp of approval of the administration. What did you do with those bills? Did not pay any attention to those bills? Did you consider them? Or have you pigeon-holed them within the confines of their own committee? You have all kinds of other tax bills before you, but you were set, you had a hard and fast orders placed upon you. You were told to get this out, get that out, leave that in, don't dare to get that out. I don't blame you. You did what you were told to do, but don't blame us after you did it, and don't blame us for not doing other things. Go through your history and you will find a lot of Democrats who have introduced good measures, and a lot of Republicans who have introduced good measures. So that to reach the situation, coming back to what I started to say, when I digressed, where we are told that relief is going to be shut off, you have got to have this money.

Why do you talk about a cheap political trick. All you have to do is to read the Philadelphia and Norristown newspapers, and you will find that every man on relief, every school teacher or educator, and everybody in the

whole Commonwealth is told, "Be for my tax program. Be for my tax program or you will starve," even going so far as to say, "You might even not get paid." The people in Montgomery County tonight are being told that they will starve.

What are we facing? We are facing a situation where we believed what you said, we believed you when you told us if we didn't put five million dollars into the unemployment relief fund by the 15th of April relief would stop. We also believed you when you told us that if we didn't put in five million dollars, the hungry were going to march, were going to come up here, and then God help us—believing you.

The gentleman from Philadelphia, Mr. Blumberg, spent a great deal of time finding out these figures, and as a result he found out that we could take from five funds the money that he is taking from those five funds, being inactive for the present.

In answer to the gentleman from Greene, Mr. Furman, I wish to say that the money that he proposes taking from the Veterans' Compensation fund won't stop a single veteran in the whole confines of Pennsylvania between now and the 31st of December, 1935, from getting his money.

So, what do we do? We present those bills, we present them in the hope that you are going to put them through. I am going to follow it up in a few minutes with a resolution, so that the sense of this body will be determined.

I am going to close by saying to this House in order that the unemployed and the starving may get what is coming to them, and in order that you cannot improperly put upon us the burden which belongs on your own shoulders—if the fault be yours, or if the fault be ours, or no matter where the fault is, whether it is yours individually or ours individually or both of us collectively, irrespective of all that, the one primary purpose that is in our minds is to take inactive money that the Commonwealth is not using and temporarily transferring it to the general fund.

In reply to the gentleman who read what I said at the using and temporarily transferring it to the general fund. special session, I reaffirm every word that I said, and everything that I said then, I believed then and I believe now, and I say to you that all those moneys are provided for in the Governor's budget, to be returned before the 31st of December, 1935, so that we on this side of the House are not breaking faith, we have not broken faith and we won't, and in order to give you the opportunity of stating how you stand on providing the moneys set forth in the bills introduced by the gentleman from Philadelphia, Mr. Blumberg I offer a resolution, which I am going to ask the clerk to read, and after it has been read will ask your unanimous consent for its immediate consideration. Whether you are for it or not, I hope you will stand on the record and vote one way or the other.

In closing, I want to pay a tribute to the gentleman from Delaware, Mr. Turner, who on March 26th, directed your attention to this subject as well as to other subjects, and if this House had not played politics with unemployment relief, his resolution introduced that day would have gone through this House and we would not have had to act in the haste that we do. So, when you criticise, when you ask questions, look at your own record, and when you find who is at fault and don't try to criticise us.

Mr. Speaker, I offer the following resolutions and I ask unanimous consent of the House for its immediate consideration at this time.

Mr. RUTH. Mr. Speaker, is it a privileged resolution?

The SPEAKER. It is not a privileged resolution.

Mr. RUTH. Mr. Speaker, I object.

Mr. WITKIN. Mr. Speaker, may I ask that the resolution be read for the information of the House?

The SPEAKER. Will the House give its unanimous consent to the reading of the resolution? Are there objections?

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections.

Mr. WITKIN. Mr. Speaker, may I interrogate the genleman from Berks, Mr. Ruth?

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, do I understand the gentleman from Berks, Mr. Ruth, to object merely to the reading of the resolution because I, on behalf of the Republican minority in this House, have introduced it in order that the members, both of the minority and the majority, may know its contents?

Mr. RUTH. Mr. Speaker, I think we all know its contents.

Mr. WITKIN. Mr. Speaker, may I further interrogate the gentleman from Berks?

## ORDER OF THE DAY CALLED

Mr. HOOPES. Mr. Speaker, I call for the order of the day. I think we have gone about long enough.

The SPEAKER. The gentleman from Berks, Mr. Hoopes, calls for the order of the day. The order of the day is resolutions.

Mr. WITKIN. Mr. Speaker, I desire further to interrogate the gentleman from Berks, Mr. Ruth.

## POINT OF ORDER

Mr. HOOPES. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Berks will state his point of order.

Mr. HOOPES. Mr. Speaker, this is an interrogation; it is not a resolution.

The SPEAKER. The point of order is well taken.

## MOTION TO SUSPEND RULE 88

Mr. WITKIN. Mr. Speaker, I move that the rule—I think it is 88, but I am not sure—be suspended for the specific purpose of considering the resolution that I have just offered and in order that the members of this House may intelligently vote upon that motion to suspend the rule, I ask that the resolution be read for the information of the membership of the House.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, is informed that it is necessary to suspend the rule before the resolution can be read, introducing it from the floor.

Mr. WITKIN. May I ask the Speaker how it is possible for the members of the House to vote upon a motion to suspend a rule to consider a resolution, if the membership of the House does not know the contents of the resolution?

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, is informed that a motion for the suspension

of a rule is made for the purpose of introducing the resolution from the floor, otherwise, it would have to be filed with the Clerk.

Mr. WITKIN. Mr. Speaker, I desire to withdraw the motion that I have just made, and ask for recognition immediately thereafter.

## MOTION TO SUSPEND RULE 88 WITHDRAWN

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, withdraws the motion to suspend the rule. If there are no objections, the motion is withdrawn. The Chair hears none.

## QUESTION OF INFORMATION

Mr. WITKIN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, will state his question of information.

Mr. WITKIN. Mr. Speaker, what rule do I have to move to suspend in order to get this resolution read?

The SPEAKER. The Chair informs the gentleman from Philadelphia that he will have to suspend rule 84 to have this resolution read. The Chair will read the rule relative to resolutions:

"All resolutions originating in the House, (except those privileged), shall be introduced by members filing four typewritten copies thereof with the Chief Clerk, signed and dated, to be numbered by the Chief Clerk and handed to the Speaker, who shall refer all such resolutions, including all Senate Concurrent Resolutions, (not privileged), to appropriate committees in the same manner as bills."

## MOTION TO SUSPEND RULE 84

Mr. WITKIN. Mr. Speaker, I move that rule 84 be suspended for the purpose of having the resolution just offered by me read for the information of the House.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker and members of the House, in asking you to vote for the suspension of this rule, all that I am doing is asking you to permit the membership of this House to know what is in that resolution.

I, for the life of me, can't comprehend the workings of one's mind, who would object to information being given to this membership as to what a member of this House has offered. I particularly resent this, and I say this with modesty, because I have been entrusted by the Republican membership of this House with responsibility, that the membership of this House have a right to suppose that the Republican membership of this House, consisting of some eighty odd men, are only asking you to permit them to know what this resolution contains, and when an objection is made of this kind, I think that when you talk about cheap politics, that this is the cheapest thing I have ever encountered on the floor of this House.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. BLUMBERG and were as follows:

YEAS—87

| | | | |
|---|---|---|---|
| Altenburg, | Gates, | McCreary, | Sowers, |
| Andrews, | Gillette, | McDevitt, | Sproul, |
| Atkins, | Green, | McKinney, | Stewart, |
| Baker, F. T., | Greenstein, | Merrell, | Stockham |
| Baldi, | Habbyshaw, | Moore, | Stott, |
| Barnhardt, | Haluska, | Muir, | Surface, |
| Bernhard, | Hamilton, R. S., | Nothnagle, | Tahl, |
| Blumberg, | Hart, | Parks, | Terry, |
| Boose, | Hefferon, | Perry, | Tronzo, |
| Boyd, R., | Hermansen, | Phillips, | Trout, |
| Boyer, | Hoffner, | Reynolds, | Turner, |
| Brennan, | Horst, | Rhys, | Van Allsburg, |
| Brown, H. S., | Jackson, | Roan, | Wall, |
| Castor, | Jones, | Root, | Wasserman, |
| Chervenak, | Kane, | Schrock, | Weidemann, |
| Condon, | Kelder, | Schwartz, | White, |
| Conner, | Linderman, | Shortz, | Wickersham, |
| Cordier, | Long, | Shreiner, | Witkin, |
| Davies, | Longaker, | Simpson, | Wood, |
| Duffort, | Lynch, | Sloan, | Woodside, |
| Ferko, | Mallen, | Snyder, F. E., | Yeakel, |
| Flynn, | Mason, | Snyder, J. L., | |

NAYS—106

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | McDermott, | Sarraf, |
| Alexander, | Eroe, | McElroy, | Schrope, |
| Allen, | Falkenstein, | McHenry, | Schwab, |
| Arnold, | Finnerty, | Melchiorre, | Shaw, |
| Aukerman, | Fitch, | Mentzer, | Shepard, |
| Baine, | Flanagan, | Moomaw, | Shugarts, |
| Baker, J. J., | Flinchbaugh, | Mooney, | Siegel, |
| Barber, | Furman, | Moran, | Simon, |
| Bradley, | Gerard, | Moul, | Sinwell, |
| Brancato, | Haberlen, | Munley, | Smith, J. A., |
| Brown, J. E., | Hagerty, | Murrin, | Smith, W. G., |
| Brownfield, | Hamilton, F. P., | Nagel, | Stank, |
| Brumbaugh, | Harkins, | O'Keefe, | Stevens, |
| Burke, | Harmuth, | Ominsky, | Stone, |
| Cannon, | Hartman, | O'Neill, | Sumney, |
| Caputo, | Hetrick, | Panton, | Tumelty, |
| Carson, | Hindman, | Patterson, C., | Van Sickle, |
| Coakley, | Hirsch, | Patterson, J. W., | Walker, |
| Cochran, | Holstrom, | Pearson, | Weiss, |
| Cohen, | Hoopes, | Pfaff, | Welliver, |
| Coleman, | Kelso, | Piole, | Welsh, |
| Coolahan, | Kilroy, | Powers, | Westrick, |
| Dent, | Kinney, | Reising, | Wilson, |
| Diehl, | Klingler, | Rinn, | Yourishin, |
| Dilley, | Kobelak, | Ruffennach, | Zappala, |
| Downey, G. E., | Lovett, | Ruth, | Sarig, |
| Downey, J. J., | Male, | | |

So the question was determined in the negative and the motion was not agreed to.

## RESOLUTION

### SYMPATHY EXTENDED ON DEATH OF HON. WILLIAM J. HAMILTON

Mr. BALDI offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 8, 1935.

Word has just reached this body of the death of the Honorable William J. Hamilton, the father of our fellow-Member, Robert S. Hamilton, today, at the age of sixty-six years;

A life long Philadelphian, the senior Mr. Hamilton was a Member of the House during the Session of 1919;

The written word is a futile way to convey sympathy to the son in his sorrow, and yet is the only way open to us; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania take this means to express its condolences to our associate, the Honorable Robert S. Hamilton, and to members of the bereaved family; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to our fellow-Member and to the members of the family of the late Honorable William J. Hamilton.

## SENATE MESSAGE

## TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 8, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 15, at nine o'clock; and that when the House of Representatives adjourns this week it reconvenes on Monday evening, April 15, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## QUESTION OF PERSONAL PRIVILEGE

Mr. ANDREWS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, will state his question of personal privilege.

Mr. ANDREWS. Mr. Speaker and members of the House, I rise to a question of personal privilege, because some recent comments in the Press have served to prejudice my position with reference to certain pending legislation. I never quarrel with the gentlemen of the Press. The Press gallery maintains such a high average of accuracy that its statements pass current upon their face. Therefore, it is necessary to call attention to minor errors lest they be generaly believed.

Widely read Harrisburg and Philadelphia newspapers have carried a recent statement concerning House Bill 811, sponsored by me and now upon the postponed calendar. The stories contain an intimation that the measure in question was postponed at the instance of the "Governor's office." Whatever that phrase may mean. There is also an intimation that the measure in question might possibly have been introduced with some purpose in mind of "embarrassing the administration." I quote that phrase. The news comment concludes with the statement that if the bill in question is ever called up for action, it will be sent back to committee to be pickled, and I am again quoting, "If Andrews makes the motion to return the bill to committee, it will be because he was told what he had to do."

First of all, I have no wish to embarrass the administration. Second, I realize that the administration has so many major matters on its hands that it is in no wise concerned about any of my little legislative ventures. I really could not embarrass this administration if I tried.

Mr. Speaker, I am inclined to resent the intimation that what is known as the "Governor's office" is actively interfering with the course of measures which are not a part of the administration program. And I also submit, Mr. Speaker, that it is a perfectly fair conclusion that if I actually had pending upon the calendar a bill in which the Governor's office was actually interested—for or against, whatever the case might be—that I would have been informed directly.

I assure the members of this House that no one connected with the Governor's office directed me to place House Bill 811 upon the postponed calendar. I also assure this House that Press reports are in error since no one even remotely connected with the Governor's office has ever informed me that House Bill 811 was embarrassing to anybody.

I make these remarks under a question of personal privilege, because it is the only way I can make them, and thus clear the way so that when the measure in question ultimately reaches the floor, it will be considered solely upon its merits.

In conclusion, Mr. Speaker, if by any chance I am in error, and if the Governor's office has confided to others sentiments which should have been more properly revealed to me, I can only request, in the interests of good faith and in order that the House may be correctly informed that those who have the information at hand concerning the sentiment in the Governor's office will at the proper time acquaint the membership of this House with any message or word or information concerning the measure in question, in which the membership might probably be interested.

In the absence of any such statement, it would seem to me to be a fair conclusion that there was a lack of interest in high places concerning the entire matter.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## QUESTION OF PERSONAL PRIVILEGE

Mr. VAN SICKLE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Northampton will state his question of personal privilege.

Mr. VAN SICKLE. Mr. Speaker, and members of the House, I submit that when a statement is made on the floor of this House that the members are guided solely by the fact in forming their judgments as to whether bills should come out of committee or be enacted into law—that they are guided solely by the fact of whether those measures have been introduced by Republicans or Democrats, it is an insinuation and an intimation that the members of this House are not performing their duty.

In this connection, I wish respectfully to call the attention of the members of the House to page 535, index of laws in the History of the House, and especially to Senate Bill 118, Senate Bill 25, Senate Bill 20 and House Bill 233, sponsored by Republicans, passed by the House and the Senate and signed by the Governor.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

Mr. FURMAN in the Chair.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1069, entitled:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to

boroughs towns and townships of one thousand population or more extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act, extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 521, entitled:

An Act to amend section two hundred and eight of, and to add section twelve to the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that the Secretary of the Commonwealth shall be the agent of domestic business corporations upon whom process may be served; prescribing the procedure for such service by the sheriff of Dauphin County; and certain duties of the corporations relative thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 808, entitled:

An Act relating to discrimination of prices; making certain discrimination in the sale prices of commodities unlawful; and making the violation of the provisions of the act a misdemeanor; and providing a penalty.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 953, entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes" by providing that certificates of registration may not be issued to individuals; and providing for the refund of fees where certificates of registration are refused.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1158 (Senate Bill No. 18), entitled:

An Act to provide for the hospitalization of tubercular patients in State and State-aided hospitals when State owned institutions established for that purpose are unable to provide therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1815, entitled:

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1838, entitled:

An Act requiring cities to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1906, entitled:

An Act to amend the act, approved the nineteenth day of July, one thousand nine hundred thirteen (Pamphlet Laws, eight hundred forty-three), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees, and prescribing a penalty for non-compliance therewith," by further defining the duty of employers to make reports of injuries received by their employes; requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so; and clarifying the provisions of the act pertaining to the evidential value of such reports.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1594, entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts, P. 169) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incured and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill. No. 1045, entitled:

An Act relating to unemployment relief work relief and the administration thereof prescribing qualifications of persons entitled to relief or employment and placing limitations on the amount thereof and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "family" as used in this act shall mean any number of persons who on the effective date of this act are living together in one household except such as are paying for their room or board in an amount approved by the Board and any person leaving such household or starting to pay for such room and board after said date shall continue to be a member of such family except that two or more persons may remove from the household and establish a household of their own in which case the persons so removing shall be a "family" within the meaning of this act and that the word "family" shall also include as members thereof any husband or wife not living in the same household who are not legally divorced or who were not living apart for a period of at least thirty days before being employed or given relief by the board unless such husband or wife is living in and considered a person of some other household

The word "board" shall mean the State Emergency Relief Board or any other agency to which the functions of said board may be transferred and shall include all other governmental State or local relief and employment agencies under the control of or operating in conjunction with the State Emergency Relief Board or such other agency

The word "administrator" shall mean the State Emergency Relief Administrator

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. MOOMAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of amendment.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1652, entitled:

An Act to amend the title section one as amended and section two of and adding section two and one-tenth to the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further extending the provisions of said act to firemen in cities of the second class and further regulating the qualifications and appointment of the members of the courts of inquiry and trial and authorized to hear and determine charges against such police officers detectives and firemen providing that certain charges preferred before the effective date of this act shall be invalid and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" each as amended by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand forty-eight) is hereby further amended to read as follows

An Act regulating the removal or dismissal of policemen and firemen in cities of the second class A and [the removal of policemen] in cities of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no regularly appointed [policeman] police officer detective or fireman in cities of the second class and no regularly appointed [policeman] police officer detective or firemen in cities of the second class A shall be removed or dismissed without his written consent except by the decisions of court either of trial or inquiry duly determined and certified in writing to the mayor which court shall be composed of three persons [belonging to the police or fire force] who shall be retired police officers detectives or firemen of such city equal or superior in official position therein to the accused Such decisions shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother officer to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank or seniority of service in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is posssesed by any justice of the peace of this Commonwealth

Such charges may be of disability for service in which case the court shall be one of inquiry whose decisions may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding [one year] ninety days or to dismiss from the service

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than [one month] fifteen days after charge has been made

The finding of the court of trial or inquiry as aforesaid shall be [of no effect until approved by] the maximum penalty and the mayor shall have the power to show clemency if he sees fit to do so

On the question,

Will the House agree to the section?

Mr. COLEMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 12 and 13, by striking out with light-faced brackets the words "and firemen in cities of the second class A and".

Amend Sec. 1, page 2, line 19, by removing the dark-faced brackets before and after the word "or".

Amend Sec. 1, page 2, line 19, by striking out with dark-faced brackets, the words "or firemen".

Amend Sec. 1, page 2, line 21, by striking out with light-faced brackets, the words "and no regularly appointed".

Amend Sec. 1, page 2, lines 21 and 22, by striking out with dark-faced brackets, the words "police officer detective".

Amend Sec. 1, page 2, line 22, by striking out with light-faced brackets the words "or firemen in cities of the second class A".

Amend Sec. 1, page 2, line 27, by inserting after the word "officers" the word "or".

Amend Sec. 1, page 2, line 28, by striking out with dark-faced brackets the words "or firemen".

Amend Sec. 1, page 2, lines 28 and 29, by striking out with light-faced brackets the words "equal or superior in official position therein to the accused".

On the question,

Will the house agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 That section two of said act is hereby amended to read as follows

Section 2 That members of such court of inquiry or trial shall be [selected as follows namely The director of the department of public safety shall in the presence of the accused and a brother officer acting as his counsel as aforesaid cause the names of at least twenty-five members in said police or fire department equal or superior in rank to the accused to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box from which the same are to be drawn by lot by some disinterested person until seven names have been drawn therefrom whereupon the director of the department of public safety and the accused shall each in order be entitled to exercise challenges until only three names are left and said three persons shall compose said court either of trial or inquiry as the case may be] appointed for each city by the presiding judge of the court of common pleas of the county in which such city is located within thirty days after this act becomes effective to serve for a term of one year without compensation The members of such courts of inquiry or trial shall be reimbursed monthly for any expenses incurred in securing witnesses and in travelling to and from such trials which expenses shall be paid out of the Police or Firemen's Pension Fund in cities of the second class and out of the Police or Firemen's Pension Fund as the case may be in cities of the second class A

Any charge preferred against any police officer detective or fireman of such cities fifteen days or more prior to the effective date of this act shall be null and void and shall not be used or charged against him at any time

On the question,

Will the House agree to the section?

Mr. COLEMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 5, line 3, by inserting after the word "compensation" the following "In case a vacancy on account of death or resignation of any such member, the same shall be filled immediately by the said judge appointing a qualified person to serve for the unexpired term."

Amend Sec. 2, page 5, line 7, by striking out the words "or Firemen's".

Amend Sec. 2, page 5, lines 8 and 9, by striking out the words "and out of the Police or Firemen's Pension" in line 8, and the whole of line 9.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 That said act is hereby amended by adding thereto section two and one-tenth to read as follows

Section 2.1 Any person violating any of the provisions of this act and any person coercing in any manner any member of a court of inquiry or trial shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of two hundred dollars ($200) or to imprisonment for a period of six months or both

The fourth section was read as follows:

Section 4 That section three of said act as amended by said act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand forty-eight) is hereby further amended to read as follows

Section 3 The provisions of article three section one of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" is hereby repealed so far is it relates to the removal and dismissal of policemen and firemen in cities of the second class A and [in so far as it relates to the removal and dismissal of policemen] in cities of the second class

All other acts or parts of acts inconsistent or conflicting herewith are hereby repealed in so far as they apply to cities of the second class and second class A

On the question,

Will the House agree to the section?

Mr. COLEMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4, page 5, lines 23 to 28, both inclusive, by striking out the whole of said lines.

Amend Sec. 4, page 6, lines 1 to 11, both inclusive, by striking out the whole of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the section?

Mr. COLEMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 5, page 6, line 12, by removing the dark-faced brackets before and after "4".

Amend Sec. 5, page 6, line 12, by striking out with dark-faced brackets "5".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend the title section one as amended, and section two of, and adding section two and one-tenth to, the act approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended, "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further extending the provisions of said act to firemen in cities of the second class and further regulating the qualifications and appointment of the members of the courts of inquiry and trial authorized to hear and determine charges against such police officers, detectives and firemen; providing that certain charges preferred before the effective date of this act shall be invalid; and providing penalties.

On the question,

Will the House agree to the section?

Mr. COLEMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 8, 9 and 10, by striking out in line 8 the words "extending the", in line 9 all the words, and in line 10 the words "the second class", and inserting in lieu thereof the following: "eliminating from the said act the provisions relating to policemen and firemen of cities of the second class A"

Amend title, page 1, line 13, by striking out the word "such".

Amend title, page 1, line 13, by inserting after the word "officers" the following: "and"

Amend title, page 1, line 13, by inserting after the word "detectives" the following: "in cities of the second class"

Amend title, page 1, line 14, by striking out the words "and firemen".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1278, as follows:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that whenever the district attorney of any county secures the service of subpoenas by any officer or individual it shall be the duty of such district attorney in the issuance of such subpoenas for service in so far as is possible to group the subpoenas to individuals in the same locality and the officer or person so serving shall receive mileage only for trips actually made and not mileage on each separate subpoena served regardless of the number of actual trips

Section 2 No officer or person serving subpoenas at the instance of the district attorney shall receive payment for such service unless his bill is approved by the district attorney whose duty it shall be to enforce the provisions of section one of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 95, entitled:

An Act to add clause (p) to section two hundred two and to amend sections seven hundred two seven hundred seven paragraph (d) of section eight hundred one and section eight hundred four of an act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing for the settlement and collection of a franchise tax on foreign corporations requiring such corporations to file reports and providing a penalty for failure to do so

The first, second, third and fourth sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State gov-

ernment every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seventy-four) is hereby further amended by adding thereto the following clause

(p) To settle and collect the franchise tax imposed by law upon foreign corporations joint-stock associations limited partnerships and companies

Section 2 That section seven hundred two of the said act as amended by an act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 702 Report on Fiscal Year Basis If any corporation or association shall certify to the Department of Revenue that its fiscal year closes not upon the thirty-first day of December but upon some other date and that it reports to the United States Government as of such other date the Department of Revenue may permit such corporation or association to make any capital stock franchise or loans tax report or bonus report required to be made by it or any of its officers to the Department of Revenue within seventy-five days after such date subject in all other respects to the laws relating to the making of such reports and returns

The first report made by any corporation or association changing any return or report from the calendar to the fiscal year basis shall cover the period from the last day of the calendar year for which a return or report was filed to the first day of the fiscal year and the Department of Revenue shall settle the tax for such intervening period at the proportionate annual rate provided by law and also settle the bonus

Section 3 That section seven hundred seven of the said act is hereby amended to read as follows

Section 707 Capital Stock and Franchise Tax Reports (a) Except in the case of corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign [insurance] companies the president vice-president secretary or treasurer of every corporation joint-stock association limited partnership and other company liable to pay to the Commonwealth a tax upon the value of its whole capital stock or upon its capital or property employed or used in this Commonwealth shall make annually a capital stock report to the Department of Revenue on or before the fifteenth day of March for the calendar year next preceding With such report shall be filed any statement necessary to enable the Department of Revenue to determine the amount of any deduction or exemption to which any such taxpayer is entitled

(b) The president vice-president secretary or treasurer of every foreign corporation joint-stock association limited partnership or other company liable to pay to the Commonwealth a franchise tax shall make annually a franchise tax report to the Department of Revenue on or before the fifteenth day of March for the calendar year next preceding With such report shall be filed any statement necessary to enable the Department of Revenue to determine the amount of any deduction or exemption to which any such taxpayer is entitled

Section 4 That paragraph (d) of section eight hundred one of the said act is hereby amended to read as follows

(d) If the Department of Revenue shall not be satisfied with the appraisement and valuation of capital stock or of property or capital located and used within this Commonwealth or of any franchise tax as made and returned by the officers of any corporation joint-stock association limited partnership or other company it is hereby authorized and empowered to make a valuation thereof based upon facts contained in the report or return made by such officers or upon any information within its possession or that shall come into its possession and to settle an account on the valuation thus made for taxes bonus penalties and interest due the Commonwealth

The fifth section was read as follows:

Section 5 That section eight hundred four of the said act is hereby amended to read as follows

Section 804 Estimated Settlements If the officers of any corporation joint-stock association limited partnership or other company shall neglect or refuse to make a capital stock report or a franchise tax report to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department of Revenue it shall be the duty of the Department of Revenue to estimate a valuation of the capital stock of or of the taxable value necessary to compute the franchise tax payable by such corporation joint-stock association limited partnership or other company as the case may be and settle an account for taxes penalties and interest thereon

If the treasurer of any corporation shall fail or neglect to make to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department of Revenue the report required by law of the amount of indebtedness of the corporation owned by residents of this Commonwealth as nearly as the same can be ascertained it shall be the duty of the Department of Revenue to estimate a valuation of the scrip bond certificates and evidences of indebtedness of such defaulting corporation or assumed by it or upon which it pays interest and settle an account for taxes penalty and interest thereon

In any other case if any taxpayer shall have failed within the time prescribed by law or any extension thereof granted by the Department of Revenue or if no such time is fixed by law then after demand by the Department of Revenue to file any report or return necessary to enable the department to settle any tax against such taxpayer if the department should deem it more conducive to the public interest because of the supposed smallness of the debt or for any other reason not to proceed to compel the exhibition of the taxpayer's account it may make an estimated settlement from the previous account settled or from any other reasonable data of the probable amount of the account of the delinquent but in every such case it shall add to every such estimated settlement an amount not exceeding fifty per centum to include any losses which might otherwise accrue to the Commonwealth from such neglect or refusal to furnish accounts and the Department of Revenue shall proceed to recover money so due the Commonwealth as in other cases No allowance for commissions shall in any instance be made by the Department of Revenue in cases of refusal or neglect to furnish accounts

From any estimated settlement there shall be no right to file a petition for review or to appeal but the Department of Revenue with the approval of the Department of the Auditor General may upon petition permit the required report or return to be filed and thereupon make a settlement based upon such report or return and cancel the estimated settlement From the department's refusal to permit the filing of a report or return in such case there shall however be no right to file a petition for review or to appeal

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5, page 7, line 2, by striking out the word "bond", and inserting in lieu thereof the word: "bonds"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section and title were separately read and agreed to as follows:

Section 6 This act shall become effective immediately upon final enactment and its provisions shall be applicable to the settlement and resettlement of franchise taxes on foreign corporations for the year ending the thirty-first day of December one thousand nine hundred thirty-five or any fiscal year ending after the effective date of this act

An act to add clause (p) to section two hundred two, and to amend sections seven hundred two, seven hundred seven, paragraph (d) of section eight hundred one and section eight hundred four of an act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by providing for the settlement and collection of a franchise tax on foreign corporations; requiring such corporations to file reports, and providing a penalty for failure to do so.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1654, as follows:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all criminal cases except where a sentence of death or imprisonment of ten years or more may be imposed the defendant shall have the privilege with the consent of the judge and the district attorney to waive trial by jury Such waiver must be in writing signed by the defendant and shall operate as an election by the defendant to be tried by a judge without a jury

Section 2 When a defendant has waived trial by jury and elected to be tried by a judge without a jury in accordance with the provisions of the preceding sections any judge of the court in which the cause is pending wherein a waiver of trial by jury and election to be tried by a judge without a jury is filed shall have jurisdiction to hold the trial and shall proceed to hear try and determine all issues of law and fact and to render a general verdict in like manner as if the defendant had put himself upon the inquest or country for trial and his cause were being tried before a jury and the said trial Judge may after hearing the case order the withdrawal or waiver of trial by jury withdrawn and order and direct that the case be tried before a jury

Section 3 The Supreme Court shall make rules for the administration of this Act applicable to courts having criminal jurisdiction such rules to be consistent with legislation passed by the General Assembly

Section 4 All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1415, as follows:

An Act to amend section thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing that the entry of an appearance for the respondent shall not be deemed collusive

Section 1 Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand nine hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 31 Appearance Answer The respondent may in any case brought under the provisions of this act cause an appearance to be entered and file an answer to the petition or libel and the entry of a general appearance shall be equivalent to personal service of the subpoena and libel

The entry of a general appearance by or in behalf of a respondent shall not be deemed collusion or evidence of collusion

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1722, as follows:

An Act making voidable certain releases of damages for personal injuries or for death resulting from such injuries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all releases of damages for personal injuries or for death resulting from such injuries executed within thirty days of the date of such injuries or the date of death resulting from such injuries are hereby declared to be against the policy of this Commonwealth and voidable on the part of the party executing the same or in the case of death on the part of any party authorized by law to sue for damages for such death provided that any such party shall within sixty days of the date of the injury or the date of the death resulting from such injury or if an action is brought for damages within such period then before the commencement of such

action notify the person partnership association or corporation in whose favor such release was executed that the release is avoided and return the consideration paid or given therefor

Section 2 This act shall become effective immediately upon its final enactment but shall not affect or apply to any release executed before its effective date

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,.

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1798, as follows:

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases seduction criminal conversation and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all civil causes of action for alienation of affections of husband or wife except in such cases where the defendant is a parent brother or sister of a person formerly in loco parentis to the plaintiffs spouse and seduction and criminal conversation are hereby abolished Provided however That this section shall not apply to causes of action which have heretofore accrued

Section 2 All causes of action for breach of contract to marry are hereby abolished Provided however That this section shall not apply to contracts now existing or to causes of action which heretofore accrued

Section 3 No act hereafter done within this Commonwealth shall operate to give rise either within or without this Commonwealth to any of the causes of action abolished by this act No contract to marry which shall hereafter be made within this Commonwealth shall operate to give rise either within or without this Commonwealth to any cause of action for breach thereof It is the intention of this section to fix the effect status and character of such acts and contracts and to render them ineffective to support or give rise to any such causes of action within or without this Commonwealth

Section 4 It shall hereafter be unlawful for any person either as litigant or attorney to file cause to be filed theaten to file or threaten to cause to be filed in any court in this Commonwealth any pleading or paper setting forth or seeking to recover upon any cause of action abolished or barred by this act whether such cause of action arose within or without this Commonwealth

Section 5 All civil causes of action for alienation of affections except such causes as are not abolished by this act seduction criminal conversation and breach of contract to marry which have heretofore accrued shall be commenced within sixty days after this act goes into effect and if not so commenced shall thereafter be completely barred All actions for breach of contract now existing to marry shall be commenced within sixty days after such breach occurs and if not so commenced shall thereafter be completely barred

Section 6 All contracts and instruments of every kind which may hereafter be executed within this Commonwealth in payment satisfaction settlement or compromise of any claim or cause of action abolished or barred by this act whether such claim or cause of action arose within or without this Commonwealth are hereby declared to be contrary to the public policy of this Commonwealth and absolutely void It shall be unlawful to cause induce or procure any person to execute such a contract or instrument or cause induce or procure any person to give pay transfer or deliver any money or thing of value in payment satisfaction settlement or compromise of any such claim or couse of action or to receive take or accept any such money or thing of value in such payment satisfaction settlement or compromise It shall also be unlawful to commence or cause to be commenced either as litigant or attorney in any court of this Commonwealth any proceeding or action seeking to enforce or recover upon such contract or instrument knowing it to be such whether the same shall have been executed within or without this Commonwealth Provided however That this section shall not apply to the payment satisfaction settlement or compromise of any causes of action which are not abolished or barred by this act or any contracts or instruments heretofore executed or to the bonafide holder in due course of any negotiable instrument which may be executed hereafter

Section 7 Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction therefor shall be punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1000.00) or imprisonment for a term of not less than one year nor more than five years in the discretion of the court

Section 8 Each section and provision of this act shall be construed separately and the invalidity of any section or provision thereof shall not affect the validity of the remaining sections or provisions This act shall be liberally construed to effectuate the object thereof

Section 9 All laws and parts of laws in conflict with any provision of this act are hereby repealed to the extent of such conflict but in all other respects this act shall be deemed supplemental to existing laws

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1279, as follows:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings and prohibiting duplicate payments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever under the laws of this Commonwealth the costs of prosecution in any criminal proceeding shall be payable by the county with or without recourse such costs shall include only one days' fees for each Commonwealth witness for each day he or she was in actual attendance in court under subpoena regardless of the number of cases in which he or she may have been subpoenæd or appeared as a witness In addition to the certification as to witness now required by the district attorney each witness shall file a certificate before payment setting forth that he or she has not received pay or compensation for the same day or days in any other case

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1621, as follows:

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (P. L. 66) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the second day of May one thousand eight hundred eighty-nine (P. L. 66) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" is hereby amended to read as follows

Section 2 That whensoever any money estate or effects shall have been or shall hereafter be paid into or deposited in the custody or be under the control of any court of this Commonwealth or of any court of the United States in and for any district within this Commonwealth or shall be in the custody of any depository registry or of any receiver clerk or other officer of any of said [court] ccurts and the rightful owner or owners thereof shall have been or shall be unknown for the space of seven years the same shall escheat to the Commonwealth subject to all legal demands on the same

Section 2 That section five of the said act as amended by section two of the act approved the eleventh day of May one thousand nine hundred eleven (P. L. 281) is hereby further amended to read as follows

Section 5 That the jurisdiction in all cases of escheat under the provisions of this act shall be vested in the courts of this Commonwealth as follows namely

Whenever an escheat shall occur or be supposed to occur by reason of any person dying intestate without heirs or known kindred a widow or surviving husband the orphans' court of the county wherein said decedent was resident at the time of his death or in case said decedent was not at the time of his death resident within this Commonwealth then the orphans' court of the county in which the greater part of his property real and personal shall be situate shall have jurisdiction

Whenever an escheat shall occur or be supposed to occur of any property estate or effects deposited in the custody of any court or with any depository receiver or other officer thereof the owner whereof shall be unknown and whenever any escheat shall occur or be supposed to occur of any property estate or effects held by any trustee or other person in a fiduciary capacity who shall have filed an account thereof in any court of this Commonwealth by reason of the fact that the cestui que trust or beneficial owner thereof shall be unknown then and in such case the court in which or in the custody of any depository receiver or other officer of which said property estate or effects may have been or shall be deposited whether the same be real or personal or in which said account has been or may be duly filed shall have jurisdiction and whensoever any property estate or effects held by any trustee or trustees under any trust or held by and resulting to such trustee or trustees from the exercise of the trust or resulting after the termination of the trust and before distribution is actually made under the terms of the trust or decree of court from rents accretions profits or interest from of or on the trust property or any part thereof shall escheat or be supposed to escheat by reason of the fact that such property estate or effects has no lawful owner the court of common pleas of the county in which such property estate or effects or the greater part thereof shall be located shall have jurisdiction except in cases where the trustee shall be a corporation in which cases the court of common pleas of the county wherein the principal office of such corporation is located shall have jurisdiction

Whenever an escheat has occurred or shall occur of any money or property deposited in the custody of or under the control of any court of the United States in and for any district within this Commonwealth or in the custody of any depository clerk or other officer of such court the court of common pleas of the county in which such court of the United States sits shall have jurisdiction to ascertain if an escheat has occurred and to enter a judgment or decree of escheat in favor of the Commonwealth

Section 3 This act shall become effective immediately and shall apply to all proceedings now pending as well as hereafter instituted

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1788, as follows:

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executives and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" be and the same is hereby amended to read as follows

Section 418 State Board of Examiners for Registration of Nurses The State Board of Examiners for Registration of Nurses shall consist of the Superintendent of Public Instruction ex officio and five members who shall be registered nurses graduated from [training] schools of nursing [connected with hospitals] where practical and theoretical instruction is given in general surgical and medical nursing and who shall have been engaged in nursing in the Commonwealth of Pennsylvania for at least five years since registration

The Governor shall upon the expiration of the term of office of any member appoint a person with the above specified qualifications from a list of not less than ten names submitted to him by the board of directors of the [Graduate Nurses' Association of] Pennsylvania State Nurses' Association for a term of six years and until a successor is appointed and qualified Vacancies shall be filled in like manner

Three members of the board shall constitute a quorum and the board shall select from among its members a chairman and shall elect a secretary who need not be a member of the board

The board with the approval of the Superintendent of Public Instruction shall also appoint and fix the compensation of one or more State educational advisors of [training] schools [for nurses] of nursing who shall have the same qualifications as the members of the board

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the transaction of official business and the secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1789, as follows:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" is hereby amended to read as follows.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Board of Examiners for Registration of Nurses hereinafter called the board shall adopt a seal and shall establish by-laws and regulations not inconsistent with law for its own government and for the execution of all of the laws which it is its duty to enforce or administer It shall meet annually for organization on a date to be fixed by the by-laws and at such other times as it may designate Its officers shall be elected for a term of one year and shall serve until their successors are elected All vacancies arising in said offices shall be filled by the board in like manner for the unexpired term It shall not have any power in any way to fix prices or in any way control the compensation received by the registered nurse or licensed attendant

Section 2 That section three of said act is hereby amended to read as follows

Section 3 No application for original registration as a registered nurse shall be considered unless accompanied by a fee of ten ($10.00) dollars Every applicant to be eligible for examination as a registered nurse must furnish evidence satisfactory to the board that he or she is twenty-one years of age or over is a citizen of the United States is of good moral character has completed work equal to a [one year's] standard high school course [in a high school approved] as evaluated by the Department of Public Instruction [followed by graduation] and has graduated from a [training] school of nursing [for nurses] which gives at least a two years' course of instruction or has received instructions in different schools of nursing [connected with hospitals] for a period of time amounting to at least a two years' course as aforesaid and then graduated which school or combination of schools of nursing must be on the approved list issued by the State Board of Examiners for Registration of Nurses as hereinafter provided Provided That a graduate nurse registered in any state of the United States where the requirements for registration in the judgment of the board are at least equal to the requirements of law for such nurses in Pennsylvania may at the discretion of the board be registered without examination upon application in writing on forms provided by the board and upon the payment of a fee of ten ($10.00) dollars

Section 3 That section four of said act is hereby amended to read as follows

Section 4 No application for original registration as a licensed attendant shall be considered unless accompanied by a fee of five ($5.00) dollars Every applicant for examination as a licensed attendant must furnish evidence sasitfactory to the board that he or she is [eighteen] twenty-one years of age or over is a citizen of the United States is of good moral character has completed the course prescribed by the said board or its equivalent in some institution for the mentally sick in a convalescent home or in any institution of a similar nature not having a [training] school of nursing [for nurses] or has had training which in the opinion of the board warrants the examination of said person for registration as a licensed attendant for the care of the sick

Section 4 That section five of said act is hereby amended to read as follows

Section 5 The board shall on or before March first of each year publish and distribute a list of all registered nurses and licensed attendants to whom have been issued "Certificates of Record" as hereinafter provided for the current year and shall at intervals regulated by its by-laws prepare and make available for public distribution lists of all [training] schools of nursing or combinations of [training] schools of nursing approved by it the graduates of which shall be eligible for examination as registered nurses and shall prescribe courses of training the satisfactory completion of which shall make applicants eligible for examination as licensed attendants Provided That the removal of any school from the approved list shall not make any bona fide student therein at the time of said removal ineligible for examination

Section 5 That section seven of said act is hereby amended to read as follows

Section 7 Each person registered with the board as a registered nurse or licensed attendant shall annually on or before the first day of November cause his or her certificate to be recorded in the office of the board The fee for such recording shall be one ($1.00) dollar for the certificate of a registered nurse and fifty cents for the certificate of a licensed attendant [or such other sum as may be fixed by the Department of Public Instruction under authority of law] The form and method of such recording of certificates shall be provided for by the board in such manner as will enable the board to carry into effect the purposes of this act

Section 6 That section eleven of said act is hereby amended to read as follows

Section 11 The board may suspend revoke or restore any certificate of registration for sufficient cause in accordance with the by-laws and regulations of the board but any suspension or revocation shall only be by unanimous vote of the members of the board after a full and fair hearing before the board upon the question of revocation and after thirty days' notice of the time and place of said hearing and a copy of the charges preferred have been sent by registered mail to the holder of the certificate at his or her last known address Any person aggrieved by the action of the board in suspending or revoking a certificate [or] of registration may appeal therefrom within thirty days after such action to the court of common pleas of Dauphin County which court shall hear

the matter de novo and shall enter such order affirming modifying or reversing the action of the board as to it shall appear proper The action of the court on any such appeal shall be final

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1021, as follows:

An Act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands at certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" by providing for condemnation proceedings and assessment of damages

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands at certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" is hereby amended to read as follows

Section 3 The proceedings for the condemnation of such view over and across such lands under the provisions of this act and for the assessment of damages for property taken injured or destroyed shall be taken in the same manner as [is now] provided for the condemnation of land by the State Highway Department for road purposes by the Public Service Commission for the purposes allowed by law and by counties boroughs and townships for road purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1064, as follows:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act cerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 2123 Applications to Court Whenever any borough shall desire to connect with the existing sewer of any adjacent municipality and no agreement either upon the basis of a rental payment for the use of an existing sewer or a division of the cost of the construction or maintenance thereof has been reached between such borough and the adjacent municipality an application shall be made by council to the court of quarter sessions of the county setting forth that fact

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1792, as follows:

An Act to amend section one thousand six hundred and three of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing the borrowing of money by township authorities to provide a water supply for public and private use

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred and three of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1603 Expenditure of Township Moneys Water Rents The township supervisors are authorized to expend moneys of the township for the purpose of providing such water lines and connections and for the purpose of providing a supply of water for private and public use and to borrow money for such purposes They may provide for the collection of water rents from users of such water or may enter into contracts or agreements with private corporations and municipalities supplying such water for the collection by such private corporations and municipalities of water rents from such users

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1821 as follows:

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended section four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men" specifying the form and contents of applications for contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and twenty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the eighteenth day of March one thousand nine hundred and thirty-three (P. L. 15) is hereby further amended to read as follows

Section 421 "Deceased Service Men" Defined The term "deceased service men" as used in this act shall be defined and construed to mean and include any soldier sailor marine yeoman (f) of either service or member of the enlisted nurse corps having a legal residence within any county within this Commonwealth who has died or shall hereafter die anywhere within or without the United States while in the service of the United States in the military naval or other branch of the combative forces of said United States during any war or campaign in which the United States has been or shall hereafter be engaged or where a state or condition of war has existed or shall hereafter exist in which the United States [or any foreign country or territory or upon the high seas] was or shall be a participant according to the records of the War or Naval Departments of the Federal government or of any soldier sailor marine yeoman (f) of either service or member of the enlisted nurse corps who served or who shall hereafter serve in any such combative force of the United States during any war or campaign in which the United States has been or shall hereafter be engaged or who has served or shall hereafter serve in any such combative force of the United States where a state or condition of war existed or shall hereafter exist in which the United States [or any foreign country or territory or upon the high seas] was or shall be a participant according to the records of the War or Naval Departments of the Federal government whose separation from such active service was honorable whether by discharge or otherwise [or any soldier sailor marine or member of the enlisted nurse corps whose separation from active service with the military or naval forces of the United States was honorable whether by discharge or otherwise] who has died or may hereafter die in any county of this Commonwealth [although he or she may not have a legal residence in any county of this Commonwealth whenever the body of said soldier sailor marine or member of the enlisted nurse corps is unclaimed by any relatives or friends and the county commissioners are notified of this condition in writing giving the facts by any organization of veterans and upon investigation the county commissioners shall find such condition to exist] or who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War and not duly mustered into the service of the United States and has been [or hereafter shall be] honorably discharged or relieved from such service and who shall have a legal residence in any county of this Commonwealth and shall hereafter die either within or without the county of his legal residence

Section 2 That section four hundred and twenty-two of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (P. L. 955) is hereby further amended to read as follows

Section 422 Sum to Be Spent The county commissioners of the counties of this State within which a deceased service man as hereinabove defined had a legal residence as the date of his death or the county commissioners of the county where a deceased service man died in case he or she had no legal residence in any county of this Commonwealth upon notice in writing by any organization of veterans that the body is unclaimed by relatives or friends and who upon investigation shall find such condition to exist are hereby authorized and directed to [expend] contribute the sum of seventy-five dollars ($75.00) toward the funeral expenses of such deceased service man When a deceased service man has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie Pennsylvania and such home incurs all funeral expenses and buries the soldier in a cemetery in the city of Erie Pennsylvania or the home furnishes clothing casket and shipping case and ships the body to the county from which he was admitted to the home the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of seventy-five dollars ($75.00) or so much thereof as was actually expended by such home Provided however That such county commissioners shall not contribute any moneys toward the funeral expenses of such deceased service man where the total expenses of his or her funeral [including said allowance of seventy-five dollars ($75.00)] shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shall be made within one year after the date of the [burial] death of such deceased service man

Section 3 That section four hundred and twenty-three of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (P. L. 956) is hereby further amended to read as follows

Section 423 Burial of Widows of Deceased Service Men The county commissioners of each county are hereby directed to [expend] contribute the sum of seventy-five dollars ($75.00) from the county funds towards the funeral expenses of any widow of any [person who served in the Army or Navy of the United States during any war in which the United States was engaged or served in the Army or Navy of the United States where a state or condition of war existed in the United States or any foreign country or territory or upon the high seas or who was in active service of the militia of the State of Pennsylvania under and in pursuance of any proclamations issued by the Governor during the Civil War and not duly mustered into the service of the United States and who was honorably discharged or relieved from such service] male deceased service man upon due application and proof [being made of such facts] Provided however That the county commissioners shall not contribute any moneys toward the funeral expenses of any such widow of a [soldier sailor or marine] deceased service man where the total expense of any such funeral [including said allowance of seventy-five dollars ($75.00)] shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shall be made within one year after the date of the [burial] death of such widow of a [soldier sailor or marine] deceased service man

Section 4 That section four hundred and twenty-four of said act is hereby amended to read as follows

Section 424 Payments It shall be the duty of the county commissioners of each county in this State to draw a warrant upon the treasurer of their county in the sum of seventy-five dollars ($75.00) for each body buried in accordance with the provisions of this act to be paid out of the funds of the county and such warrants shall be made payable [only to the person or persons who shall have paid or obligated himself to pay the cost of burial of the bodies for which the warrants are to be so drawn] to the applicant or applicants if the application shows that the funeral expenses have been paid otherwise to the undertaker performing the services with notice to the applicant

Application for such contribution shall be made by the personal representative of such deceased service man or deceased service man's widow if there be such personal representative if no such personal representative has qualified then by any next of kin individual or veterans' organization who or which assumes responsibility for the cost of burial of the body and shall be sustained by affidavit as to the facts

Such application shall be on forms prescribed by the Department of Military Affairs and shall set forth whether or not the funeral expenses have been paid The application shall have attached thereto a certified copy of the death certificate and an affidavit by the undertaker who had charge of the burial of the body to the effect that the undertaker did render such service and that the cost of burial did not exceed the sum of four hundred dollars ($400.00)

Section 5 That section four hundred and twenty-six of said act as last amended by the act approved the twenty-third day of May, one thousand nine hundred and thirty-

three (P. L. 957) is hereby further amended to read as follows

Section 426 Markers for Graves Headstones The county commissioners of the several counties of this State shall from time to time as is considered expedient by the commissioners procure appropriate markers [made of suitable material] for the grave of each and every deceased service man [or woman] buried within the limits of any city borough township or district Such markers shall be of cast bronze which term shall mean a proper composition of the following metals in the following proportions Copper eighty-five per centum tin five per centum zinc five per centum and lead five per centum Provided however That no board of commissioners shall be required to discard any markers of other materials already purchased by such commissioners whether or not already installed but no new markers shall in the future be purchased of metal other than cast bronze as herein defined Upon the petition of any five reputable freeholders of the city borough township or district where any such deceased service man [or woman] is buried a marker shall be placed upon the grave of such deceased service man [or woman] for the purpose of permanently marking and designating such grave for memorial purposes When such deceased service man [or woman] shall have been a veteran of any war for which the Government of the United States issued discharge buttons the markers designated for their graves shall include a facsimile of said discharge button The county commissioners may upon the petition of any five reputable freeholders of the city borough township or district within the county of which any deceased service man [or woman] may have been a resident place such marker upon his or her grave when he or she is buried without the limits of said county

It shall also be the duty of the county commissioners of each county in this State upon or at any time subsequent to the death of any deceased service man who shall be buried within their counties on the application which application in all cases shall be on forms prescribed by the Department of Military Affairs of any relative or on the application of any friends of such deceased service man if such application by friends has been approved by any organization of veterans of any war in which the United States was engaged and provided that there be no objection by the nearest relative to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each deceased service man containing his name and [if possible] the rank and organization to which he belonged or in which he served in letters raised or cut in at least three-sixteenths of an inch deep on such headstone to be of either marble or granite and to be placed or set in a concrete base at least three feet deep or if a headstone has been provided for such grave by the United States Government the county commissioners shall provide [the foundation] such concrete base therefor and the expense for the same shall be paid out of the funds of the county in which such deceased service man died or shall have had his legal residence or if lettering only on an existing memorial is desired by the family the county commissioners shall provide such lettering Provided however That the expense shall not exceed the sum of fifty dollars for each headstone or concrete base or lettering or bronze marker and the county commissioners of each county acting under this section shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze marker No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners Such application shall be accompanied by a death certificate if procurable

Section 6 That section four hundred and twenty-eight of said act as added by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby amended to read as follows

Section 428 Care of Graves and Markers The county commissioners of each county in this State shall at all times see that the graves and tombstones of all [soldiers sailors and marines who served in the military or naval or other branch of the combative forces of the United States during any war in which the United States was engaged and] deceased service men who are buried in such county receive proper and fitting care and may employ all necessary assistance to carry out the provisions of this section The expense of the care of such graves and tombstones shall be borne by the respective counties where said graves are located except where suitable care is otherwise provided Money so appropriated may be expended directly by the county commissioners or paid over to the person firm association or corporation owning or controlling any cemetery or burial place in the county where any such grave is situated but the sum so paid over in any year shall not exceed for each grave the charge for the annual care and maintenance of like graves in the same cemetery or if no such fixed charge is established in that cemetery it shall not exceed the sum charged in other cemeteries in the same county for like service

Section 7 That section four hundred and thirty-two of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (P. L. 955) is hereby further amended to read as follows

Section 432 Flags to Decorate Graves It shall be the duty of the county commissioners to provide flags on each Memorial Day with which to decorate the graves of all [honorably discharged soldiers sailors marines female field clerks yeomanettes and members of the enlisted nurse corps] deceased service men buried within the county The flags to be used for said purposes shall be of one standard size and shall be purchased at the expense of the county from moneys in the county treasury

Such flags shall be furnished to the various veterans' organizations in such numbers as they shall require for their respective communities

The moneys expended by any county under the provisions of this section shall be in addition to moneys appropriated by counties for Memorial Day purposes

The authorities in charge of any cemetery are authorized to remove such flags when the same become unsightly or weather-worn at any time not less than ninety days after the flags have been placed on graves

Section 8 That section four hundred and thirty-nine of said act as added by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby amended to read as follows

Section 439 Compilation of War Records The county commissioners of each county in the State are hereby authorized and directed at the expense of the county to compile a record of the burial places within such county of [soldiers sailors marines and members of the enlisted nurse corps who served in the military or naval or other branch of the combative forces of the United States during any war in which the United States has been engaged] deceased service men Such record so far as practicable shall indicate the name of each such person the service in which he or she was engaged the number of the regiment or company or command the rank and period of service the name and location of the cemetery or other place in which his or her body is interred the location of the grave in such cemetery or other place and the character of headstone or other marker if any at such grave Such record shall be known as the Veterans' Grave Registration Record of .....County and shall be a public record open to inspection during business hours

The county commissioners of each county in this State shall cause record blanks to be prepared according to forms furnished by the Department of Military Affairs whereby the information required for such record may be transmitted to them Every person firm association or corporation including a municipal corporation owning or controlling any cemetery or burial place within the State in which are interred the bodies of [persons who served as set forth in this section hereof] deceased service men shall file with the county commissioners of the county in which such cemetery is located a certificate on the record blanks provided by said county commissioners of the facts required for such record as far as the same are within the knowledge of such person firm association corporation or the agents thereof The county commissioners shall cause record blanks to be distributed to such persons firms associations and corporations as they deem advisable with the

request that such information be transmitted to them Any such person firm association or corporation except municipal corporations upon receipt of such blanks or forms who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same shall be subject to a fine upon conviction in summary proceedings of one hundred dollars

For the purpose of locating the burial places if persons who have served in the military or naval service or other branches of the combative forces of the United States during any war in which the United States was engaged the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War through their local camps posts and branches in this State are authorized without expense to the county to collect the required data and prepare and file with the county commissioners certificate embodying the information provided for in this section For the purpose of carrying into effect the provisions of this section the county commissioners [of counties of the second third and fourth classes may] shall appoint a veterans' grave registrar who shall receive such compensation as the salary board may fix in counties where such boards exist otherwise by the county commissioners

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1780 as follows:

An Act to amend section one of the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (P. L. 178) entitled "An act taxing certain stocks of building and loan associations for State purposes" fixing the rate of the tax on matured stock of building and loan associations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (P. L. 178) entitled "An act taxing certain stocks of building and loan associations for State purposes" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That upon all full paid prepaid and fully matured or partly matured stock in any building and loan association incorporated under the laws of this State or incorporated under the laws of any other state or any laws of the United States and doing business within this State and upon which annual semi-annual quarterly or monthly cash dividends or interest shall be paid there shall be paid a State tax [equal to that required to be paid upon money at interest by the general tax laws of this State] of four mills on each dollar of the value thereof and such tax [shall] may be deducted from the cash dividend or interest so provided for by the secretary or treasurer of such corporation and be paid to the State Treasurer And every such domestic corporation or foreign corporation or corporation organized under the laws of the United States shall annually make return to the Auditor General at the time other returns for taxation are required to be made of the amount of its stock outstanding entitled to receive cash dividends or interest [and every such foreign corporation shall in the reports required to be made by them to the Banking Department make report of the amount of its stock held by residents of this State entitled to receive cash dividends or interest and said Banking Department shall at the time other returns for taxation are required to be made certify to the Auditor General the amount of such stock each of said foreign corporations had outstanding at the time of its last report to said Banking Department] and upon said sum such [foreign] corporation shall pay the tax above required to be paid to the State Treasurer upon demand and failure to make such payment within thirty days after such demand shall have been made shall subject such corporation to [the forfeiture of its right to transact business in this State] an action for the recovery of the amount due with interest in the name of the Commonwealth of Pennsylvania Provided however That nothing in this act shall be taken to require the payment of any tax upon any unmatured stock of building and loan associations upon which periodical payments are required to be made or upon any such stock after it has matured and is in process of payment This act shall not be construed to authorize a foreign corporation to transact the business of a building and loan association in this Commonwealth or affect any of the provisions of section one thousand two hundred and five of the Building and Loan Association Code approved the fifth day of May one thousand nine hundred and thirty-three

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1634 as follows:

An Act to amend section two thousand five hundred and sixty-eight of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing the city treasurer as collector of city school and poor taxes shall proceed against the personal property before filing liens for such taxes when instructed so to do by the taxing authorities but otherwise at his own discretion

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand five hundred and sixty-eight of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2568 Tax Liens Schedule of Uncollected Taxes Liability for False Return Upon the settlement of the duplicates of city poor and school taxes which by law are made a lien on real estate the city treasurer as collector of said taxes shall make out schedules of said city school or poor taxes uncollected upon his duplicates with a brief description of the properties against which the same are assessed for the purpose of having the same entered for lien or sold according to law Each schedule shall be accompanied by his affidavit thereto setting forth either (a) that after the proper efforts he could not find sufficient personal property out of which the said taxes or any part thereof could be made or collected as provided by law or (b) that although he found such personal property he did not consider it advisable to proceed against the same and that he had not been instructed so to do by the taxing authorities The intention of this amendment being that the said treasurer may at his discretion proceed against such personal property but if instructed so to do by the taxing authorities such action shall be mandatory The failure of the said collector to collect the said taxes from personal property when the same could have been collected shall not impair the lien thereof or affect any sale made for the collection thereof In case any such collector shall make any wilfully false return he shall be liable therefor to any person or persons injured thereby

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1250, entitled:

An Act To provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue and fixing penalties

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That MEANING OF TERMS As used in this act and unless a different meaning appears from the context

(a) The term "intangible" or "intangibles" shall apply to mean and include all mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section thirty-nine hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section thirty-nine hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank corporation or limited partnership that may be liable to a tax on its shares or its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all annuities yielding annually over two hundred dollars

(b) The term "intangible" or "intangibles" shall not apply to mean nor include (1) bank notes or notes discounted or negotiated by any bank or banking institution saving institution or trust company (2) nor loans shares of stock or other securities held by bankers or brokers solely for trading purposes (3) nor accounts or debit balances owing by customers of bankers or brokers in the usual courses of business (4) nor interest bearing accounts in any bank or banking institution savings institution or trust company (5) nor any intangibles owned held or issued by building and loan associations or savings institutions having no capital stock Provided That if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying said tax on any of such intangibles as may be held owned by or owing to the said savings institution having no capital stock (6) nor any intangibles owned or held by fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions (7) nor any intangibles owned in their own right by corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes but corporations limited partnerships and joint-stock associations holding intangibles as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed upon all intangibles so held by them as in the case of individuals (8) nor any intangibles hereafter received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth

(c) Intangibles are hereby classified as "current intangibles" and "annual intangibles"

(1) Current intangibles shall include all intangibles that are made issued or executed to mature or to be paid discharged or retired within one year from the date the same are made issued or executed or within one year from the date this act takes effect

(2) Annual intangibles shall include all other intangibles

(d) The term "person" shall include a natural person fiduciary partnership association corporation and any and every multiple group that may have the capacity to own or hold property or the custody thereof

(e) The term "fiduciary" shall mean and include an executor administrator guardian receiver trustee agent attorney-in-fact and any person or association of persons acting in any trust capacity in the control management or operation of any property

(f) The term "stamp" or "stamps" shall have reference to and mean the adhesive stamp provided by the terms of this act to be attached to intangibles

(g) The term "board" shall mean the board of revision of taxes in cities and counties of the first class or the board for the assessment and revision of taxes in counties where such board exists or the board of county commissioners in all other counties

(h) In respect to cities coextensive with counties the term "county" shall include also any such city the term "county treasurer" or "treasurer" shall include also the city treasurer of such city the term "county controller" or "controller" shall include also the city controller of such city the term "county solicitor" shall include also the city solicitor of such city the term "collector of county taxes" "tax collector" or "collector" shall include also the department of receiver of taxes of such city and the term "county commissioners" shall include also the city council of such city and shall not include the county commissioners of any such county

(i) The term "tax" shall include any stamp required to be affixed to any intangible

(j) The term "taxpayer" shall mean any person required to pay any tax or affix any stamp required by the provisions of this act on intangibles

(k) The term "accrue" or "accrual" means the date on which any tax imposed by this act on intangibles becomes due

(l) The term "bank" or "trust company" shall mean any bank of discount and deposit loan and trust and safe deposit company private bank savings bank or trust company organized under any law of this State or any bank organized under any law of the United States

The second section was read as follows:

Sectin 2 PRIVILEGE TAX TRANSACTION On and after the first day of January one thousand nine hundred and thirty-six every person residing in or domiciled in any county of this State shall pay a tax to such county and in cities coextensive with counties to such city and county for county or city and county purposes as the case may be at the rate and in the manner provided in this act for the right to exercise any one or more of the following privileges

(a) Signing executing and issuing intangibles

(b) Selling assigning transferring renewing removing consigning mailing shipping trading in and enforcing intagibles

(c) Receiving the income increase issues and profits of intangibles

(d) Having and possessing the right to transmit the same by will and of making gifts thereof and therefrom and of having the right to allow such property to pass to other persons by descent under the intestate laws of this State

(e) For the right to have such intangibles separately classified for taxes levied assessed and collected on account thereof or measured thereby .

Such tax at the rate provided in this act shall be measured by intangibles wherever located

(a) Owned by any taxpayer except his intangibles having an actual business situs outside this State

(b) Controlled by any person or fiduciary and having a business situs in this State and in the possession of or under the control or management of any such person or fiduciary

On the question,

Will the House agree to the section?

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 6, line 26, by inserting after the word "be" the following: "and for State purposes"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 RATE OF TAX A tax at the rate of four mills on each dollar of the value thereof is hereby imposed on all intangibles Such tax shall be payable as follows (a) Four cents of each ten dollars or fractional part thereof of the actual value of every current intangible and (b) four cents per annum or fractional part thereof over one year on each ten dollars of the actual value or fractional part thereof of each annual intangible

On the question,

Will the House agree to the section?

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 7, line 24, by striking out the word "four" and inserting in lieu thereof: "six"

Amend Sec. 3, page 7, line 26, by striking out the word "four" and inserting in lieu thereof: "six"

Amend Sec. 3, page 7, line 28, by striking out the word "four" and inserting in lieu thereof: "six"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth to the thirty-eighth sections inclusive, were separately read and agreed to as follows:

Section 4 COMPUTATION OF TAX Except as otherwise provided for the purpose of measuring and computing the tax imposed by this act in respect of any intangible and unless and until such intangible has been otherwise assessed and valued as authorized by this act (a) any intangible having a face value shall prima facie continuously have an actual value equal to not less than the full value thereof and (b) any intangible not having a face value shall have an actual value in the amount determined by the board and the owner thereof shall cause said amount to be determined

Any intangible listed and traded in on any market recognized by the board shall have an actual value for the purpose of this act equal to the value thereof on such market as of the day such tax accrued

Section 5 ASSESSMENT APPLICATION HEARING Before the time the tax for any period is due under the terms of this act and before the payment of such tax the owner of any intangible who shall desire or who shall be required by the terms of this act to have the actual value thereof determined or redetermined for the purposes of computing or measuring the tax imposed in respect thereof may apply to the board for such valuation The board shall fix a time and place when and where the applicant may be heard concerning the actual value of such intangible and shall cause or allow evidence concerning the value of such intangible to be introduced and after such hearing the board shall fix the then actual value of such intangible Any taxpayer of such county may appear at such hearing and offer evidence concerning the actual value of any such intangible The board shall prescribe and promulgate rules for the conduct of such hearings and for determining the value of any such intangible

Section 6 ASSESSMENT APPEAL REFUND Any perperson aggrieved by any order judgment or determination of the board after paying the tax may within thirty days from the entry of such order judgment or determination appeal therefrom to the court of common pleas of the county in which such person resides Such cause shall be tried de novo by the court without a jury on petition filed in such court by the taxpayer so appealing and summons shall issue on such petition to and be served on the board as in other civil actions Either party to such suit may appeal to the Supreme or Superior Court in the same manner as appeals are taken in civil actions Upon the final determination of such suit the court may enter judgment for the refund of any tax paid in excess of that property required by law or may render judgment against the petitioner for any deficiencies in tax found due

Section 7 METHOD OF PAYMENT Except as otherwise provided in this act such tax shall be paid on account of each intangible by attaching thereto a stamp or stamps for the proper amount of such tax on each intangible at the time and in the manner and amount provided or required by the terms of this act

Section 8 CURRENT INTANGIBLES STAMPING DATE On all current intangibles executed after the taking effect of this act the required stamps as provided by the terms of this act shall be attached within ten days from the time of the execution of such intangible If any current intangible shall not be paid or otherwise discharged at the maturity date thereof as shown by such instrument or within one year from the date of its execution then for the purposes of this act it shall become an annual intangible and be stamped each year in the same manner and amount as other annual intangibles are stamped under the terms of this act

Section 9 ANNUAL INTANGIBLES STAMPING DATE On all annual intangibles executed after the taking effect of this act the stamps representing the tax required in respect thereof for one year from the date of the execution of such intangibles shall be attached within ten days from the time of such execution and thereafter stamps in

the proper amount shall be attached thereto on or before ten days after each annual anniversary of such annual intangible until the same is paid retired or discharged according to the terms and provisions of such annual intangible or in some manner provided in this act

Section 10 MATURITY OF INTANGIBLES BEFORE AND AFTER EFFECTIVE DATE OF ACT On all intangibles executed after the taking effect of this act maturing on or before ten days from the date of the execution of such intangible the stamps required by this act shall be attached at the time and as a part of such execution On all intangibles executed before the taking effect of this act and maturing within ten days after the taking effect of this act the stamps required by this act shall be attached within such ten day period and on or before the payment or discharge thereof according to the terms of the instrument or in some manner provided in this act

Section 11 INTANGIBLE EXECUTED BUT UNPAID PRIOR TO EFFECTIVE DATE OF ACT For the purpose of computing the tax in respect of any intangible executed before and not paid and discharged on or before the taking effect of this act such intangible shall be deemed to have been executed on the day this act becomes effective for the then unpaid balance thereof either as a current or annual intangible as determined by the time of its maturity On or before ninety days from the taking effect of this act and on or before the intangible is paid or discharged the tax shall be paid in respect of such intangible and stamps shall be attached thereto in the same manner as provided for intangibles executed after the taking effect of this act The anniversary date of any such prior existing intangible shall be determined by the date this act becomes effective

Section 12 INTANGIBLES INCAPABLE OF BEING STAMPED COMPUTATION OF TAX The tax on account of and measured by intangibles not susceptible of being stamped or not evidenced by any instrument in writing shall be determined and paid as hereinafter prescribed Within sixty days after this act becomes effective the owner or custodian of any such intangible shall file with the board a sworn report of the amount description and location of such intangible on forms to be prepared by the board and the board shall determine whether such intangible is current or annual and determine the amount of tax due on account thereof and when the same is payable and thereafter within ten days after the thirty-first day of December of each year such person shall file a sworn report with the board on forms prepared by it showing as of December thirty-first the number kind and amount of such intangibles owned or controlled by him since the taking effect of this act or the end of the period covered by his last report and the length of time he owned each such intangible At the time of making such report the taxpayer shall pay to the county treasurer or the department of receiver of taxes as the case may be the tax due on account thereof in the amount determined by the board

Section 13 REGISTRATION OF INTANGIBLES PAYMENT OF TAX RECEIPT In lieu of affixing stamps to any annual intangible as provided by this act any person owning or having custody or control of any such annual intangible may cause the same to be registered in the office of the board and then pay to the county treasurer or department of receiver of taxes as the case may be the amount of the tax determined by the board to be due and the county treasurer or department of receiver of taxes as the case may be shall issue to such taxpayer a properly executed receipt showing the amount of tax paid and the property on account of which such tax is paid and the period of time for which such payment was made Such receipt may be attached to such intangible and on request of the taxpayer and on presentation of such intangible the county treasurer or department of receiver of taxes as the case may be shall in a manner to be determined by the board indorse on such intangible the period to the end of which the tax on account of such intangible has been paid

Section 14 COLLECTION OF TAX LIEN PENALTY Any tax imposed by this act if not paid when due shall be entered on the tax duplicate of the city borough town or township where such taxpayer resides Any such tax together with all penalties thereon from the accrual of the tax shall thereupon become a lien as of the date of such entry on the property of such taxpayer located in such county Such lien shall continue until discharged by payment of such tax and all penalty thereon and shall be enforced and collected by the collectors of county taxes in the same manner as other delinquent taxes are collected under the provisions of existing law

Section 15 DEFAULT PENALTY Any person failing to pay the tax imposed by this act on or before the accrual thereof shall be liable to pay a penalty for each year or fractional part thereof that such payment is delayed Such penalty shall be four times the amount of the current tax on account of the intangible in respect of which the tax was imposed All unpaid tax and all penalty thereon shall draw interest at the rate of ten per centum per annum from the time such tax accrues

Section 16 RECORD OF INTANGIBLES FROM RECORDERS AND PROTHONOTARIES FEES The recorder of deeds and prothonotary of each county shall keep a daily record separate and apart from all other records of every intangible entered or assigned of record in his office which daily record shall set forth the following information (1) The date of the intangible (2) the names of the parties thereto (3) the precise residence of the obligee or person to whose use such intangible is marked or to whom interest is payable (4) if a mortgage a brief description of the real estate upon which such mortgage is secured (5) the just sum secured by such intangible (6) the date or several dates when said sum or portion thereof shall become due and payable (7) in the case of bonds or judgments entered in the prothonotary's office whether the same are accompanied with mortgages A like daily record shall be kept of the number of intangibles together with the amounts thereof and the names of the parties thereto which shall have been that day satisfied of record It shall be the further duty of the recorder and prothonotary on the first Monday of each month to file such daily record with the board One certificate appended thereto shall be all that is required

The recorder of deeds shall refuse any intangible or any assignment of any intangible presented to him for record unless the instrument evidencing the same has attached thereto and made a part thereof a certificate signed by the obligee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such obligee assignee or person Such certificate shall be recorded with such intangible or such assignment

The prothonotary before entering any money judgment for plaintiffs other than upon a verdict or order of court shall require delivery to him of a certificate signed by the plaintiff or his attorney or agent setting forth the precise residence address of the plaintiff and upon entering such judgment shall file such certificate at the same number and term as the judgment and shall include in its entry on the judgment docket the address set forth in the certificate

Failure on the part of any prothonotary to perform any of the duties hereby imposed upon prothonotaries shall in no way impair the validity of any judgement or the lien thereof

The recorders of deeds and prothonotaries shall be entitled to receive ten cents for each intangible and for each assignment or satisfaction of an intangible reported to the board Such fees shall be paid by the county treasurer on the presentation of proper vouchers and shall be applied in like manner as other fees received by such recorders and prothonotaries Provided That no fee shall be allowed in any case where the residence of any obligee or assignee is omitted in such report Provided further That the amount allowed any prothonotary or recorder shall not exceed the sum of six hundred dollars per annum

Section 17 TRANSMISSION OF INFORMATION TO OTHER COUNTIES Upon obtaining record of the existence within its county of any intangibles that are owned by a person copartnership association or corporation resident or doing business within this State and not a resident of such county or in the case of a copartnership association or corporation not having its principal office within such county the board shall transmit a certified

statement of such record to the board of the proper county wherein said person is domiciled or wherein such copartnership association or corporation does business or maintains its principal office and also to further transmit to such board a certified statement whenever it shall appear from the record that such intangibles are satisfied Such certified statements shall upon their receipt be filed of record by the board

Section 18 ANNUAL RETURNS BY TAXABLES AFFIDAVIT ADMINSTERING OATHS PENALTY The board shall annually at the time when the assessors receive their books furnish the assessors of the several townships boroughs and cities of the respective counties with blanks which shall be prepared and furnished by the State Department of Revenue and for which the county shall pay to the Department of Revenue the actual amount of the cost of preparation and printing Each of said assessors shall furnish a copy of the same to every taxable person co-partnership association and corporation in his respective ward district borough or township or to any officer agent or employe found at the place of business of any such partnership association or corporation in his ward district borough or township Upon such blank each taxable person copartnership association and corporation shall make return annually of the aggregate amount of all intangibles held owned or possessed by such person copartnership or corporation either in his her or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership association or corporation Such return shall be made and sworn or affirmed to by such taxable person or by a member or officer of such copartnership association or corporation Provided That any corporation association or partnership doing business in more than one county shall be liable to make such return only in the county in which its principal office within this Commonwealth is situated

Such affidavit shall be made before the proper assessor or other person authorized to administer oaths and shall set forth that the return is full true and correct to the best of his or her knowledge and belief and shall also show that all taxes imposed by this act on intangibles have been paid and that he has fully complied with all the provisions of this act Such affidavit shall also contain such other information as the board may deem advisable for the proper administration of this act Any person who shall wilfully and corruptly make a false and fraudulent return shall be guilty of perjury and upon his or her conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and undergo an imprisonment by separate and solitary confinement at labor not exceeding seven years and thereupon be forever disqualified from being a witness in any matter or controversy

The several assessors are hereby authorized to administer the oath or affirmation to any person making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made by the assessor Any assessor who shall accept such return from any person or officer required to make the same without requiring the oath or affirmation of such person or officer as herein provided or who shall make any charge for administering such oath or affirmation shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 19 VALUATIONS FOR INDEBTEDNESS PURPOSES For the purpose of determining the assessed value of intangibles as a basis for the constitutional right of any county to incur indebtedness upon the assessed valuation of taxable property during the year one thousand nine hundred and thirty-six the assessments made under the provisions of existing law shall be taken and used but such assessments shall not in any case be used at the basis of valuation for the imposition of the tax during said year During the year one thousand nine hundred and thirty-seven and during each year thereafter the assessed value of intangibles for indebtedness purposes shall be determined by the board by computing the value of all intangibles upon which the tax hereby imposed has been paid during the preceding year using as the basis for such computation the gross amount of the tax on intangibles collected during such year without interest or penalties and the valuation so determined shall be deemed to be the assessed valuation of taxable intangible property under the Constitution and laws of this Commonwealth

Section 20 TAXES DUE FROM ESTATES OF DECEDENTS The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal property of such decedent for the purpose of determining the inheritance tax shall in addition thereto file an affidavit in duplicate setting forth all intangibles included in such inventory or affidavit

The office with whom the same is filed shall forthwith send one of said copies of such affidavit to the board whose duty it shall then be to proceed for the assessment and recovery of the taxes due from such decedent with penalties and interest as above provided and for that purpose to present a claim therefor to the orphans' court of the proper county or to proceed by action or suit at law in any court of competent jurisdiction for such recovery thereof or to take any or all appropriate steps or procedure for the collection of said taxes

Section 21 INTANGIBLES HELD AS COLLATERAL DUTY OF PERSONS HOLDING Every person having or receiving into his possession or custody as collateral or otherwise any intangible on account of which a tax is imposed by this act shall examine such intangible and ascertain that it has been stamped or the tax paid on account thereof No person or officer shall authenticate witness or guarantee any signature to any assignment or transfer of any intangible on account of which a tax is imposed by the provisions of this act unless the stamps or certificates required for the current year appear upon or accompany such intangible All intangibles in possession of any person as collateral or otherwise shall be subject to examination by the board No person holding any such intangible shall be privileged to require the name of the owner the location or description or amount of any intangibles so sought to be examined as a condition precedent to such examination

Section 22 ENFORCEMENT OF ACT RULES AND REGULATIONS The board is hereby charged with the duty of enforcing or causing this act to be enforced and administered and shall prescribe and provide all the necessary forms to be used in connection therewith and may require reports at any time and from any person or officer concerning any matter pertaining to any intangible of any person subject to a tax under the provisions of this act and may examine any person or officer under oath concerning any such intangible and shall make promulgate and enforce such rules of procedure and regulations in any matter connected with the enforcement and administration of this act which may be necessary fully to carry out the provisions thereof Failure to enforce the provisions of this section by the board shall be deemed wilful neglect of duty and punishable by a fine of five hundred dollars ($500) for each such neglect

Section 23 TAX A DEBT ACTION TO RECOVER In addition to all other remedies for the collection of the tax imposed by the provisions of this act such tax as soon as it accrues shall constitute a debt of the person liable for such tax and the board may cause any necessary action to be instituted in the name of the county in any court of competent jurisdiction on relation of the board against such person for the recovery of such tax and all penalties accuring on account of the non-payment thereof Any such suit shall be prosecuted by the county solicitor and in any judgment rendered against the taxpayer in any such suit for any unpaid tax a reasonable attorney fee shall be included for the attorney prosecuting such suit

Section 24 STAMPS PREPARATION CONTRACTS DISTRIBUTION REQUIREMENTS The county commissioners of each county shall within thirty days after the date of final enactment of this act and on or before the first day of July of each year thereafter determine and advise the State Department of Revenue whether such county shall contract for the manufacture of the stamps required by the provisions of this act for use in such county for the ensuing year or whether such county shall

purchase such stamps from the Department of Revenue as hereinafter provided the Department of Revenue shall not be required to sell any stamps to any county that has signified its intention to contract for the manufacture of its own stamps or to any county that has failed to signify its intention within the times hereinbefore specified The department may however sell stamps to such counties if the stamps are available without curtailing the supply for the use of the counties that have properly signified their intention to purchase from the department

The county commissioners of any county determining to supply its own stamps and not to purchase the same from the Department of Revenue shall make and execute contracts in behalf of such county for dyes plates and printing necessary for the manufacture of such stamps The board shall have the custody of the stamps dyes plates and other material and things used in the manufacture of such stamps

Contracts for dyes plates printing and other services and supplies necessary for the manufacture and preparation of stamps by the Department of Revenue shall be let and executed in the same manner as contracts for engraving printing and supplies for the use of the various departments of the State government or such work or any part thereof may be done at the various State penal or correctional institutions by the inmates thereof under the conditions prescribed by existing law The Department of Revenue shall have custody of all stamps prepared by it until sold and of all dyes plates and other material and things used in the manufacture of such stamps The cost of procuring such stamps shall in the first instance be paid out of any appropriation to the Department of Revenue available for such purpose The department shall sell such stamps to the various counties requiring the same at such price as will fully reimburse the Commonwealth for all moneys expended in procuring the same but not at a profit

Adhesive stamps for the purpose of paying the tax levied under the provisions of this act shall be prepared by the State Department of Revenue or by the county commissioners as the case may be in such form of such denominations and in such quantities as the department or county commissioners may prescribe The year of the issuance of any stamp provided for herein shall be engraved upon the face thereof and no such stamp shall be used in any year other than the year of issue All stamps prepared by the county commissioners for any individual county shall have the name of such county engraved upon the face thereof All stamps prepared by the Department of Revenue shall have a blank space upon the face thereof upon which the name or a distinctive abbreviation of the name of the county where the stamps are to be used shall be printed stamped or written before such stamps are issued by the department No stamp shall be used upon any intangible except such as are taxable in the county the name of which is indicated on the face of such stamp The board shall make provision for the sale of stamps in the office of the county treasurer at such places and at such times as the board may deem necessary.

Section 25 STAMPS CANCELLATION Wherever an adhesive stamp is used under the provisions of this act the person using or affixing it shall write or stamp thereon the initials of his name and the date when the same is affixed or used and shall mutilate the stamp in such manner that it cannot be used again

Section 26 APPLICATION FOR ASSESSMENT AND COMPUTATION OF TAX On application of any person the board shall determine the amount of tax due on account of any intangible in respect of which the tax provided by this act is imposed and issue to such person such receipt release waiver certificate or acquittance as will show the release of such intangible from any lien on account of such tax

Section 27 SALE OF STAMPS BY COUNTY TREASURER The county treasurer as a part of his official duty and without additional salary or compensation shall receive from the board from time to time the stamps provided to be used under the terms of this act Such treasurer shall be chargeable with the full amount of all stamps delivered to him and shall sell such stamps and collect the money therefor and deposit the same in the proper designated depository to the credit of the county Within thirty days after the end of the calendar year one thousand nine hundred and thirty-six and within thirty days after the end of each calendar year thereafter each county treasurer shall return to the board all stamps in his possession bearing the date of the preceding year and receive proper credit therefor

Section 28 UNUSED STAMPS DISPOSITION At the end of each calendar year any person owning and having any unused stamps of the issue of that year in his possession may within twenty days from the end of such year and not thereafter surrender such stamps to the county treasurer The treasurer shall receive such stamps and deliver to such person a like amount of stamps dated and usable in the then current year Each county treasurer shall keep a record in the form and manner provided by the board of all stamps so surrendered and deliver such stamps to the board and receive credit therefor all in accordance with the rules of the board The board may under regulations prescribe therefor by it provide for the reissue of stamps in lieu of the stamps destroyed by fire or unavoidable casualty

Section 29 RECORDING INSTRUMENTS CONDITION No instrument securing the payment of any debt evidenced by any intangible as defined by this act shall be admitted to record in this State until all tax then due as provided by this act has been paid on account of the intangible so secured by such instrument

Section 30 UNSTAMPED INTANGIBLES ENFORCEABILITY No intangible in respect of and by which the tax imposed by this act is measured shall be valid or enforceable nor shall the same be sold assigned transferred renewed removed consigned mailed or shipped unless and until all taxes and penalties accrued on account thereof shall have been paid Any sale renewal or assignment of any such intangibles on account of and by which the taxes imposed by this act are measured have not been paid shall be null and void

Section 31 ACT CONSTRUED The tax hereby imposed shall be in lieu of all other taxes except estate or transfer inheritance taxes which might have been or might be imposed upon intangibles or against the owners or holders thereof by virtue of the provisions of any law of this State enacted prior to the passage of this act No State or local tax except transfer inheritance and estate taxes shall be imposed upon any intangibles on account of which a tax is imposed by the provisions of this act by virtue of the provisions of any other law of this State enacted prior to the passage of this act

Section 32 EXTENSION OF TIME FOR PAYMENT The board or county treasurer with the approval in writing of the board may at any time upon good cause being shown extend the time not to exceed ninety days within which any taxpayer may pay any taxes accrued or accruing under the provisions of this act Such extension may be granted to such taxpayer with or without penalty or interest and during any such extension any taxpayer may enforce sell assign transfer renew remove consign mail or ship any intangible in respect of which such extension was granted The board may grant such extension upon such terms and conditions as it shall deem just and may require the taxpayer to execute a satisfactory bond to secure the payment of any tax found to be due

Section 33 STAMPS UNAVAILABLE EXTENSION In case at any time after the passage of this act stamps have not been prepared and distributed at the time any tax imposed by this act accrues then the taxpayer shall have ten days after such stamps are prepared and distributed as provided by the terms of this act within which to procure and affix any stamps required by the provisions of this act All penalties provided by this act shall be suspended during the time such stamps are not available If during such time any person shall desire to enforce sell assign transfer renew remove consign mail or ship any such intangible the tax required by this act may be paid to the county treasurer and a receipt therefore shall be attached to such intangible

Section 34 POWERS OF BOARD The board shall have the authority of and the powers conferred by the general laws of this State concerning taxation for the administration of this act and such laws hereby are extended to

and made a part of this act so far as applicable for the purposes of assessing and collecting taxes imposed by this act and such taxes omitted through mistake inadvertence or fraud

Section 35 FAILURE TO PAY TAX OR CANCEL STAMPS PENALTY Whoever makes signs issues authenticates or accepts or causes to be made signed issued authenticated or accepted any instrument document or paper of any kind or description whatsoever evidencing any intangible or any assignment or transfer thereof without the tax therein being paid or stamps affixed in accordance with the provisions of this act or whoever makes use of any adhesive stamp to denote any tax imposed by this act without canceling or obliterating such stamp as in this act provided is guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty-five dollars nor more than five hundred dollars or be imprisoned not less than thirty days nor more than six months or both for each such offense

Section 36 STAMPS PROHIBITED PRACTICES PENALTY Whoever fraudulently cuts tears or removes from any vellum parchment paper instrument writing or document evidencing any intangible on account of or in respect of which any tax is imposed by this act any adhesive stamp used in compliance with the provisions of this act or whoever fraudulently uses joins fixes or places to with or upon any such evidence of intangible on account or in respect of which any tax is imposed by this act any adhesive stamp which has been cut torn or removed from any other evidence of intangible or whoever fraudulently uses joins fixes or places to with or upon any evidence of intangible any adhesive stamp of insufficient value or any forged counterfeited or altered stamp or whoever wilfully removes or alters the cancelling or defacing marks of or otherwise prepares any adhesive stamp with intent to use or cause the same to be used after it has already been used or knowingly or wilfully buys sells offers for sale or gives away any washed or restored adhesive stamp to any person for use or knowingly and without lawful excuse has in his possession any washed or restored or altered stamp which has been removed from any vellum parchment paper instrument writing or document or whoever knowingly or wilfully prepares buys sells offers for sale or has in his or its possession any counterfeited stamps is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or be imprisoned for not less than one year nor more than five years or both at the discretion of the court

Section 37 ENFORCEMENT OFFICERS DIVULGING INFORMATION PENALTY Whoever being or having been a county official or member of the board of any county or being or having been a clerk employe or agent of any such officer or board divulges except in the performance of his duties or upon order of the board or in any reports required by law as the case may be or when called upon to testify in any court or proceedings any information acquired by him in the exercise of the powers vested in him by any of the provisions of this act or while claiming to exercise such powers in respect to the transactions or business or any person to whom this act is applicable shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars and shall thereafter be disqualified from acting in any official capacity whatsoever in connection with the assessment or collection of taxes

Section 38 REQUIRING PERSON BORROWING TO PAY TAX USURY It is unlawful for any person in loaning money at interest to any person which transaction is taxable as an intangible under the provisions of this act to require the person borrowing the same to pay the tax imposed thereon by this act In all cases where such tax shall have been paid by the borrower the same shall be considered usury and be subject to the laws governing the same

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 30, line 9, by inserting after the word "same" the following new section: "Section 39. PAYMENT OF PART OF COUNTY TAX TO STATE. One-third of the gross amount of all taxes collected by each county or city and county shall be paid by the treasurer of such county or city and county into the General Fund of the State Treasury through the Department of Revenue, for general State purposes. Such payments shall be made on the first days of June and December of each year."

On the question,

Will the House agree to the amendment?

It was agreed to.

The thirty-ninth section was read as follows:

Section 39 TAX FOR STATE PURPOSES All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable in the year one thousand nine hundred and thirty-six and annually thereafter for State purposes at the rate of four mills on each dollar of the nominal value thereof Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the second section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of section two of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in section two of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect

or failure to give such notice before the first day of October of each and any every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank or banking institution savings institution or trust company And providing That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said shavings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under section two of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under section two of this act

On the question,

Will the House agree to the section?

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 39, page 30, line 10, by striking out the figure "39" and inserting in lieu thereof: "40."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fortieth section was read as follows:

Section 40 VALIDITY If any clause sentence paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act but shall be confined in its operation to the clause sentence paragraph or part thereof which is directly involved in the controversy in which such judgment shall have been rendered It is hereby declared as the legislative intent that this act would have been adopted had such invalid provision not been included therein The tax imposed by virtue of this act shall be levied and collected as in this act provided irrespective of the nature or character of such tax

On the question,

Will the House agree to the section?

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 40, page 34, line 9, by striking out the figure "40" and inserting in lieu thereof "41."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-first section was read as follows:

Section 41 REPEALS The act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments is hereby repealed Provided That its provisions shall continue in force for the purpose of enforcing payment of any tax payable thereunder for the year one thousand nine hundred and thirty-five and for any year or years prior thereto

The act approved the seventeenth day of May one thousand nine hundred and twenty-nine (P. L. 1804), entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" is hereby repealed

All other acts and parts of act inconsistent herewith are hereby repealed

On the question,

Will the House agree to the section?

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 41, page 34, line 22, by striking out the figure "41" and inserting in lieu thereof "42."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-second section was read as follows:

Section 42 EFFECTIVE DATE Except as to sections five six twenty-two twenty-four and twenty-seven which shall become effective immediately upon the final enactment of this act the provisions of this act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Will the House agree to the section?

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 42, page 35, line 15, by striking out the figure "42" and inserting in lieu thereof: "43."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue and fixing penalties.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1286, entitled:

An Act to amend sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" are hereby amended to read as follows

Section 10 (a) Any [applicant or licensee whose license has been refused suspended or revoked by] party aggrieved by a decision of the board shall within thirty days have the right to appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the Board The court may in proper cases remit the record to the Board for the taking of further testimony

(b) Any State association of funeral directors shall be entitled to be heard by the Board and may appeal any decision of the Board on its own behalf naming as defendants the Board and any other party in interest The said association or incorporated local association of funeral directors may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of this law or the regulations of the Board For such purposes the common pleas court of the county where the violations occur or where the defendant may be served shall have jurisdiction

Section 12 (a) No person shall [operate] practice as an undertaker or funeral director as defined herein in this Commonwealth unless he or she shall hold a license so to do as provided in this act

The provisions of this section shall not apply to [(a)] (1) Bona fide employes of a licensed undertaker

[(b)] (2) Employes of any cemetery or crematory whose duties or business extend no further

[(c)] (3) Persons acting under the orders of commissioned medical officers of the Army or Navy or Maine force of the United States

[(d)] (4) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical surgical or other institutions for the benefit of science

[(e)] (5) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

[(f)] (6) Estates of deceased licensees when the business is carried on under the supervision of a licensed undertaker for such period and under such rules and regulations as may be prescribed by the board

Windows and estates shall be entitled to be licensed for a period of three years after which time such special licenses shall become invalid

(b) No person shall as an officer of a corporation allow it to practice as a funeral director unless such corporation shall be duly qualified so to do

(c) No person shall lend sell buy give or obtain a license as a funeral director or a registration card issued by the Board in any other manner than is provided for in this act nor offer or attempt so to do

(d) No person shall attempt to practice under guise of a license or registration card not issued by the Board or under cover of a license or registration card obtained illegally or fraudulently or which has been revoked or suspended

(e) A person either individually or as a member of a partnership or of a corporation shall be deemed to be practicing as a funeral director within the meaning and intent of this act

(1) Who holds himself out to the public in any manner as one who is skilled in the knowledge of science and practice of funeral directing embalming or undertaking

(2) Who as an employe except of a duly licensed funeral director performs services in connection with assisting in the arrangements for the burial or disposal of the body of a deceased person

(3) Who permits either as lessee employe associate or in any capacity whatsoever the operation of an establishment or enterprise of any character or description whereby the public is led to believe that therein is offered or avilable funeral directing or undertaking services or facilities

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking

(b) It [may if the department approves] shall appoint an inspector whose title shall be "Inspector State Board of Undertakers Commonwealth of Pennsylvania" Such inspector shall hold office at the pleasure of the board and shall receive such compensation as shall be fixed by the board with the approval of the [Superintendent of Public Instruction] department Such inspector shall be empowered to serve all processes and papers

of the board and shall have the right of entry into any place where the business or profession of undertaking is carried on or advertised as being carried on for the purpose of inspection

(c) The Board shall consist of five members appointed by the Governor with the advice and consent of the Senate All appointments after the passage of this act shall be made from licensed funeral directors of good moral character

At the expiration of the term of the member whose term shall expire first then his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-one at the expiration of the term of the member whose term is second to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-two at the expiration of the term of the member whose term is third to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-three at the expiration of the term of the member whose term is fourth to expire his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-four at the expiration of the term of the member whose term is last to expire he shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-five Thereafter all appointments shall be made for terms of five years expiring August thirty-first of each year Whenever a vacancy shall occur before the expiration of the term of any member then the succeeding appointment shall be for the unexpired portion of the said term it being the intention of this act that one member of the Board shall be appointed annually to fill the vacancy of a member whose regular term expires on August thirty-first of each year Providing always that at the expiration of a member's tenure he shall continue to serve on the Board until his successor shall have been appointed

(d) The Board shall formulate regulations and distribute the same to each registered licensee Regulations shall not become effective until sixty days after notice thereof has been given to all licensees and persons entitled to receive such notice Every person practicing as a funeral director as defined in this act and his employes shall be governed and controlled by the regulations adopted by the Board For the purposes of this act the words "undertaker" and "funeral director" shall be deemed to be synonymous

(e) At the first meeting of each year which the Board shall hold in Harrisburg it shall elect one of its members as chairman one as vice-chairman and one as secretary-treasurer It shall make an annual report to the Governor It shall keep all applications filed all documents under oath a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and of those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them The Board may appoint or employ a clerk whenever in its judgment such services is needed and special counsel in place of or in addition to the attorney general Examinations shall not be held oftener than once yearly The Board shall not hereafter grant any new branch licenses

(f) The Board may grant to individual persons from other states who are duly licensed embalmers or funeral directors a license to operate as a funeral director in this Commonwealth under such terms and conditions as the Board may prescribe provided that similar privileges are accorded in those states to those originally licensed by this Commonwealth and provided that the standards for licensing in the said states shall be equivalent to those of this Commonwealth

(g) The Board is hereby transferred from the Department of Public Instruction to the Department of Health All duties and functions under this act required to be performed by the Superintendent of Public Instruction shall be performed by the Secretary of Health who shall ex officio be a member of the board

On the question.

Will the House agree to the section?

## BILL RECOMMITTED

Mr. CLIFF PATTERSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of amendment.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1734, entitled:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "improvement" as used in this act shall mean and include any highways or streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state together with viaducts carrying such highways or streets over other highways or streets or over other property and any ramps and approaches and other structures and superstructures in connection therewith

On the question.

Will the House agree to the section?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, page 2, line 5 by inserting after the word "With," the words "or used as direct approaches to"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question.

Will the House agree to the question as amended?

It was agreed to.

The second section was read as follows:

Section 2 Any city of the first class may lay out widen extend or relocate highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state and construct the same either at above or below grade together with such viaducts carrying such highways and streets over other highways and streets and over other property and such ramps and approaches and such other structures and superstructures in connection therewith as in the discretion of the council of such city shall be necessary or convenient Provided That any such improvement shall in all cases follow substantially the course of the existing streets of such city which are in the most nearly direct continuous line with such bridge or tunnel

On the question.

Will the House agree to the section?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 2, Page 2, Line 14, by inserting after the word "with," the words "or used as direct approaches to"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question.

Will the House agree to the question as amended?

It was agreed to.

The third, fourth, fifth, sixth, seventh, eighth and ninth sections were separately read and agreed to as follows:

Section 3 Any city of the first class undertaking any improvement authorized by the foregoing section may acquire any land and property necessary therefor either by gift purchase or the exercise of the power of eminent domain Such city may also in like manner acquire and take more land and property than is needed for the actual construction of such improvements or any of them but the additional land and property so taken shall not be more than sufficient to form suitable building sites on such highways or streets nor shall such additional land and property be acquired at any point more than three miles distant from the approach to any such bridge or tunnel The title which the city shall acquire to all land and property under the provisions of this section shall be fee simple absolute

Section 4 Additional land and property shall be acquired by the city in connection with an improvement only when the title acquired for the improvement shall be in fee The acquisition of title to additional land and property in connection with an improvement shall be authorized in the same manner and at the same time as the acquisition of title to the land and property required for the improvement is authorized When the acquisition of title to additional land and property in connection with an improvement is authorized title to such additional land and property shall be acquired by the city in the manner and according to the procedure (except in such respects as are herein set forth) provided for the acquisition of title to land and property required for the improvement and in the same proceeding in which title to the land and property required for the improvement is acquired

Section 5 Every ordinance which shall authorize the acquisition of additional land and property in connection with any improvement shall provide that the department of public works shall make a plain and accurate map showing the land and property to be acquired for the improvement and such additional land and property to be acquired in connection with the land and property to be acquired for the improvement When additional land and property is to be taken by condemnation the petition for the appointment of viewers shall separately describe such additional land and property to be so taken and shall state what part of the land and property to be condemned is required for the improvement and what part thereof is to be acquired as additional land and property The acquisition of such additional land and property when duly authorized shall be deemed to be for a public purpose

Section 6 Whenever proceedings are begun by the city under the condemnation law to acquire any land and property or any interest therein in which proceedings additional land and property is to be acquired the court in which such proceedings are pending may at any stage of such proceedings authorize the city to continue in possession of such additional land and property or any part of the same or to take immediate possession thereof or any part thereof in the same manner now authorized by law in connection with the land and property required for such improvement Title to such additional land and property shall vest in the city at the same time and subject to the same conditions as apply to other lands and property acquired for the improvement

Section 7 Whenever an ordinance has been duly adopted for the purpose of any improvement provided for in section one of this act such ordinance may be amended by authorizing the acquisition of land and property additional to that required for the improvement All provisions of law now applying to the payment by the city for land and property taken under the provisions of this act shall apply with reference to the payment for additional land and property taken hereunder

Section 8 After title to the land and property required for the improvement and to the additional land and property shall have vested in the city the additional land and property may be either held and used by the city or sold or leased by it

Such additional land and property may be held and used by the city for any purpose authorized by existing law or the council may authorize the erection thereon of buildings or other structures and the occupation and use thereof by the city for any purpose which the city is authorized to use the same or the leasing or sale thereof either in whole or in part

The council shall provide that such additional land and property and any buildings or other structures erected thereon by the city shall be sold or leased subject to such restrictions covenants or conditions as to location of buildings with reference to the land and property acquired for the improvement or the height of buildings or structures or the character of construction and architecture thereof or such other covenants conditions or restrictions as will preserve or enhance the benefit to the public of the land any property actually needed for the public use provided for in section one of this act and such additional land and property shall be sold or leased subject to such restrictions covenants or conditions as may be prescribed which shall be set forth in the instrument of conveyance or lease

Section 9 In every proceeding in which land and property additional to those required for the improvement are acquired the council shall have power by ordinance to provide that the whole of the expense of any such improvements be assessed upon the property benefited or that the whole or a portion of such expense (which shall be specified in such ordinance) be borne by the city at large and the remainder if any assessed upon the property benefited

The tenth section was read as follows:

Section 10 Where part of any land and property is acquired for an improvement and the remainder of a portion of the remainder thereof in the same ownership is acquired in the same proceeding as additional land and property the portion of the damages due to the acquisition of the land and property required for the improvement shall be determined and stated separately from the entire damage due to each such owner In determining the damage due to the acquisition of that portion of such land and property which is required for the improvement the same rule shall be applied as would govern the determination of damages for the taking of the land and property required for the improvement in case no additional land and property were acquired Where part of any land and property is acquired for the improvement and the remainder or a portion of the remainder thereof in the same ownership is acquired in the same proceeding as additional land and property the damages due to the acquisition of title to the land and property required for the improvement shall in every case equal the amount which would be awarded to such owner in case only that part of his land and property which is required for the improvement were acquired

The aggregate of damages due to the acquisition of the land and property required for the improvement shall be determined by the court or other tribunal authorized to determine the compensation to be paid to the owners and when so determined be assessed as a part of the damages in the proceeding

On the question.

Will the House agree to the section?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 10, Page 6, Line 19, by striking out the word "of" and inserting in lieu thereof the word "or"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question.

Will the House agree to the question as amended?

It was agreed to.

The eleventh, twelfth, and thirteenth sections were separately read and agreed to as follows:

Section 11 The provisions of this act shall be construed as supplementing and extending the effect of the provisions of the general law relating to the acquisition of land and property by cities of the first class so as to provide for the acquisition of title to additional land and property in connection with an improvement and nothing in this act contained shall be construed as limiting the effect of the provisions of such general laws in their application to the acquisition of title to land and property required for an improvement when acquired in a proceeding in which additional land and property shall or shall not be acquired except as the provisions of such general laws are in this act expressly so limited in their application

Section 12 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 13 The provisions of this act shall become effective immediately upon its final enactment

The title was read as follows:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

On the question.

Will the House agree to the title?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the Title, Page 1, third line, by inserting after the word "with" the words "or used as direct approaches to"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question.

Will the House agree to the amendment?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1831, as follows:

An Act to further amend section one of the act approved the seventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" by requiring executors administrators and certain persons to file with the register of wills a copy of every return filed with the Federal Government for Federal estate tax purposes

Section 1 Be it enacted by the Senate and House of Represtatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" as last amended by the act approved the twelfth day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred fourteen) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order that the Commonwealth may receive the benefit of section three hundred and one (b) of the Federal Revenue Act of one thousand nine hundred and twenty-six or any other legislation of a similar kind or enacted for a like purpose which grants a credit on the Federal estate tax for inheritance taxes and transfer inheritance taxes paid to the State government additional transfer taxes for State purposes are hereby imposed upon the transfer in trust or otherwise of any property taxable under the provisions of the transfer inheritance tax law of this Commonwealth approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident

of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" Such taxes shall be imposed as estate taxes and shall be collected in accordance with the provisions of the transfer inheritance tax laws of the Commonwealth in the following cases viz Whenever in any estate the total tax paid or payable to the Commonwealth and any other State or territory at the rates fixed under the inheritance tax law shall be less than the total credit allowed by the Federal law for taxes paid to the States than the tax imposed by this act upon the transfer of such property shall be an amount equal to the difference between the total credit allowable by the Federal law for taxes payable to the State governments and the total taxes actually paid or payable to the Commonwealth and any other State or territory under the inheritance tax laws

Every executor administrator or person in actual or constructive possession of the property of an estate [subject to the tax imposed by this act] who shall file a return with the Federal Government for Federal estate tax purposes shall within thirty days after the filing of his her or its return with the Federal Government [for Federal estate tax purposes] file a copy of such Federal return with the register of wills of the proper county and shall within thirty days after the receipt by him her or it of any communication from the Federal Government making any final change in the said return or confirming increasing or diminishing the tax thereby shown to be due file a copy of such communication with the register of wills of the proper county The Commonwealth shall have authority in any estate taxable under this act to act to make a provisional estimate for the payment of taxes to the Commonwealth on account and to make an appraisement of the taxes due by any estate under this act when the amount of the Federal tax has been finally determined

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1288, as follows:

An Act prescribing and limiting the rights and liabilities in cases of death from unlawful violence or negligence where no action has been brought by the party injured during his lifetime

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that whenever death shall be occasioned by unlawful violence or negligence and no suit for damages has been brought by the party injured during his or her lifetime an action may be maintained and damages recovered for the death thus occasioned

Section 2 The persons entitled to maintain such action and to recover such damages shall be the husband widow children or parents of the deceased and no other relatives

Section 3 Such person shall have the same rights herein whether he she or they be citizens or residents of the Commonwealth of Pennsylvania or of any other state territory or county

Section 4 The sum recovered in any such action shall go to the persons hereinbefore set forth in the proportion they would take the personal estate of the decedent in case of intestacy and without liability to creditors of the decedent

Section 5 The statement of claim in any such action shall set forth who are the parties entitled to such action

Section 6 Any such action shall be brought within two years after the death and within two years after the injuries which caused such death and not thereafter

Section 7 In any such action the damages recoverable shall be

(a) The pecuniary loss suffered by reason of the death by the persons entitled

(b) The expenses incurred for medical and surgical care for nursing of the deceased and all other expenses incident to and resulting from the injuries causing such death

(c) The reasonable funeral expenses of the deceased

(d) In addition to said damages a sum not to exceed three thousand dollars in case of the death of a minor and five thousand dollars in case of the death of an adult for loss of society and companionship of the deceased

Section 8 Section nineteen of the act approved the fifteenth day of April one thousand eight hundred and fifty-one (Pamphlet Laws six hundred sixty-nine) entitled "An act to incorporate a company to erect a bridge over the river Schuylkill at Spring Mill in Montgomery county relative to the nineteenth section of 'An act regulating certain election districts et cetera approved March twenty-ninth eighteen hundred and fifty-one to school directors in Philadelphia county to actions for damages sustained by injuries done to the person by negligence or default relative to the accounts of John Humes deceased to authorize the trustees of the Seventh Presbyterian church of Philadelphia to convey certain real estate to security for moneys loaned by wives to husbands to unpaid school taxes in Bradford county and relative to service of process on agents of joint stock companies" and the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred nine) entitled "An act relating to damages for injuries producing death" and its amendments and supplements are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1836, as follows:

An Act authorizing boroughs to construct reconstruct and repair sidewalks gutters curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That boroughs may construct reconstruct and repair sidewalks curbs gutters and grass plots either by its own employes or by contract upon the following conditions 1 Upon petition by any abutters who will pay to the borough treasury the cost estimated by the borough authorities of the material necessary therefor including the cost of operating any necessary machinery advertising and bonds 2 Upon the completion of any arrangement or agreement that the labor therefor excepting the usual supervising authority of the borough shall be paid by Federal or State funds or otherwise than through municipal funds Unless requested in writing by the particular property owner or by a majority of the feet frontage where more than one property owner is involved contracts and purchases need not be advertised nor bonds secured but all purchases and contracts made without advertising shall be by a two-thirds vote of the entire council at a meeting open to the public and any fraud or collusion proven against any councilman or borough appointee shall cause such person to be surcharged with the amount of any financial loss occasioned thereby and subject such person to ouster from office

Section 2 Nothing in this Act contained shall be construed to modify or repeal any of the provisions of "The

General Borough Act of one thousand nine hundred twenty-seven" and its amendments it being the purpose of this Act to provide an additional method of improving sidewalks in aid of unemployment relief

Section 3 This Act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1645, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor is hereby authorized and empowered to sell and convey for such price as may be agreed upon a certain plot of land approximately fifty by one hundred feet located one and one-half miles north of Willow Grove along the Fitz Watertown Road State Highway Route No 155 Upper Moreland Township Montgomery County title to which plot of ground is in the Commonwealth and to make and execute a deed in the name of the Commonwealth to the purchaser thereof The moneys received as the purchase price of said property shall be paid into the General Fund

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1567, as follows:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An Act relating to cities of the third class and amending revising and consolidating the law relating thereto" by requiring city records to be open to inspection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of same That the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended by adding thereto the following section

Section 1303 Records Open to Inspection The minute book and other records and documents of every city of the third class shall be open to the inspection of any taxpayer thereof his her or its agent upon demand therefor

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1732, as follows:

An Act to amend section four of article five of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by authorizing the employment of women as policewomen

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of article five of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

Section 4 No person shall be employed in the department of public safety as a policeman policewoman or fireman who is not a citizen of the United States or who has been convicted of crime unless pardoned or who cannot read or write understandingly in the English language or who shall not have resided within the State at least one year preceding his or her appointment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1477, as follows:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions after popular referendum and the appointment of their members by the county commissioners and prescribing the powers and duties of such commissions the county commissioners and the Secretary of Agriculture of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever one hundred or more citizens residents of a county petition the county commissioners for the establishment of a county mosquito extermination commission the county commissioners shall at the next general municipal primary or special election occurring more than thirty days after the filing of such petition submit to the voters of the county the question whether or not a mosquito extermination commission shall be established in the county Such questions shall be printed on the ballot or ballot labels in the form provided by the general election laws for the submission of such questions The vote on such question shall be counted returned and computed in the manner prescribed by the general election laws

Section 2 If a majority of the voters voting upon such question shall vote in favor of the establishment of such commission the county commissioners shall within thirty days thereafter appoint a mosquito extermination commission for such county consisting of five members The members first appointed shall hold office for terms of one two three four and five years respectively as specified in their certificates of appointment Annually thereafter the county commissioners shall appoint one member of such commission to serve for a term of five years Vacancies in the membership of such commission shall be filled by the county commissioners for the unexpired term The members of such commission shall serve without compensation No person employed by the county commissioners for service with the mosquito extermination commission shall be a member thereof The commission shall annually choose a chairman from among its members

Section 3 It shall be the duty of the county commissioners to provide the mosquito extermination commission with a suitable office where its maps plans documents rec-

ords and accounts shall be kept subject to public inspection at such times and under such reasonable regulations as the commission may determine

The county commissioners shall have power after consulting with the mosquito extermination commission to appoint a secretary for such commission and to employ such other officers and employes as the county commissioners deem necessary to carry out the purposes of this act The compensation of such secretary officers and employes shall be fixed by the salary board in counties where such board exists otherwise by the county commissioners

The county commissioners shall have power after consulting with the mosquito extermination commission to prescribe the duties of such officers and employes and to make rules and regulations for carrying out the provisions of this act

Section 4 The Secretary of Agriculture of the Commonwealth of Pennsylvania is hereby authorized and empowered to cooperate with and assist each mosquito extermination commission in the effective carrying out of its plans and work He shall be a member ex officio of each such commission and may authorize a deputy to attend its meetings as his representative He and his said deputy shall serve without compensation except that the necessary expenses actually incurred by them in the attendance at meetings of said commissions shall be allowed and paid by the Commonwealth as a part of the expenses of the Department of Agriculture He shall furnish the said commissions with such surveys maps information and advice as they may require for the prosecution of their work or as in his opinion will be of advantage in connection therewith

Section 5 The county commissioners shall have power after consulting with the mosquito extermination commission to eliminate all breeding places of mosquitoes within the county for which such commission is appointed and to do and perform all acts and to carry out all plans which in the opinion and judgment of such commission may be necessary or proper for the elimination of breeding places of mosquitoes or which will tend to exterminate mosquitoes within said county

Section 6 Each mosquito extermination commission shall on or before the first day of November in each year submit to the Secretary of Agriculture a detailed estimate of the money required for the ensuing year and a plan of the work to be done and the methods to be employed The Secretary of Agriculture shall have power to approve modify or alter such estimates plans and methods and the estimate plan and method finally approved by him shall be by him forwarded to the county commissioners of the county on or before the first day of January following its receipt

Section 7 It shall be the duty of the county commissioners to appropriate annually the amount of money so approved by the Secretary of Agriculture Provided That in no year shall the amount so appropriated exceed one-fourth of one mill on each dollar of the assessed value of taxable real estate in the county The sums so appropriated or so much thereof as may be required shall be paid out from time to time by the county treasurer on the orders of the county commissioners

Section 8 It shall be the duty of each mosquito extermination commission annually on or before the first day of February of each year to submit to the Secretary of Agriculture and to the county commissioners of the county a report setting forth the amount of moneys expended during the previous year the methods employed the work accomplished and any other information which in its judgment may be pertinent

Section 9 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1411 (Senate Bill No. 87), entitled:

An Act to further amend clause (a) of section six and sections ten and eleven of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate by changing the effect of appeals from the county court upon judgments of that court by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1535 (Senate Bill No. 256), entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 982 (Senate Bill No. 41), as follows:

An Act to amend section six of the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred forty) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" further defining the circumstances under which the remedy provided is available

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred forty) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" is hereby amended to read as follows

Section 6 Discretionary [The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree if rendered or entered would not terminate the uncertainty or controversy giving rise to the proceeding] Relief by declaratory judgment or decree

may be granted in all civil cases where an actual controversy exists between contending parties or where the court is satisfied that antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation or where in any such case the court is satisfied that a party asserts a legal relation status right or privilege in which he has a concrete interest and that there is a challenge or denial of such asserted relation status right or privilege by an adversary party who also has or asserts a concrete interest therein and the court is satisfied also that a declaratory judgment or decree will serve to terminate the uncertainty or controversy giving rise to the proceeding Where however a statute provides a special form of remedy for a specific type of case that statutory remedy must be followed but the mere fact that an actual or threatened controversy is susceptible of relief through a general common law remedy or an equitable remedy or an extraordinary legal remedy whether such remedy is recognized or regulated by statute or not shall not debar a party from the privilege of obtaining a declaratory judgment or decree in any case where the other essentials to such relief are present but the case is not ripe for relief by way of such common law remedy or extraordinary legal remedy or where the party asserting the claim relation status right or privilege and who might bring action thereon refrains from pursuing any of the last mentioned remedies Nothing herein provided is intended to or shall limit or restrict the general powers or jurisdiction conferred by the act hereby amended but proceeding by declaratory judgment shall not be permitted in any case where a divorce or annulment of marriage is sought

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1490 (Senate Bill No. 223), entitled:

An Act to establish jurisdiction in cases of kidnapping and murder prepetrated in kidnapping

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1681 (Senate Bill No. 561), entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class (A) by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penaltics thereon

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1473, entitled:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

ARTICLE I

SHORT TITLE AND DEFINITIONS

The first section was read as follows:

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that this act shall be known and may be cited as the "Individual Net Income Tax Act"

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. VAN SICKLE. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further amendment.

The motion was agreed to.

The SPEAKER (Wilson G. Sarig) in the Chair.

## USE OF HALL OF HOUSE GRANTED COMMITTEES

Mr. RUTH. Mr. Speaker, I move that the use of the hall of the House be granted on Wednesday afternoon, April 10, 1935, at 2:00 o'clock, for a public hearing jointly before the Committee on Ways and Means and the Committee on Highways on House Bills No. 28 and 1611.

The motion was agreed to.

## STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, for the information of the House and in substantiation of the stand taken by the Speaker, I desire to refer to the record in the House History, page 29, showing that the bill presented by Mr. Ruth was referred to the Committee on Constitutional Amendments on January 21st, reported as committed on January 21st—page 155 of the Legislative Journal—wherein Mr. Diehl asked and obtained unanimous consent to report from the Committee on Constitutional Amendments House Bill 147 as committed. If you will refer to the first page of the calendar, on January 22nd you will find that House Bill 147 was given first reading. Therefore, the record before you substantiates the decision and the stand taken by the Speaker.

## STATEMENT BY MR. WITKIN

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, the gentleman has just read from the House History on page 29. House Bill No. 147 referred to was introduced on January 21st, referred to the Committee on Constitutional Amendments on January 21st, reported as committed on January 21st.

Mr. Speaker, it is my recollection, and I think I am correct, when I say that was on a Monday night when that bill was introduced. It was immediately referred to committee, and when it was before the committee it was not printd in pink.

There is no sense in trying to read into the record that it passed first reading January 22nd. The history to which they referred shows that it was reported as committed the same day it was introduced. I do not know when it could have been printed if it was introduced on the 21st of January in the House and was reported as committed on the 21st of January, and assuming that nobody here is a magician who could print bills that quickly and have them come out the same day. The gentleman in referring to the House History merely reaffirms what the gentleman from Philadelphia, Mr. Blumberg, said. I don't say this to make any particular point of what happened to that bill, it may have been wrong, it may have been right, but to assume that the gentleman from Philadelphia, Mr. Blumberg, is incorrect, is wrong.

The SPEAKER. The Chair wishes to inform the gentleman and the House that the gentleman from Philadelphia, Mr. Blumberg, was incorrect. The gentleman asked to have the bill read for the first time tonight and under the Constitution it could not be read for the first time tonight. The Constitutional Amendment bill was not read when it was reported from committee; it was read the following day.

## QUESTION OF INFORMATION

Mr. WITKIN. Mr. Speaker, in order to settle the question, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. WITKIN. Mr. Speaker, if a bill is introduced tonight can that bill without being printed be referred to a committee and reported out tonight?

The SPEAKER. The gentleman is informed that it can be referred to a committee and reported out tonight, but it can not be read for the first time until it is printed in pink. Does that answer the gentleman's question?

Mr. WITKIN. It certainly does, Mr. Speaker.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1082 as follows:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined [to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings] as

(a) The employment of any means for the purpose of ascertaining the abnormalities of human eyes

(b) The correction of faulty and defective vision without the use of drugs using instead all or any mechanical method or appliance

A person engages in the "practice of optometry" within the meaning of this act who examines or attempts to examine the eyes of any person for the purpose of prescribing glasses or lenses in any form or who holds himself or herself out to the public as being able or legally authorized so to do or who advertises in any manner any establishment office business or place for the examination of the eyes of persons for the prescribing of glasses without including in said advertisement the name of the licensed optometrist in charge

Section 2 Sections five and six of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 5 Every person desiring to commence the practice of optometry or if now in practice to continue the practice thereof after January first one thousand nine hundred and eighteen except as herein otherwise provided shall take the examination provided in this act and satisfy the other requirements hereof as here provided Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act or for one year in this and for the year preceding it in another State and is of good character shall be entitled to take a limited examination covering the following only

(a) The limitation of the sphere of optometry

(b) The necessary scientific instruments used

(c) The form and power of lenses used

(d) A correct method of measuring presbyopia hypermetropia myopia and astigmatism

(e) The writing of formulae or prescriptions for the adaption of lenses in aid of vision

The board shall also permit the taking of limited examinations by and the license of any person who shall apply therefore before the first day of January one thousand nine hundred and twenty-two who at the time of the passage of the act to which this is an amendment or the time when the limited examinations under said act were held was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was at such time or times otherwise unavoidably absent from this State or was physically handicapped and unable to take such examination Provided however That any such person shall have engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of the act to which this

is an amendment or for one year in this Commonwealth and one year in another State and shall be of good character

Any person who at the time of the passage of the act to which this is an amendment was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was otherwise unavoidably absent from this State or was physically handicapped and unable to take the examination and who was actually engaged in the practice of optometry but who had engaged in such practice less than two years and any person over the age of twenty-one years of good moral character who has a preliminary education equivalent to two years of the course of high school and after the first day of January one thousand nine hundred and twenty-five has had a preliminary education equivalent to a four year high schol course whose standard is approved by the Department of Public Instruction which preliminary education shall be ascertained by examination or by acceptable certificate as to credentials for work done in such approved institution and has graduated from a school or college of optometry approved by the Department of Public Instruction as recommended by the State Board of Optometrical Examiners on satisfactory completion of a course in optometry of not less than three years shall be entitled to take a standard examination Such courses shall be not less than thirty-four weeks of attendance in each calendar year with a total of at least one thousand hours of actual classroom laboratory and clinical instruction Such schools of optometry to be approved must have their own building or buildings have a separate classroom for each class and have separate laboratories adequately equipped with suitable apparatus for individual instruction in gross anatomy histology chemistry physiology and physiological optics geometrical and physical optics and physics and ophthalmic mechanics The faculty shall consist of a sufficient number of qualified instructors to teach the subjects of the course The clinic shall consist of sufficient space and equipment to take care of a sufficient number of patients to provide at least four hundred clinic hours for each senior student

Said standard examination shall consist of tests in practical theoretical and physiological optics in theoretical and practical optometry and in the anatomy and physiology of the eye and in pathology as applied to optometry Provided That any person not less than twenty-one years of age who is actually engaged in the practice of optometry at the time of the passage of this act shall be entitled to take the standard examination merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee In case of failure at any limited examinatioon the applicant shall have the privilege of continuing the practice of optometry and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optometry in this Commonwealth Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office or place of business wherein said person shall practice optometry together with the photograph of said person attached to the lower right hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board Peddling from door to door practicing under any other name but that of a holder of a certificate of licensure or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office or place of business is specifically forbidden under penalty of revocation of certificate by the board except that optometrical service may be rendered in their home to patients who are physically unable to visit the certificate holders' offices Certificate holders may however establish a branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination [and is in charge of a regular licensed optometrist] Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 3 Section nine of said act as amended by the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws twenty-six) is hereby further amended to read as follows

Section 9 The State Board of Optometrical [Education Examination and Licensure] Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit practicing under any other name but that of a holder of a certificate of licensure or the peddling from house to house or person to person or the establishment of temporary offices or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical business in which untruthful statements are made [or the failure to deliver the certificates provided for in section six of this act] or false or fraudulent or deceptive or misleading advertising or what is commonly known as "bait" advertising or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 4 Sections eleven and twelve of said act as amended by said act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 11 [Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or the treatment or diagnosis of diseases of or injuries to the human eye or the right to use drugs or medicines in any form for the treatment or examination of the human eye] Nothing in this act shall be construed as conferring on the holder any title or word indicating that he is engaged in any other practice other than that of optometry The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist without the word "optometrist" following the name immediately following and in conjunction therewith

Section 12 The provisions of this act shall not apply [to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery]

(a) To physicians practicing medicine under the medical act of one thousand nine hundred and eleven and its amendments or

(b) To persons selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry

Section 5 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional provision not been included therein

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SARRAF. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen, the sponsor of the bill.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. COHEN. Mr. Speaker, I will.

Mr. SARRAF. Mr. Speaker, Section (a) of the bill reads "the employment of any means for the purpose of ascertaining the abnormalities of human eyes." Does the gentleman from York think that a man with three or four years education in eye work would be capable of using drugs for the diagnosis of an eye condition and also the treatment of this eye condition with drugs?

Mr. COHEN. Mr. Speaker, the gentleman from Allegheny has read into Section (a) something that does not exist. Section (a) does not intimate that drugs can be used in the treatment of eyes.

Mr. SARRAF. Mr. Speaker, may I ask what interpretation the gentleman from York would give of the word "any means" in that particular paragraph?

Mr. COHEN. Mr. Speaker, in reply to the question asked by the gentleman from Allegheny I would state that Section (a) only gives the right to the utilization of any means whatsoever in diagnosing the condition and does not allow the utilization of any drugs in the treatment of the condition.

Section (b), if the gentleman from Allegheny will read further, says "the correction of faulty and defective vision without the use of drugs." There is a specific restricting clause in the act itself that does not allow the optometrist to utilize drugs in the treatment of the condition, but does allow the optometrist to utilize whatever means are in his power to ascertain and diagnose the abnormalities in the condition of the eye, but no drugs whatsoever in the treatment. That is clearly set forth in Section (b).

Mr. SARRAF. Mr. Speaker, I do not think the gentleman understood my question. My question was, in paragraph (a) what is the meaning of "any means" for the purpose of ascertaining the abnormalities of the human eye.

Mr. COHEN. Mr. Speaker, in answer to the interrogation of the gentleman from Allegheny, I can only state that the words mean what they say, that they are allowed to utilize whatever means are in their powers to ascertain the abnormalities of the eye. The gentleman must not read that section alone, because it might convey a different impression, but if he will read section (a) and section (b) he will note that it provides that they are not allowed to use drugs.

Mr. SARRAF. Mr. Speaker, and members of the House, paragraph (a) specifically states "employment of any means for the purpose of ascertaining the abnormalities of the human eye." The words "any means" implicates the use of drugs, which constitutes one of the principal methods of diagnosing the eye's conditions. The gentleman from York says that section (b) specifically states not to use drugs in the treatment of the eye. That is correct.

The first paragraph deals with the diagnosis, the second with the treatment, and those are two different things entirely. In this first paragraph,—the eye, as is well known, is only a portion of the body. The correction of vision is only one thing that can be wrong with the eye. Conditions of the eye can occur from other conditions in the body. The use of drugs in ascertaining the diagnosis, naturally in the hands of a person not an expert, or one who does not know the human body may cause some deleterious effect, may even ruin one of these special senses that we all have.

I rise to oppose this bill. This bill apparently seems to be a very good bill otherwise, and I asked the gentleman from York to correct this measure, but so far it has not been corrected. Therefore I should like to ask the members of this House to vote against this bill.

Mr. COHEN. Mr. Speaker and members of the House, I appreciate the thoughts of the gentleman from Allegheny, Dr. Sarraf. I appreciate the fact that he has mentioned that the bill in all other respects as far as he is concerned is a good bill. I can recommend this bill to the consideration of the House,—it is a good bill. It seeks to raise the practice of optometry to the high standard it has gained after being one of the approved licensed professions in this Commonwealth over a period of possibly twelve to fifteen years. Today the practice of optometry is in the same position that dentistry was possibly ten years ago. They require a three-year course in an accredited institution, covering three thousand seven hundred hours.

The only objection that Dr. Sarraf has to the consideration of this bill is section (a), in which is stated the "employment of any means for ascertaining the abnormality of the eye." It must be borne in mind that there is no indication in this bill that drugs should be utilized in correcting the conditions that might exist. It does allow the optometrist to use whatever means are in his power to ascertain what those conditions are, and if

| | | | |
|---|---|---|---|
| Cohen, | Mallen, | Root, | Welsh, |
| Conner, | Mason, | Ruffennach, | Yeakel, |
| Downey, J. J., | McCreary, | Ruth, | Zappala, |
| Falkenstein, | McDermott, | Shugarts, | Sarig, |
| Fitch, | | | |

NAYS—102

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Linderman, | Schwab, |
| Altenburg, | Downey, G. E., | Longaker, | Schwartz, |
| Arnold, | Duffort, | Lovett, | Shortz, |
| Aukerman, | Eberharter, | McHenry, | Shreiner, |
| Baker, F. T., | Eroe, | McKinney, | Simpson, |
| Baker, J J., | Ferko, | Mentzer, | Smith, W. G., |
| Baldi, | Finnerty, | Merrell, | Snyder, F. E., |
| Barnhardt, | Flynn, | Mooney, | Snyder, J. L., |
| Bernhard, | Furman, | Muir, | Stevens, |
| Boose, | Gillette, | Murrin, | Stewart, |
| Boyer, | Green, | Nothnagle, | Stott, |
| Brennan, | Habbyshaw, | O'Keefe, | Sumney, |
| Brown, H. S., | Hamilton, F. P., | O'Neill, | Surface, |
| Burke, | Harkins, | Panton, | Terry, |
| Cannon, | Harmuth, | Parks, | Tronzo, |
| Caputo, | Hermansen, | Patterson, J. W., | Trout, |
| Castor, | Hetrick, | Pearson, | Tumelty, |
| Chervenak, | Hindman, | Perry, | Van Sickle, |
| Coakley, | Holstrom, | Phillips, | Wall, |
| Cochran, | Hoopes, | Piole, | Westrick, |
| Coleman, | Horst, | Powers, | Wickersham, |
| Condon, | Jones, | Reynolds, | Wilson, |
| Cordier, | Kane, | Rhys, | Witkin, |
| Davies, | Kelso, | Sarraf, | Wood, |
| Decker, | Kinney, | Schrope, | Woodside, |
| Diehl, | Kobelak, | | |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1078, entitled:

An Act relating to judgments by agreement.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shortz, |
| Alexander, | Eroe, | Mason, | Shreiner, |
| Allen, | Falkenstein, | McCreary, | Shugarts, |
| Altenburg, | Ferko, | McDermott, | Siegel, |
| Andrews, | Finnerty, | McDevitt, | Simon, |
| Arnold, | Fitch, | McElroy, | Simpson, |
| Atkins, | Flanagan, | McHenry, | Sinwell, |
| Aukerman, | Flinchbaugh, | McKinney, | Sloan, |
| Baine, | Flynn, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J J., | Gates, | Merrell, | Snyder, F. E., |
| Barber, | Gerard, | Moomaw, | Snyder, J. L., |
| Barnhardt, | Gillette, | Mooney, | Sowers, |
| Bernhard, | Green, | Moore, | Sproul, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Murrin, | Stockham, |
| Bradley, | Haluska, | Nagel, | Stone, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stott, |
| Brennan, | Harkins, | O'Keefe, | Sumney, |
| Brown, H. S., | Harmuth, | Ominsky, | Surface, |
| Brown, J. E., | Hart, | O'Neill, | Tahl, |
| Brownfield, | Hartman, | Panton, | Terry, |
| Brumbaugh, | Hefferon, | Parks, | Tronzo, |
| Burke, | Hermansen, | Patterson, C., | Trout, |
| Cannon, | Hetrick, | Patterson, J. W., | Tumelty, |
| Caputo, | Hindman, | Pearson, | Turner, |
| Carr, | Hirsch, | Perry, | Van Allsburg, |
| Carson, | Hoffner, | Pfaff, | Van Sickle, |
| Castor, | Holstrom, | Phillips, | Walker, |
| Chervenak, | Hoopes, | Piole, | Wall, |
| Coakley, | Horst, | Powers, | Wasserman, |
| Cochran, | Jackson, | Reising, | Weidemann, |

the optometrist finds the condition, finds a pathological condition, one that he is not equipped to treat he can refer that case to the proper medical man. I doubt if there are any medical practitioners graduated from any class in a medical college who has had the training in the eye that the men who graduate from the institutions in Pennsylvania have, that the men who actually practice optometry have as far as the consideration of the treatment of the eye is concerned.

I can say as Doctor Sarraf says that the bill in all other respects meets the highest support of the medical profession, and if the gentleman will read in the proper light sections (a) and (b) together the bill will impinge no hardship whatsoever on the people of this community and will only tend to give people of this Commonwealth an opportunity for better service.

Mr. SUMNEY. Mr. Speaker, I agree with Dr. Sarraf that that is a defect in the bill and a very great one, and for that reason unless the bill is amended, I shall oppose it.

Mr. HINDMAN. Mr. Speaker and members of the House, I also agree with the gentleman from Allegheny, Mr. Sarraf, regarding this bill. I also believe that it is an excellent bill. We had the subject matter of this bill up with the sponsor last week and at that time we assured him that we would be for it if this amendment were made to it, but this amendment has not been made in the bill.

If a drug is used for diagnostic purposes or for curative purposes and if you have an individual who is susceptible to a drug and is poisoned by it or it has a deleterious effect, then regardless of the purpose for which it might be used, it should not be used, unless it is used by a competent physician who has been thoroughly trained in the art of therapeutics.

So far as the bill itself is concerned, we think it is an excellent bill and we agree with the gentleman from York that this branch of the science has made a very great advance, but I wish to state to the members of the House that as it now stands it is unsafe and is opposed by the State Medical Society, and we feel that it would be an unfair thing to pass this bill as it is.

Mr. SARRAF. Mr. Speaker and members of the House, to verify the fact that it means the use of drugs. The statement just preceding Section (a) specifically states, and it has been eliminated "the employment of any means other than the use of drugs for the measurements of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings." Now, that should no doubt be brought out in section (a) and the fact of using drugs in the diagnosis of eye conditions.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—65

| | | | |
|---|---|---|---|
| Alexander, | Flanagan, | McDevitt, | Simon, |
| Allen, | Gates, | McElroy, | Sinwell, |
| Andrews, | Greenstein, | Melchiorre, | Sloan, |
| Atkins, | Hagerty, | Moomaw, | Sowers, |
| Baine, | Haluska, | Moore, | Sproul, |
| Barber, | Hart, | Moran, | Stank, |
| Blumberg, | Hirsch, | Nagel, | Stockham, |
| Boyd, R., | Hoffner, | Patterson, C., | Stone, |
| Brancato, | Kelder, | Pfaff, | Tahl, |
| Brown, J. E., | Klingler, | Reising, | Van Allsburg, |
| Brumbaugh, | Long, | Rinn, | Wasserman, |
| Carr, | Male, | Roan, | Welliver, |

| | | | |
|---|---|---|---|
| Cohen, | Jones, | Reynolds, | Weiss, |
| Coleman, | Kane, | Rhys, | Welliver, |
| Condon, | Kelder, | Rinn, | Welsh, |
| Conner, | Kelso, | Roan, | Westrick, |
| Coolahan, | Kilroy, | Root, | White, |
| Cordier, | Kinney, | Ruffennach, | Wickersham, |
| Davies, | Klingler, | Ruth, | Wilson, |
| Decker, | Kobelak, | Sarraf, | Witkin, |
| Dent, | Linderman, | Schrock, | Wood, |
| Diehl, | Long, | Schrope, | Woodside, |
| Dilley, | Longaker, | Schwab, | Yeakel, |
| Downey, G. E., | Lovett, | Schwartz, | Yourishin, |
| Downey, J. J., | Lynch, | Shaw, | Zimmerman, |
| Duffort, | Male, | Shepard, | Sarig, |

NAYS—1

Baldi,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1737, as follows:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by extending the scope of the title defining and further prohibiting the practice of law and providing additional penalties including the forfeiture of corporate charters for violations of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as last amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-three (Pamphlet Laws sixty-six) are hereby amended to read as follows

An Act making it unlawful for any person partnership association or corporation to practice law or to hold himself herself or itself out or advertise himself herself or itself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing [a penalty] penalties therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall not be lawful for any person or partnership [association or corporation] in any county in the State of Pennsylvania to practice law or to hold himself herself or itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that he she or it is a practitioner of the law of this or any other State nation country or land or in any manner to advertise that he she or it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of the law of this or any other state nation county or land without such person or all the members of such partnership having first been duly and regularly admitted to practice law in a court of record of any county in this Commonwealth in accordance with the regularly established rules governing such admissions [Provided however That nothing herein contained shall be construed as prohibiting corporations of the first class acting in good faith and in pursuance of the purposes of their charters from rendering through attorneys-at-law legal service to the members of such corporations]

It shall not be lawful for any association or corporation in any county in the State of Pennsylvania to practice law or to hold itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that it is a practitioner of the law of this or any other state nation country or land or in any manner to advertise that it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of law of this or any other state nation country or land

Section 2 For the purposes of this act the practice of law shall be deemed to include among other things the following acts or services

(a) The appearance as an attorney-at-law for any other person partnership association or corporation in any court of this Commonwealth or before any commission referee master or any body board committee or commission constituted by law or having authority to hear and determine controversies

(b) The preparation and furnishing by persons partnerships associations or corporations of opinions in proceedings in law or in equity as to the necessary parties thereto and the preparation and rendering of advice in relation to conveyances and other papers pertaining to real estate transactions for the benefit of others exclusive of conveyances and other papers pertaining to and growing out of the business transactions of such persons partnerships associations or corporations and which are intimately connected therewith

(c) The giving of legal advice or the furnishing of attorneys-at-law or the rendering of legal services of any kind directly or indirectly to any person partnership association or corporation either for or without compensation and the conduct of a legal department for the benefit of others

(d) The advising of persons by a trustee as to their legal rights in the administration of a trust in which they are interested where a conflict of interests exists between such persons and the trustee or between persons interested in the same trust unless such persons shall be represented by an attorney-at-law not connected with or employed by the trustee

(e) The preparation or furnishing of opinions as to the condition or validity of the title to real estate or the advising of a patron or prospective patron concerning legal matters or procedure on litigation or proposed litigation involving the title to real estate when the person partnership association or corporation furnishing such advice is not an insurer of the title of the real estate involved

(f) The preparation of any will for others regardless of whether the person partnership association or corporation preparing such will is named therein as executor or trustee or the preparation for a valuable consideration of contracts trusts agreements leases deeds mortgages releases or other legal instruments or documents to which the person partnership association or corporation is not a party and in which he she or it has no interest The naming of such person partnership association or corporation as an executor or trustee shall be deemed valuable consideration within the meaning of this paragraph

(g) The preparation drafting or advising in the preparation or drafting of escrow instruments and instructions which express or purport to set forth either an agreement between the buyer and the seller or the rights and liabilities of the parties thereto Provided however That this paragraph shall not be construed to include provisions necessary for the protection of the person partnership as-

sociation or corporation as escrow agent and for the disbursement of money upon the happening of stated events

(h) The drafting and preparation on behalf of others of corporate records or the furnishing of advice on legal matters pertaining to incorporation corporate management or procedure to others

The enumeration of the above acts of services which constitute the practice of law shall not be construed to mean that all acts other than those enumerated do not constitute the practice of law nor shall such enumeration be construed to be a complete or exclusive list of acts which constitute the practice of law

Section 3 The fact that any member officer trustee director agent or employe of any partnership (other than one composed entirely of attorneys-at-law) association or corporation indicted under the provisions of this act is an attorney-at-law duly admitted to practice before the courts of this Commonwealth shall not constitute a defense on the trial of any person or any such partnership association or corporation for the violation of the provisions of this act

Section 4 (a) This act is not intended to limit diminish or impair in any manner any rights or remedies legal or equitable heretofore existing or hereafter created by law whereby any persons partnerships corporations or associations illegally practicing law may be restrained therefrom or punished therefor

(b) Nothing in this act shall affect or impair the right of an executor or administrator trustee guardian or other fiduciary to do and perform all acts and matters in proceedings in the Orphans' Court or otherwise which any individual not an attorney-at-law may lawfully do when acting in the same fiduciary capacity

(c) This act shall not prevent a corporation from lawfully engaging in the examination and insuring of titles to real property nor shall it prohibit a partnership association or corporation from employing one or more attorneys-at-law in and about its own immediate affairs or in any litigation to which it is or may be a party

(d) The provisions of this act shall not apply to organizations organized for benevolent or charitable purposes or for the purpose of assisting persons without means in the pursuit of any civil remedy nor to the legal departments of municipalities or of other political subdivisions

Section [2] 5 Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall upon conviction therefor be sentenced to pay a fine not exceeding five hundred dollars and to undergo an imprisonment not exceeding one year either or both at the discretion of the court

Any partnership association or corporation violating the provisions of this act or whose officers agents or employes violate the provisions of this act shall be guilty of a misdemeanor and shall upon conviction thereof be liable to a fine not exceeding one thousand dollars and the cost of prosecution and any corporation upon conviction for a second offense shall in addition to the above penalty also forfeit its corporate charter and may be liquidated and dissolved by a receiver appointed in a court of competent jurisdiction in an action brought for that purpose by the Attorney General on behalf of the Commonwealth of Pennsylvania

Section 6 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 7 Effective Date This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1419, entitled:

An Act to further amend section one thousand seven hundred four of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by imposing penalties upon certain corporations and associations for failure to pay taxes imposed upon them.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—193

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shortz, |
| Alexander, | Eroe, | Mason, | Shreiner, |
| Allen, | Falkenstein, | McCreary, | Shugarts, |
| Altenburg, | Ferko, | McDermott, | Siegel, |
| Andrews, | Finnerty, | McDevitt, | Simon, |
| Arnold, | Fitch, | McElroy, | Simpson, |
| Atkins, | Flanagan, | McHenry, | Sinwell, |
| Aukerman, | Flinchbaugh, | McKinney, | Sloan, |
| Baine, | Flynn, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J J., | Gates, | Merrell, | Snyder, F. E., |
| Baldi, | Gerard, | Moomaw, | Snyder, J. L., |
| Barber, | Gillette, | Mooney, | Sowers, |
| Barnhardt, | Green, | Moore, | Sproul, |
| Bernhard, | Greenstein, | Moran, | Stank, |
| Blumberg, | Habbyshaw, | Moul, | Stevens, |
| Boose, | Haberlen, | Muir, | Stewart, |
| Boyd, R., | Hagerty, | Murrin, | Stockham, |
| Boyer, | Haluska, | Nagel, | Stone, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hefferon, | Parks, | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, C., | Trout, |
| Burke, | Hetrick, | Patterson, J. W., | Tumelty, |
| Cannon, | Hindman, | Pearson, | Turner, |
| Caputo, | Hirsch, | Perry, | Van Allsburg, |

| | | | |
|---|---|---|---|
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso, | Roan, | Westrick, |
| Conner, | Kilroy, | Root, | White, |
| Coolahan, | Kinney, | Ruffennach, | Wickersham, |
| Cordier, | Klingler, | Ruth, | Wilson, |
| Davies, | Kobelak, | Sarraf, | Witkin, |
| Decker, | Linderman, | Schrock, | Wood, |
| Dent, | Long, | Schrope, | Woodside, |
| Diehl, | Longaker, | Schwab, | Yeakel, |
| Dilley, | Lovett, | Schwartz, | Yourishin, |
| Downey, G. E., | Lynch, | Shaw, | Zimmerman, |
| Downey, J. J., | Male, | Shepard, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 49, entitled:

An Act to amend the title and section one of the act approved the nineteenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred twenty-eight) entitled "An act fixing the penalty for murder of the first degree regulating the procedure incident to the infliction thereof prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth in Centre County making an appropriation therefor repealing inconsistent legislation and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act" by extending the provisions of said act to cases of kidnapping punishable by death

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161

| | | | |
|---|---|---|---|
| Achterman, | Finnerty, | McDevitt, | Shepard, |
| Alexander, | Fitch, | McElroy, | Shortz, |
| Allen, | Flanagan, | McHenry, | Shreiner, |
| Altenburg, | Flinchbaugh, | Melchiorre, | Shugarts, |
| Andrews, | Flynn, | Mentzer, | Siegel, |
| Arnold, | Furman, | Merrell, | Simon, |
| Atkins, | Gillette, | Moomaw, | Simpson, |
| Aukerman, | Green, | Mooney, | Sinwell, |
| Baker, F. T., | Greenstein, | Moore, | Sloan, |
| Baldi, | Haberlen, | Moran, | Smith, J. A., |
| Barber, | Hagerty, | Moul, | Smith, W. G., |
| Barnhardt, | Haluska, | Muir, | Snyder, F. E., |
| Bernhard, | Hamilton, F. P., | Murrin, | Snyder, J. L., |
| Blumberg, | Harmuth, | Nagel, | Sproul, |
| Boose, | Hartman, | Nothnagle, | Stank, |
| Boyd, R., | Hefferon, | O'Keefe, | Stevens, |
| Boyer, | Hermansen, | Ominsky, | Stockham, |
| Bradley, | Hetrick, | O'Neill, | Stone, |
| Brennan, | Hindman, | Panton, | Stott, |
| Brown, H. S., | Hirsch, | Parks, | Sumney, |
| Brownfield, | Hoffner, | Patterson, C., | Surface, |
| Burke, | Holstrom, | Patterson, J. W., | Terry, |
| Carson, | Horst, | Pearson, | Trout, |
| Castor, | Jackson, | Perry, | Tumelty, |
| Coakley, | Jones, | Pfaff, | Turner, |
| Cochran, | Kelder, | Phillips, | Van Allsburg, |
| Cohen, | Kelso, | Piole, | Van Sickle, |
| Coleman, | Kilroy, | Reising, | Walker, |
| Condon, | Kinney, | Reynolds, | Wall, |
| Conner, | Klingler, | Rhys, | Weidemann, |
| Coolahan, | Linderman, | Rinn, | Weiss, |
| Cordier, | Long, | Roan, | Welliver, |
| Davies, | Longaker, | Root, | Welsh, |
| Decker, | Lovett, | Ruth, | Westrick, |
| Diehl, | Lynch, | Sarraf, | White, |
| Dilley, | Male, | Schrock, | Wickersham, |
| Downey, G. E., | Mallen, | Schrope, | Witkin, |
| Downey, J. J., | Mason, | Schwab, | Yeakel, |
| Duffort, | McCreary, | Schwartz, | Yourishin, |
| Eberharter, | McDermott, | Shaw, | Sarig, |
| Ferko, | | | |

NAYS—32

| | | | |
|---|---|---|---|
| Baine, | Chervenak, | Hart, | Stewart, |
| Baker, J. J., | Dent, | Hoopes, | Tahl, |
| Brancato, | Eroe, | Kane, | Tronzo, |
| Brown, J. E., | Falkenstein, | Kobelak, | Wasserman, |
| Brumbaugh, | Gates, | McKinney, | Wilson, |
| Cannon, | Gerard, | Powers, | Wood, |
| Caputo, | Habbyshaw, | Ruffennach, | Woodside, |
| Carr, | Harkins, | Sowers, | Zappala, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 50, entitled:

An act to amend section one of the act approved the fourth day of April, one thousand nine hundred and one, (P. L. 65), entitled "An act to punish kidnappers, their aiders, assistors, and abettors," by imposing the penalty of death in all cases of kidnapping with intent to extort money or other valuable thing.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, I want to call to your attention the fact that I think the sponsor of this bill, with a good idea in the back of his mind, has unintentionally got to the stage of third reading a bill which in its present form at least would tend to defeat the purpose for which he introduced the bill, namely to curb kidnapping and prevent the danger to law abiding citizens of this crime. I would call your attention specifically to the fact that the law, as it stands, provides that the court might impose a life sentence or a sentence for a lesser period of years. The bill as amended and before you now takes away the discretion of the court and places the responsibility upon the jurors of inflicting life imprisonment or death.

The preceding bill provided that the death in this case shall be by electrocution. I wish to call the attention of the sponsor of the bill, particularly because I think he has a good idea here and does not get what he wants, that it has been widely discussed in the magazines and has been a subject of debate among the legal fraternity that bills of this nature have a tendency to cause juries to refuse to convict in cases where the circumstances are not rather drastic; where the jury has no option to condemn a man either to life imprisonment or death if they find him guilty at all. There are a good many jurors who would not be willing to convict under ordinary circumstances, who are not willing to send a man to his death or to life imprisonment. Many of the guilty would thus escape if this bill became a law.

I would further call attention to the fact that it is believed many kidnappers under certain circumstances would have a tendency to return their victim alive, but if the penalty is as great if the victim should be returned alive as the penalty would be if the victim is killed, many of us who practice law believe that kidnappers would have a tendency to kill their victims if taking the life of that victim in any way enhances the chances of the kidnappers. If the fact that the victim lives tends to hinder the escape of the kidnapper it is probable that, facing death in any event, whether the child or victim be killed or not, that he will kill the victim.

I think the idea behind this bill is good. Perhaps this measure should be brought forward in another form, but it is now on third reading, and I should apologize for not offering an amendment when I ought to have done so, but unfortunately in its present form the members of the House who do not want to encourage kidnapping should vote against this bill. The thing that destroys the crime is not the severity of the punishment, but the certainty of capture and the certainty of conviction. It is my conviction that neither of those things would be assured by the passage of this bill in its present form.

Mr. STEVENS. Mr. Speaker, ladies and gentlemen of this House, the intent of this bill is to discourage the practice of kidnapping. It has been going on for quit a long time in this country of ours and especially in our Commonwealth. The most hideous crime in the world is kidnapping, lower I would say than murder. Any man who is a father of children whose child is snatched from under his eyes and possibly killed, or even though the child is not killed, to be dragged away from his parents and break the hearts of the parents is a very hideous crime, and the intent of this bill is to discourage that crime, and not so much to punish, even though the death penalty or life imprisonment will be inflicted, that is going to show the kidnapper who commits this crime what is facing him, and I am sure the passage of this bill will discourage kidnapping.

Mr. KANE. Mr. Speaker, perhaps I did not make myself perfectly clear to Mr. Stevens, the sponsor of this bill.

I would be very glad to support this bill if the gentleman would be willing to recall it for the purpose of entertaining an amendment to the bill. I belive if the death penalty were to be inflicted in certain cases or life imprisonment were to be inflicted in certain cases, what the gentleman says would be true, that kidnapping would be discouraged, but I think the bill as it now stands would merely tend to force the kidnapper who wished to make good his escape he would take no chances in dragging his victim with him he would either kill or dispose of his victim if he thought he was going to be captured. Might I suggest that if the victim were returned alive and well within a certain time that the death penalty be not imposed, but in case any injury of any kind were done to the victim then perhaps the death penalty should be inflicted.

Mr. STEVENS. Mr. Speaker and members of the House, we now have a law on the statute books that prohibits murder. Now this act will bring into effect a law that will prevent kidnapping. We know that these criminals will kill rather than be caught. They do that at the present time, but their abbettors and assistants have been getting away with it, and they should be dragged in and made to face the music the same as those who committed the actual crime.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—123

| | | | |
|---|---|---|---|
| Achterman, | Greenstein, | Moomaw, | Shugarts, |
| Allen, | Haberlen, | Mooney, | Siegel, |
| Aukerman, | Hagerty, | Moore, | Simon, |
| Baker, F. T., | Haluska, | Moran, | Sloan, |
| Baldi, | Hamilton, F. P., | Moul, | Smith, W. G., |
| Barnhardt, | Harmuth, | Muir, | Snyder, F. E., |
| Bernhard, | Hartman, | Murrin, | Snyder, J. L., |
| Blumberg, | Hermansen, | O'Keefe, | Sproul, |
| Boyd, R., | Hetrick, | Ominsky, | Stank, |
| Brennan, | Hindman, | O'Neill, | Stevens, |
| Brown, J. E., | Hirsch, | Panton, | Stockham, |
| Brownfield, | Hoffner, | Patterson, C., | Stone, |
| Burke, | Holstrom, | Patterson, J. W., | Stott, |
| Cannon, | Horst, | Pearson, | Sumney, |
| Coakley, | Jackson, | Perry, | Surface, |
| Cochran, | Kelder, | Pfaff, | Tahl, |
| Cohen, | Kelso, | Piole, | Terry, |
| Condon, | Kinney, | Powers, | Trout, |
| Coolahan, | Klingler, | Reising, | Tumelty, |
| Cordier, | Linderman, | Reynolds, | Van Allsburg, |
| Davies, | Long, | Rhys, | Van Sickle, |
| Dent, | Longaker, | Rinn, | Wall, |
| Downey, G. E., | Lynch, | Roan, | Weidemann, |
| Downey, J. J., | Male, | Ruth, | Weiss, |
| Duffort, | McCreary, | Schrock, | Welliver, |
| Finnerty, | McDermott, | Schrope, | Welsh, |
| Fitch, | McDevitt, | Schwab, | Westrick, |
| Flanagan, | McElroy, | Schwartz, | White, |
| Furman, | McHenry, | Shaw, | Witkin, |
| Gillette, | Melchiorre, | Shepard, | Sarig, |
| Green, | Mentzer, | Shortz, | |

NAYS—39

| | | | |
|---|---|---|---|
| Atkins, | Castor, | Habbyshaw, | Simpson, |
| Baine, | Chervenak, | Harkins, | Sowers, |
| Baker, J J., | Diehl, | Hart, | Stewart, |
| Barber, | Eberharter, | Hoopes, | Tronzo, |
| Boose, | Eroe, | Kane, | Wasserman, |
| Boyer, | Falkenstein, | Kobelak, | Wilson, |
| Brancato, | Ferko, | McKinney, | Wood, |
| Brown, H. S., | Flynn, | Merrell, | Woodside, |
| Brumbaugh, | Gates, | Phillips, | Zappala, |
| Caputo, | Gerard, | Ruffennach, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 694, entitled:

An Act to amend section two of the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, providing for the service of process upon the Secretary of Revenue by registered mail.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—187

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Male, | Shepard, |
| Alexander, | Eroe, | Mallen, | Shortz, |
| Allen, | Falkenstein, | Mason, | Shreiner, |
| Altenburg, | Ferko, | McCreary, | Shugarts, |
| Andrews, | Finnerty, | McDermott, | Siegel, |
| Arnold, | Fitch, | McDevitt, | Simon, |
| Atkins, | Flanagan, | McElroy, | Simpson, |
| Aukerman, | Flinchbaugh, | McHenry, | Sinwell, |
| Baine, | Flynn, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Haberlen, | Moul, | Stank, |
| Boose, | Hagerty, | Muir, | Stevens, |
| Boyd, R., | Haluska, | Murrin, | Stewart, |
| Boyer, | Hamilton, F. P., | Nagel, | Stockham, |
| Bradley, | Harkins, | Nothnagle, | Stone, |
| Brancato, | Harmuth, | O'Keefe, | Stott, |
| Brennan, | Hart, | Ominsky, | Sumney, |
| Brown, H. S., | Hartman, | O'Neill, | Surface, |
| Brown, J. E., | Hefferon, | Panton, | Tahl, |
| Brownfield, | Hermansen, | Parks, | Terry, |
| Brumbaugh, | Hetrick, | Patterson, C., | Tronzo, |
| Burke, | Hindman, | Patterson, J. W., | Trout, |
| Cannon, | Hirsch, | Pearson, | Tumelty, |
| Caputo, | Hoffner, | Perry, | Turner, |
| Carr, | Holstrom, | Pfaff, | Van Allsburg |
| Carson, | Hoopes, | Phillips, | Van Sickle, |
| Castor, | Horst, | Piole, | Walker, |
| Coakley, | Jackson, | Powers, | Wall, |
| Cochran, | Jones, | Reising, | Wasserman, |
| Cohen, | Kane, | Reynolds, | Weidemann, |
| Coleman, | Keider, | Rhys, | Weiss, |
| Conner, | Kelso, | Rinn, | Welliver, |
| Coolahan, | Kilroy, | Roan, | Welsh, |
| Cordier, | Kinney, | Root, | Westrick, |
| Davies, | Klingler, | Ruffennach, | White, |
| Decker, | Kobelak, | Ruth, | Wilson, |
| Dent, | Linderman, | Sarraf, | Witkin, |
| Diehl, | Long, | Schrock, | Wood, |
| Dilley, | Longaker, | Schrope, | Yeakel, |
| Downey, G. E., | Lovett, | Schwab, | Yourishin, |
| Downey, J. J., | Lynch, | Schwartz, | Zappala, |
| Duffort, | | Shaw, | Sarig, |

NAYS—6

| | | | |
|---|---|---|---|
| Chervenak, | Habbyshaw, | Wickersham, | Woodside, |
| Condon, | McKinney, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1631, entitled:

An Act to provide revenue by imposing a State excise tax upon all gifts, as herein defined, made within this Commonwealth, or of property situated therein; providing for the collection and lien of the tax, and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties upon certain persons, associations, partnerships, corporations, and State departments, and imposing penalties.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. MENTZER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of amendment.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1611, entitled:

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth, establishing Ports of Entry to aid in the collection of said taxes; conferring powers, and imposing duties upon certain officials, boards and departments of this Commonwealth and political subdivisions thereof; providing for the collection and disposition of the tax and for the administration and enforcement of the act; providing penalties and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

## BILLS RECOMMITTED

Mr. PEARSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of a hearing.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1810 (Senate Bill No. 71), entitled:

An Act to amend section forty-two of and to add section thirty-five A to the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors and changing certain penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shreiner, |
| Alexander, | Eroe, | Mason, | Shugarts, |
| Allen, | Falkenstein, | McCreary, | Siegel, |
| Altenburg, | Ferko, | McDermott, | Simon, |
| Andrews, | Finnerty, | McDevitt, | Simpson, |
| Arnold, | Fitch, | McElroy, | Sinwell, |
| Atkins, | Flanagan, | McHenry, | Sloan, |
| Aukerman, | Flinchbaugh, | McKinney, | Smith, J. A., |
| Baine, | Flynn, | Melchiorre, | Smith, W. G., |
| Baker, F. T., | Furman, | Mentzer, | Snyder, F. E., |
| Baker, J J., | Gates, | Merrell, | Snyder, J. L., |
| Baldi, | Gerard, | Moomaw, | Sowers, |
| Barber, | Gillette, | Mooney, | Sproul, |
| Barnhardt, | Green, | Moore, | Stank, |
| Bernhard, | Greenstein, | Moran, | Stevens, |
| Blumberg, | Habbyshaw, | Moul, | Stewart, |
| Boose, | Haberlen, | Muir, | Stockham, |
| Boyd, R., | Hagerty, | Murrin, | Stone, |
| Boyer, | Haluska, | Nagel, | Stott, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Sumney, |
| Brancato, | Harkins, | O'Keefe, | Surface, |
| Brennan, | Harmuth, | Ominsky, | Tahl, |
| Brown, H. S., | Hart, | Panton, | Terry, |
| Brown, J. E., | Hartman, | Parks, | Tronzo, |
| Brownfield, | Hefferon, | Patterson, C., | Trout, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tumelty, |
| Burke, | Hetrick, | Pearson, | Turner, |
| Cannon, | Hindman, | Perry, | Van Allsburg, |
| Caputo, | Hirsch, | Pfaff, | Van Sickle, |
| Carr, | Hoffner, | Phillips, | Walker, |
| Carson, | Holstrom, | Piole, | Wall, |
| Castor, | Hoopes, | Powers, | Wasserman, |
| Chervenak, | Horst, | Reising, | Weidemann, |
| Coakley, | Jackson, | Reynolds, | Weiss, |
| Cochran, | Jones, | Rhys, | Welliver, |
| Cohen, | Kane, | Rinn, | Welsh, |
| Condon, | Kelder, | Roan, | Westrick, |
| Conner, | Kelso, | Root, | White, |
| Coolahan, | Kilroy, | Ruffennach, | Wickersham, |
| Cordier, | Kinney, | Ruth, | Wilson, |
| Davies, | Klingler, | Sarraf, | Witkin, |
| Decker, | Kobelak, | Schrock, | Wood, |
| Dent, | Linderman, | Schrope, | Woodside, |
| Diehl, | Long, | Schwab, | Yeakel, |
| Dilley, | Longaker, | Schwartz, | Yourishin, |
| Downey, G. E., | Lovett, | Shaw, | Zappala, |
| Downey, J. J., | Lynch, | Shepard, | Sarig, |
| Duffort, | Male, | Shortz, | |

NAYS—2

| | |
|---|---|
| Coleman, | O'Neill, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Elections will meet tomorrow morning at 9:30 in room 323.

The Committee on Labor will meet tomorrow morning at 9:30 in room 326.

The Committee on Highways will meet tomorrow morning at 10:00 in room 324.

The Committee on Ways and Means will meet tomorrow morning at 10:15 in room 326.

The Committee on Forestry will meet tomorrow morning at 10:30 in room 326.

The Committee on Game will meet tomorrow morning at 10:30 in room 521.

The Committee on Cities will not meet tomorrow.

The Committee on Judiciary General will hold a public hearing on House Bills Nos. 4 and 104 in the Hall of the House tomorrow afternoon at 2:00.

The Committee on Judiciary General will hold a public hearing on House Bill No. 688 Wednesday afternoon in the Senate Caucus Room at 2:00.

There will be a joint public hearing of the Committees on Highways and Ways and Means on House Bills Nos. 28 and 1611 on Wednesday afternoon at 2:00 in the Hall of the House.

## ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I move that this House do now adjourn until 11:00 A. M.

The motion was agreed to, and (at 12:42 A. M.) the House adjourned until Tuesday, April 9, 1395, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, APRIL 9, 1935 No. 42

## SENATE

TUESDAY, April 9, 1935.

The Senate met at 11:00 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

We adore and magnify Thee, O blessed Lord God. Thy name is above every name and Thy glory transcends the effulgence of the most dazzling noon-tide sun. All the powers of nature are subservient to Thy will and move at the command of Thy voice. In comparison with Thee "what is man that Thou art mindful of him and the son of man that Thou visitest him?"

How fitting and wise it is for us to be Thy willing servants, for Thou has made us and not we ourselves. Remake us each day so that Thy likeness may shine forth in our countenance and Thy purposes may be achieved by our activities.

Operate through the actions of this deliberative and legislative body of men so that the coming of Thy kingdom upon this earth may be hastened.

The burden of this prayer is that Thy holy name may be glorified. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

### PETITIONS

#### PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petition from numerous residents of Pittsburgh protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

#### FAVORING PENDING LEGISLATION ON TAXATION

The Chair also laid before the Senate petition from the Sandy Township Tax Justice League, Clearfield County, favoring pending legislation on taxation.

Which was referred to the Committee on Finance.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 49 (Senate Bill No. 810), entitled:

An Act to amend the title and section one of the act approved the nineteenth day of June, one thousand nine hundred and thirteen (P. L. 528), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," by extending the provisions of said act to cases of kidnapping punishable by death.

Which was committed to the Committee on Judiciary General

House Bill No. 50 (Senate Bill No. 811), entitled:

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and one. (P. L. 65), entitled "An act to punish kidnappers, their aiders, assistors, and abettors," by imposing the penalty death in all cases of kidnapping with intent to extort men or other valuable thing.

Which was committed to the Committee on Judiciary General.

House Bill No. 694 (Senate Bill No. 812), entitled:

An Act to amend section two of the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine, (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within this Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, providing for the service of process upon the Secretary of Revenue by registered mail.

Which was committed to the Committee on State Government.

House Bill No. 1078 (Senate Bill No. 813), entitled:

An Act relating to judgments by agreement.

Which was committed to the Committee on Judiciary General.

House Bill No. 1419 (Senate Bill No. 814), entitled:

An Act to further amend section one thousand seven hundred four of the act, approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 344), entitled "Fiscal Code," by imposing penalties upon certain corporations and associations for failure to pay taxes imposed upon them.

Which was committed to the Committee on Finance.

## HOUSE CONCURS IN SENATE BILL NO. 71

He also returned to the Senate, Senate Bill No. 71, entitled:

An Act to amend section forty-two of, and to add section thirty-five A to, the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-1934), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors and imposing penalties," adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors, and changing certain penalties.

with the information that the House has passed the same without amendment.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

### JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

George C. Patterson, of Pitcairn, Allegheny County, as Justice of the Peace in the Borough of Pitcairn, Allegheny County, vice L. H. Deviney, resigned, until the first Monday in January, 1936.

Charles Yarosh, of Portage, Cambria County, as Justice of the Peace in the Township of Portage, Cambria County, until the first Monday in January, 1936.

GEORGE H. EARLE.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Katherine M. Ambrose, Pittsburgh, American Bank Bldg.

BEAVER COUNTY

H. J. Beck, South Heights.

BERKS COUNTY

Miss Irene Bright, Hamburg.
Mrs. Norma Z. Cannon, Reading.
Daniel K. East, Boyertown.
Albert F. Mohr, Laureldale.

CARBON COUNTY

O. Joseph Rutch, Nesquehoning.

ERIE COUNTY

Mrs. Elsie Maloney, Erie.

FAYETTE COUNTY

Mrs. Edna F. Roseberry, Uniontown.
John Wolak, Everson.

LEHIGH COUNTY

George C. Fullagar, Coplay.

LUZERNE COUNTY

Miss Laura Bittner, Hazleton.

MERCER COUNTY

Miss Margaret E. Malley, Sharon.

MONTGOMERY COUNTY

Samuel K. Cohen, Bala-Cynwyd.

NORTHAMPTON COUNTY

Pasquale Castiello, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Rose B. Pichney, 1851 N. 7th St., Phila.

WASHINGTON COUNTY

T. S. Maxwell, West Alexander.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

BERKS COUNTY

Anthony Zaffiro, Reading, April 10, 1935.

LEHIGH COUNTY

Frank E. Schaeffer, Emaus, April 13, 1935.

NORTHAMPTON COUNTY

Miss Helena P. Hoere, Bethlehem, April 16, 1935.

LEHIGH COUNTY

William C. Jackson, Allentown, April 17, 1935.

SOMERSET COUNTY

Miss Marian E. Albright, Somerset, April 20, 1935.

LUZERNE COUNTY

Mrs. Emma H. Wilhelm, Hazleton, April 21, 1935.

WESTMORELAND COUNTY

J. R. Silvis, Greensburg, April 21, 1935.

GEORGE H. EARLE.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Miss Lulu Creighton, Pittsbrgh, April 9, 1935.

LUZERNE COUNTY

M. B. Quinn, Pittston, April 10, 1935.

ALLEGHENY COUNTY

Miss Agnes Lubbers, Pittsburgh, April 12, 1935.

PHILADELPHIA COUNTY

Miss Mary E. Doyle, Philadelphia, April 13, 1935.
Miss Mildred E Hill, Philadelphia, April 13, 1935.

ALLEGHENY COUNTY

William M. Young, Avalon, April 16, 1935.

LACKAWANNA COUNTY

Harry C. Hubler, Scranton, April 21, 1935.

WASHINGTON COUNTY

James M. Colaizzo, Canonsburg, April 22, 1935.

LUZERNE COUNTY

Russell H. Crisman, Kingston, April 24, 1935.

ALLEGHENY COUNTY

Miss L. Crossman, Pittsburgh, April 27, 1935.

PHILADELPHIA COUNTY

Chas. P. Hart, Jr., Philadelphia, April 27, 1935.

WESTMORELAND COUNTY

Fred J. Upton, Sr., Monessen, April 30, 1935.

LANCASTER COUNTY

Melvin L. Miller, Columbia, May 6, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Margaret L. Carlin, 1211 Berger Bldg., Pittsburgh.
Miss Rose Rubenstein, 526 Federal St., Pittsburgh.
Ralph T. Seneff, Turtle Creek.
Oswald J. Unger, 400 Lexington Av., Pittsburgh.
Albert F. Yunker, McKees Rocks.

CAMBRIA COUNTY

Miss Rita H. Ruhe, Johnstown.
Renus G. Strand, Johnstown.

COLUMBIA COUNTY

Elbert A. Roberts, Bloomsburg.

CRAWFORD COUNTY

H. Wm. Johnson, Meadville.

DAUPHIN COUNTY

Mrs. Catherine H. Yarwood, Harrisburg.

FAYETTE COUNTY

Bernard Brunetti, Uniontown.

LANCASTER COUNTY

Miss Ruth M. Nickel, Lancaster.

LEBANON COUNTY

Samuel K Clark, Lebanon.

LUZERNE COUNTY

Samuel Rudolph, Wilkes-Barre.

McKEAN COUNTY

Leland H. Thomas, Bradford.
Ted V. Weld, Bradford.

MONTGOMERY COUNTY

Miss Cherry Y. Craven, Bridgeport.
Paul C. Fronheiser, Pottstown.
Miss Katherine J Laffen, Narberth.

PHILADELPHIA COUNTY

John J. Carroll, 1829 W. Thompson St., Philadelphia.
Miss Clara Edwards, 260 S. Broad St., Philadelphia.
John W. Happel, 1938 S. 22nd St., Philadelphia.
John J. Hayes, 5323 Walnut St., Philadelphia.
Robert J. Hewitt, 3411 Frankford Ave., Philadelphia.
Alexander Hirsh, 5633 Christian St., Philadelphia.
Miss Mollie Lewis, 2023 N. 32nd St., Philadelphia.
Miss J. Milward-Oliver, 123 S. Broad St., Philadelphia.
Maurice Solomon, 328 Walnut St., Philadelphia.

SCHUYLKILL COUNTY

Joseph W. Miernicki, Shenandoah.

WESTMORELAND COUNTY

Miss Bertha Cost, Torrance.
Raymond D. Schaeffer, Vandergrift.

YORK COUNTY

Miss Chloe M. Stever, York.

ALLEGHENY COUNTY

Albert P. Dible, North Bessemer.

GEORGE H. EARLE

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Norton, | Rodgers, |
| Batchelor, | Howell, | Owlett, | Rupp, |
| Baumer, | Huffman, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Prince, | Sones, |
| Buckman, | Kahle, | Pytko, | Sordoni, |
| Cavalcante, | Lanius, | Rankin, | Thompson, (Centre) |
| Chapman, | Law, | Reed, (Dauphin) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Reed, (Washington) | Trainer, |
| Coyne, | McClure, | Rice, | Woodward, |
| Ealy, | McCreesh, | Roberts, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Miller, | | |
| Harris, | | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

## BILLS INTRODUCED

Mr. COYNE read in his place and presented to the Chair, Senate Bill No. 815, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by prohibiting the issuing of limited health and accident policies.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 816, entitled:

An Act to amend article three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by prohibiting insurance companies from canceling certain policies of insurance under certain circumstances; and limiting the time during which actions may be brought on forfeited policies.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 817 entitled

An Act to amend article three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, association, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by making it unlawful to solicit or endeavor to procure the resale of certain polities or contracts of insurance; and fixing penalties.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 818 entitled

An Act to prohibit the disclosing or giving of information relating to the state of health or physical condition of any person to any insurance company or to any representative of any insurance company or to any other person for the use of any insurance company, except under certain circumstances; authorizing courts of common pleas to issue subpoenas in certain cases where no proceedings are pending; and imposing penalties.

Which was committed to the Committee on Insurance.

Mr. LANIUS read in his place and presented to the Chiar, Senate Bill No. 819, entitled:

An Act to amend section two hundred and fifty-one of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth;" conferring power on the board of fish commissioner's to make regulations, with respect to closing streams and waters to fishing, and to catch, possession, size and season limits.

Which was committed to the Committee on Game and Fisheries.

## BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 147, as follows:

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subject to the provisions and under the restrictions contained in this act every blind person who (a) has attained the age of twenty-one years or upwards (b) is destitute of the sense of seeing (c) is a citizen of the United States (d) has resided in the Commonwealth for at least ten years or has become blind after becoming a resident of the Commonwealth and (e) is not at the date of making application an inmate of any prison jail insane asylum or any other public reform or correctional institution shall be entitled to receive from the Commonwealth a pension of thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1200) or upwards and any blind person having property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to

such pension And provided further That where a blind person has an income of less than twelve hundred dollars ($1,200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars ($1,200) a year

Section 2 (a) An applicant for a pension shall deliver his claim in writing to the Board of Blind Pensions hereinafter created in the manner and form prescribed by the board

(b) Any blind person eligible to or a recipient of the pension for the blind provided for by existing law shall without further stipulation or qualification become eligible to the provisions of this act

(c) All persons receiving a pension under this act must have their eyes examined annually unless an opthalmologic report shows that they are totally or irrecoverably blind

(d) All applications for pensions shall be sworn to or affirmed by the applicant setting forth that all facts are true in every particular

Section 3 Should the amount appropriated by the Legislature for any biennium for blind pensions to be distributed under the provisions of this act be not sufficient for that biennium then all the blind persons who are eligible under the provisions of this act shall receive the full amount of such pension until the funds provided have become exhausted

Section 4 All payments for blind pensions allowed under the provisions of this act and all expenses incurred by the Board of Blind Pensions in the administraion of this act shall be paid by the Board of Blind Pensions out of moneys specifically appropriated for that purpose from the General Fund of the Commonwealth

Section 5 Any pension when granted shall commence as of the first day of the calendar month following that on which the application was received by the Board of Blind Pensions

Section 6 All payments under the provisions of this act shall be made monthly direct to the recipient thereof by warrant after requisition as provided by law

Section 7 Any person who by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means obtains or attempts to obtain or aids or abets any person in obtaining a pension under this act to which he is not entitled shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one year or both

Section 8 There is hereby created as a departmental administrative board in the Department of Internal Affairs a board to be known as the "Board of Blind Pensions" which shall consist of the Secretary of Internal Affairs who shall be chairman the Lieutenant Governor and the Secretary of the Commonwealth

The board shall administer the provisions of this act and shall adopt and enforce rules and regulations to carry the same into effect

Section 9 The Department of Internal Affairs may subject to the provisions of existing law employ and fix the compensation of such clerical and other assistants as are necessary to properly carry out the provisions of this act

The board shall make such investigations of the conditions of each applicant as are necessary in order to determine his right to a pension For this purpose the board may employ investigators or it may contract with any municipality or poor district or with privately maintained agencies to make such investigations in the various localities within the State and may pay a reasonable compensation for such services

Section 10 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 11 Nothing contained herein shall be construed to repeal the act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred forty-six) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities pensions for certain blind persons and the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals and providing penalties" but no person receiving a pension under this act shall be entitled to receive a pension under said act of January seventeenth one thousand nine hundred and thirty-four and no person receiving a pension under said act of January seventeenth one thousand nine hundred and thirty-four shall be entitled to receive a pension under this act

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 12 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

Mr. REED. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. REED. Mr. President, I voted "aye".

Mr. CHAPMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CHAPMAN. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. REED. Mr. President, I ask unanimous consent to amend the title of the bill by striking out the word "and" after the word "Affairs" in the fourth line.

The PRESIDENT. Is there objection? The Chair hear none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I wish simply to explain why I vote "no" on this bill. In the Sterling report, which is now called the Democratic bible, whenever the committee came up against ex-officio boards they had not a good word to say for them. This bill transfers the administration of the fund from the Welfare and Mothers' Assistance Board to an ex-officio board composed of the Lieutenant Governor of the Commonwealth, the Secretary of Internal Affairs and the Secretary of the Commonwealth. I submit that those gentlemen will take less interest in the administration of the fund than the Department of Welfare and the Mothers' Assistance Board. Now I understand that the blind ought to be considered pensioners and not beneficiaries, but I fail to see why if they are under the jurisdicton of the Mothers' Assistance Board why any stigma or slur of any kind is put upon the blind. The Mothers' Assistance Board administers the old age pensions, and why should not they administer the blind pensions. So far as I know it is doing that very well and I think we all have the highest regard for the Mothers' Assistance ability to administer the fund that goes to the blind.

Mr. ARON. Mr. President, I would like to read a statement to the Senate regarding this bill. I oppose this bill, and the reasons are contained in this statement.

Before I voice my objections to Senate Bill No. 147, I want to declare my sincere interests in the Welfare of the Blind. As an individual as well as a Legislator, I would

like to do everything possible to lighten the burden of the sightless citizens of Pennsylvania and my opposition to this bill is based on the fact that I believe that this bill is detrimental to the best interests of this handicapped group.

The administration of the Pensions of the Blind by the Mothers' Assistance Fund gives to those blind who need it, the same case work service which has made the M. A. F. work with widows and children an asset to the State. I know that under the M. A. F. administration blind people have not only been given financial assistancee, but have been given health care and wise advice with their problems; that opportunities for work are being sought for them, and that plans are being made to give them more recreation and more education.

The group of the blind which oppose this administration say that they do not want investigation and yet Senate Bill 147, provides that investigation must be made to show that the income of the pensioners does not exceed $1200.00 a year. The same kind of investigation is needed to establish an income of $1200.00 as to establish an income of $366.00, or $488.00, the incomes permitted by the present law.

Residence qualifications require careful investigation in both laws and Senate Bill 147, requires citizenship investigation to establish citizenship, so that all the investigation needed to establish their eligibility under the present law, will be required under S-147, with the addition of the investigation for the certification of citizenship.

The group in favor of this bill objected to periodic examinations for the totally blind. There is nothing in the present law which demands annual periodic examinations of the blind and I have been informed by those administering the act that it requires only that examinations shall be made in the case of people with partial sight if there is indication that improvement is possible. But Senate Bill S-147, does provide for yearly re-examinations.

Senate Bill 147, provides that all persons entitled to pensions under provisions of the law shall receive the full amount of such pension until the funds provided have become exhausted. This might mean that the funds appropriated might become exhausted at the end of five or six months, giving no continued financial security to the blind pensioners. The present system, based on need, grants at least financial security to those accepted for the current biennium.

Senate Bill 147, excludes that large group of partially blind who by reason of the small amount of their vision may be unable to compete with sighted people or to take their place in society without special help. To all intents and purposes these people suffer the same handicaps of the totally blind. This group is left under the administration of the M. A. F.

Surely it it apparent to you that two departments administering the same kind of help to the same class of people is a waste of money and effort—and surely you do not wish to exclude from the benefits of Pensions for the Blind that group of people to which you voted aid only a year ago.

Those in favor of Senate Bill S-147, favor it because it provides what they call a flat pension to all totally blind people. Behind that demand is the philosophy that certain groups of people irrespective of their need are deserving of assistance from public funds.

In these days of acute distress the public funds are barely sufficient to relieve the most dire need and it seems to me far better that we use these funds to help as many of the people as possible to attain the minimum standards of life and health rather than to give more adequate assistance to certain favored groups.

I ask you, therefore, gentlemen, to leave the administration of Pensions for the Blind with the State Welfare Department; to continue to give them a graded pension, because I believe in that way the State funds will do the greatest good to the greatest number of blind people; to continue to ask careful investigation to establish the need so that only those who are dependent on public funds shall receive them; and to continue to give those eligible for this public aid the health care and supervision which will make them as comfortable and as happy and as useful as possible under the circumstances.

In the interest of the blind themselves, I ask for the defeat of Senate Bill 147.

I say that I am opposed to this bill and its bad legislation.

Mr. REED (Dauphin). Mr. President, and members of the Senate. It was not my purpose to speak on this bill, but in view of the objections raised by my distinguished colleague, the Senator from Philadelphia, Dr. Woodward, also my distinguished colleague, the Senator from Philadelphia, Mr. Aron, I feel it is due to the blind people of Pennsylvania, whom I am seeking to represent, to state as concisely as I can the reason why I believe this bill should be adopted by the Senate.

In the first place, I do not want to make any criticism of the various boards who are now administering this fund, the Mothers' Assistance Boards, of Pennsylvania. They were created for a definite purpose, and in performing their duties I believe they are functioning honestly and rendering a loyal service to the public, but this bill stands upon a different basis. I urge this bill because it is an answer to the direct mandate of the people of Pennsylvania that a pension system be provided for the blind. At the election in 1931-1933, by an overwhelming vote of 1,092,001 votes for, and only 355,405 opposed, the people of Pennsylvania read into section 18, article 3, of the Constitution:

"No appropriations, except for pensions or gratuities for military services and to blind persons,"

and the words "and to blind persons" were the new words read into the law, "twenty-one years of age and upwards, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association."

Now, it is my view that the people of Pennsylvania had a very definite purpose when they amended that provision of the Constitution, and that was to place the blind persons of Pennsylvania in the same category as those who are entitled to pensions for military service.

My friend, the Senator from Philadelphia, Mr. Aron, has read a statement of someone who has an opinion as to the best method for the blind, but I say that in sponsoring this bill, I am representing the sentiments of least 95 per cent of the blind people themselves, and when we are dealing with the blind of Pennsylvania we are not dealing with a special class, only special at least in the fact that they are suffering from the most terrific handicap

that a human being can have, the handicap of total blindness. The blind have considered this matter, the bill which I have proposed is the request, yes, the demand of the blind of Pennsylvania, and I believe they know, or ought to know their wants and demands better than anyone else; and in making this request, they are simply following out what is the clear mandate of the people of this Commonwealth as expressed in the election of 1933.

Mr. President, I say that when they ask for a commission composed of three of the high officers of this Commonwealth, the Lieutenant-Governor, the Secretary of Internal Affairs and the Secretary of the Commonwealth, they are making a fair and reasonable demand, and, for one, I resent the insinuation that these three high officers of the Commonwealth will not administer this law honestly and fairly, and according to its purpose.

Mr. President, I cannot see wherein this bill there is one cent of additional expense. This commission serves without compensation; this commission will be at liberty in each county to use existing agencies, it may be the Mothers' Relief investigator, if they so desire, or any other agency to make this necessary investigation; but the point is that the people of Pennsylvania have said that the blind shall have a pension, and that pension means that it shall be administered by a commission and not by a welfare organization.

I am sure that there is no man in the Senate of Pennsylvania who would contend for one moment that were we to enact a law providing for a pension for soldiers, providing for a certain amount to be paid to veterans, that it should be administered through the Mothers' Relief Board. This is not the function of that Board, I say, Mr. President, and so I stand here under the Constitution asking this Senate to heed the cry of these our unfortunate citizens who, under their rights, have a right to voice their demands, and I ask this Senate to follow out the mandate of the people and enact this bill which the blind of Pennsylvania so urgently demand.

Mr. SHAPIRO. Mr. President, I want to say that I have watched with a great deal of pleasure the activity of Senator Reed in connection with this bill, and I appreciate the sincerity of his purpose. I know the question of his ideals in the matter. I am not asking anyone to vote against the bill, I am only expressing my views, so that the people may not misunderstand my vote—my reasons for voting against this bill. They are, first, because I believe the bill does not carry out the intention of the parties who are interested in the bill. I understand from the Senator from Dauphin, Mr. Reed, that it is the desire of the people interested to take this administration out of the welfare department.

Now, as I read the bill, it is quite inconsistent; first, if you will read page 2, it provides on page 2:

"Any blind person eligible to or a recipient of the pension for the blind, provided for by existing law, shall without further stipulation or qualification become eligible to the provisions of this act"; and on page 5: "But no person receiving a pension under this act shall be entitled to receive a pension under said act of January seventeenth one thousand, nine hundred and thirty-four."

I take it that those two inconsistent provisions put this bill in such a position that I cannot vote for it. If the answer is, however, that those who receive pensions under the old existing laws shall not receive it under the new laws, let it mean that only those new persons come in, or those whose applications have not been acted on, can come under the provisions of the act, and, therefore, the very purpose of the parties interested in this bill is not served, because a very large number of people will be receiving under the welfare department, and a very small number of persons, afflicted as they are, will be under the new Board, for whom, under the terms of the act, there is no appropriation, and in my humble opinion I cannot see how they will carry out their intention. It would seem to me that if the blind people do not like the method of administration, we might be able to amend the existing law, but when we prepare a new Act and create two boards functioning under the same circumstances on a subject matter, with the majority in one ward and a minority in the other, we are not making good legislation.

In addition, I call your attention that this bill provides that the Board itself may make such investigations for the few people who will come under its jurisdiction in any manner it may see fit, to the extent that "it may contract with any municipality or poor district, or with privately maintained agencies to make such investigations in the various localities within the State, and may pay a reasonable compensation for such services".

We will have one investigation made by the welfare department and we will have another investigation made by privatel yowned investigators, and we will have a condition of chaos which will make these people come back to us again in the very near future to correct a condition which they themselves have created in the hope that they are going to better their situation, and I will be in favor, if there is any mis-administration, or mal-administration, to try to correct what is a bad condition under the old Act; but to present a bill of this kind dealing with one class of persons only, and to say that we are taking care of all, is beyond my comprehension.

I call your attention to the fact that this bill deals with people who are destitute of sight, and the old Act deals with people who had a certain minimum amount of vision, so that persons who can see, and at the same time who can take care of themselves, are taken care of under the old Act. Under this Act, only those people who are destitute of sight come under the terms of this Act, and only those who are destitute of sight are being taken care of under the existing law come under the old Act, and for these reasons I cannot vote for this kind of a bill.

Mr. McCREESH. Mr. President, I might say that I am for pensions for the blind, and I might also say that this bill has been recommitted several times, and every time it comes back on the floor there is something wrong. The blind committee at the last public hearing were satisfied with anything they could get, and the bill was changed from $50.00 and cut down to $30.00. I suggest that we vote on this bill now.

And the question recurring

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitutions, and were as follows, viz:

YEAS—36

| | | | |
|---|---|---|---|
| Batchelor, | Homsher, | Owlett, | Roberts, |
| Baumer, | Howell, | Pierson, | Rupp, |
| Bennett, | Huffman, | Prince, | Salus, |
| Buckman, | Hunsicker, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Sordoni, |
| Chapman, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Coyne, | McCreesh, | Reed, (Washington) | Trainer, |
| Ealy, | McGinnis, | Rice, | Ziesenheim, |
| Frey, | Miller, | | |
| Gelder, | Norton, | | |

NAYS—0

| | | | |
|---|---|---|---|
| Aron, | Mallery, | Shapiro, | Woodward, |
| Harris, | McClure, | Thompson, | |
| Law, | Rodgers, | (Westmoreland) | |

A majroity of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 85, entitled:

An Act making an appropriation to the Board of Managers of the Seamen's Church Institute of Philadelphia, Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 110, entitled:

An Act to amend section eight hundred and twenty-four as added to the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds;" further regulating the display of caution signals by certain disabled vehicles.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 134, entitled:

An Act making an appropriation to the Home of Industry for Discharged Prisoners of the City of Philadelphia and State of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 135, entitled:

An Act making an appropriation to the Western Temporary Home of Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideraion of Senae Bill No. 139, as follows:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds an reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by providing for refunds of taxes paid on liquid fuels consumed for purposes other than the operation of motor vehicles on the public highways of and air craft over this Commonwealth and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and seventeen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

[Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act]

The tax imposed by this section shall be payable by the distributor but shall be borne by the last purchaser and the payment by the distributor shall be deemed to have been for the account of such purchaser However the intent of this act is to place the ultimate burden resulting from such tax so far as possible on persons who use the public highways of the Commonwealth for operating motor vehicles thereon and on persons who operate air craft over this Commonwealth and to that end provisions for refunds are made hereinafter where the tax has been paid by a distributor on liquid fuels used for other purposes

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 17 Refunds The Board of Finance and Revenue may refund to distributors taxes penalties and interest paid by them on liquid fuels delivered to the United States government or paid as the result of an error of law or of fact or of both law and fact Claims for such refunds shall be made under the procedure prescribed by The Fiscal Code

Any person who shall buy liquid fuels on which the tax imposed by this act shall have been paid and shall consume the same in any manner except in the operation of a motor vehicle upon or over the highways or air craft through the air of this Commonwealth shall be entitled to a refund of the amount of such tax All such claims for refund shall be made by affidavit in such form and containing such information and be presented within such time as the Board of Finance and Revenue by rules and regulations shall prescribe and the claimant shall satisfy the board that he has borne the tax and that the liquid fuels have been consumed by him in a manner other than in the operation of a motor vehicle upon or over any of the highways or aircraft through the air of this Commonwealth The board may require such further information or proof as it shall deem necessary Any person making any false or fradulent affidavit for the purpose of a refund of the tax shall be guilty of perjury

All refunds of moneys allowed hereunder shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such moneys into said funds

As much of the moneys from time to time in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds as herein authorized Estimates of the amounts to be expended from these funds for refunds from time to time by the board shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and Revenue for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Chapman, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Rice, | Trainer, |
| Coyne, | McClure, | Roberts, | Woodward, |
| Ealy, | McCreesh, | Rodgers, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Miller, | | |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 184, entitled:

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 186, entitled:

An Act making an appropriation to the Friends' Home for Children of the City of Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 187, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Commercial Museum Exhibition and Convention Halls Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

| | | | |
|---|---|---|---|
| Aron, | Harris, | Miller, | Rodgers, |
| Batchelor, | Homsher, | Norton, | Rupp, |
| Baumer, | Howell, | Owlett, | Salus, |
| Bennett, | Huffman, | Pierson, | Sones, |
| Buckman, | Hunsicker, | Pytko, | Sordoni, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—2

| | |
|---|---|
| Prince, | Shapiro, |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

The Senate proceeded to the third reading and consideration of Senate Bill No. 222, entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class, and abolishing the existing board for the assessment and revision of taxes, the department of assessors in cities of the second class and the city assessors in cities of the third class, in such counties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Chapman, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Rice, | Trainer, |
| Coyne, | McClure, | Roberts, | Woodward, |
| Ealy, | McCreesh, | Rodgers, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Norton, | | |
| Harris, | | | |

NAYS—1.

Miller,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 227, entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled, "An act providing when, how and upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened, the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Pierson, | Salus, |
| Batchelor, | Howell, | Prince, | Shapiro, |
| Baumer, | Huffman, | Pytko, | Sones, |
| Bennett, | Hunsicker, | Rankin, | Sordoni, |
| Buckman, | Kahle, | Reed, (Dauphin) | Thompson, (Centre) |
| Chapman, | Lanius, | Reed, (Washington) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Rice, | Trainer, |
| Coyne, | McClure, | Roberts, | Woodward, |
| Ealy, | McGinnis, | Rodgers, | Ziesenheim, |
| Frey, | Miller, | | |
| Gelder, | Norton, | | |
| Harris, | Owlett, | | |

NAYS—3.

| | | |
|---|---|---|
| Cavalcante, | Law, | McCreesh, |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 246, entitled:

An Act to amend section eight of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended, by increasing the commission of the county treasurer; and providing that the same shall be for the use of the County.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON (Centre). Mr. President, I am opposed to this bill. The bill, in substance, increases the rate of commission that is allowed to the county treasurer in tax sales. I do not think there is a county in this state that wants to go into real estate business and increase this rate of commission from two to five per cent. Any county just simply imposes an additional burden, an additional hardship, in the redemption of property after it has been sold by the county commissioners.

Mr. HARRIS. Mr. President, as I read the title of this bill it might imply that the county treasurer would receive as compensation himself, addtional money, as I understand it that is not the case, but the county treasurer receives nothing at all, except he transfers the money from one fund to the other in the county treasury. I desire to interrogate the sponsor of the bill to ascertain if I am correct.

The PRESIDENT. Will the Senator from Warren, Mr. Chapman, permit himself to be interrogated?

Mr. CHAPMAN. Mr. President, I was asked to introduce this bill at the request of the County Commissioners Association of Pennsylvania. This bill increases the commission of the county treasurer from two to five per cent which is to go back to the county commissioners for relief purposes.

## BILL OVER IN ORDER

Mr. HARRIS. Mr. President, to clarify the situation, I ask unanimous consent that Senate Bill No. 246,

go over in its order.

The PRESIDENT. Is there objection? The Chairs hear none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 290, entitled:

An Act making an appropriation to the Rush Hospital for Consumption and Allied Diseases of Philadelphia.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 321, entitled:

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 330, entitled:

An Act making an appropriation to the Womens' Hospital of Philadelphia Preston and Parrish Streets Philadelphia Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed | Thompson |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Roberts, | Trainer, |
| Frey, | McGinnis, | Rodgers, | Woodward, |
| Gelder, | Miller, | Rice, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 384, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 385, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia

And said bill having been read at length the third time, and agreed to,

On the question

And said bill having been read at length the third time, and agreed to,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 387, entitled:

An Act making an appropriation to the Mercy Hospital of Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That th Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 402 (House Bill No. 441), entitled

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mottgages and generally revising and supplementing the provisions thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed | Thompson |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 403 (House Bill No. 442), entitled

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of one thousand nine hundred thirty-three or from Federal intermediate credit banks organized under the Agricultural Credits Act of one thousand nine hundred twenty-three

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Huffman, | Owlett, | Rupp, |
| Batchelor, | Homsher, | Pierson, | Salus, |
| Baumer, | Howell, | Prince, | Shapiro, |
| Bennett, | Hunsicker | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 423 (House Bill No. 450), entitled

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 441, on third reading, entitled:

An Act to define the liability of grantees of real estate to their grantors in cerain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 442, on third reading, entitled:

An Act providing for appeals in civil cases from the decisions of the courts of common pleas granting new trials

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 519, entitled:

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 552 (House Bill No. 462), entitled:

An Act to validate and confirm certain contracts, expenditures or payments heretofore made, ratified or approved by councils of cities of the third class; and to direct payments thereunder by the fiscal officers of such cities in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 560, entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens, one to be known as the general judgment or lien index or docket, and the other to be known as the in rem judgment or lien index or docket.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Chapman, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Rice, | Trainer, |
| Coyne, | McClure, | Roberts, | Woodward, |
| Ealy, | McCreesh, | Rodgers, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Miller, | | |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 568 (House Bill No. 454), entitled:

An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities, townships and boroughs for payment of firemen's relief pension and retirement funds.

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAY—45.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Norton, | Rodgers, |
| Batchelor, | Howell, | Owlett, | Rupp, |
| Baumer, | Huffman, | Pierson, | Salus, |
| Bennett, | Hunsicker, | Prince, | Shapiro, |
| Buckman, | Kahle, | Pytko, | Sones, |
| Cavalcante | Lanius, | Rankin, | Sordoni, |
| Chapman, | Law, | Reed, (Dauphin) | Thompson, (Centre) |
| Clark, | Mallery, | Reed, (Washington) | Thompson, (Westmoreland) |
| Coyne, | McClure, | Rice, | Trainer, |
| Ealy, | McCreesh, | Roberts, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Miller, | | |
| Harris, | | | |

NAYS—1.

Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 616, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, Senate Bill No. 616 and Senate Bill No. 756 are two bills relating to the abatement of taxes. There has been appointed a committee, by resolution, adopted by the Senate and House, to go over these bills and agree on one of the bills.

## BILL POSTPONED

Mr. PRESIDENT, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 631, entitled:

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni |
| Cavalcante, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Chapman, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Rice, | Trainer, |
| Coyne, | McClure, | Roberts, | Woodward, |
| Ealy, | McCreesh, | Rodgers, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Miller, | | |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeaby to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 649 (House Bill No. 1023), entitled:

An Act prohibiting the sale and distribution of medicines, drugs, poisons and articles intended for use in the cure, mitigation, treatment or prevention of disease in man or animal by means of vending machines.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Norton, | Rodgers, |
| Batchelor, | Howell, | Owlett, | Rupp, |
| Baumer, | Huffman, | Pierson, | Salus, |
| Bennett, | Hunsicker, | Prince, | Sones, |
| Buckman, | Kahle, | Pytko, | Sordoni, |
| Cavalcante, | Lanius, | Rankin, | Thompson, |
| Chapman, | Law, | Reed, | (Centre) |
| Clark, | Mallery, | (Dauphin) | Thompson, |
| Coyne, | McClure, | Reed, | (Westmoreland) |
| Ealy, | McCreesh, | (Washington) | Trainer, |
| Frey, | McGinnis, | Rice, | Woodward, |
| Gelder, | Miller, | Roberts, | Ziesenheim, |
| Harris, | | | |

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 665, entitled:

A further supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College," and making an appropriation for carrying the same into effect.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 668 (House Bill No. 88), entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor

And said bill having been read at length the third time, and agreed to,

On the question,

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the qustion was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 674 (House Bill No. 720), entitled:

An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended sections six hundred and fifty-four six hundred and fifty-five and six hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties to acquire lands for recreational purposes and to build parkways bridle paths and foot paths.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |

| | | | |
|---|---|---|---|
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 696 House Bill No. 1061), entitled:

An act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Clark, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

## BILL OVER IN ORDER

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent that Senate Bill No. 701 (House Bill No. 1354), on third reading, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share-holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

go over in its order.

The PRESIDENT. Is there objection?

Mr. McGINNIS. Mr. President, may I ask the purpose of putting this bill over in its order. After bills go over in order they come back again and take up our time.

Mr. THOMPSON. (Westmoreland). Mr. President, the purpose is to further study the bill. It is an involved bill. I have here a communication this morning about it and I would like to give it more study, that is all.

Mr. OWLETT. Mr. President, for the information of the Senate, I would like to say that this bill is a bill prepared by the State Banking Department to take care of a critical situation with reference to certain banks that need additional capital. The bill has been studied, as I understand it, by representatives of the banks in the State and all are agreed on this bill. Doctor Harr tells me that it is very urgent that the bill be passed. I do not want to oppose the request of the Senator from Westmoreland, Mr. Thompson that the bill go over in its order, if it is understood that it be brought up tomorrow. I think it is important that this bill be acted on very promptly.

Mr. HARRIS. Mr. President, the request of the Senator from Westmoreland, Mr. Thompson, is that it go over in its order. That will bring it up on the calendar tomorrow for a vote and in the meantime there will be sufficient time for all of us to study the bill.

Mr. OWLETT. Mr. President, I was wondering if it would not be well to just postpone it until this afternoon.

The PRESIDENT. The bill will simply go over in its order and it can be called up this afternoon.

Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 705, entitled:

An Act making an appropriation to the Department of Public Instruction to aid financially distressed school districts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 754, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. PRINCE. Mr. President, I expect to vote "no" on this bill. It is a protest against our policy of appropriating moneys to private institutions of learning. There are fifty-four colleges in Pennsylvania exclusive of State College, and only three of them receive an appropriation. It has long been the custom of the Legislature to grant appropriations to the University of Pennsylvania, Pittsburgh and Temple, I do not know exactly what the tie-up is between the university and the Commonwealth, but it is my strong impression that the other two, at least, are semi private institutions. I represent a private institution myself which is much older than the other two. We do not receive and we do not want to receive one cent of appropriation from the state and I merely vote "no" on this bill in order that we may perhaps, in the course of the next two years, reconsider and revise our policy of appropriating public funds to strictly private institutions of learning.

And the question recurring,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I do not see any reason for that. This is a regular appropriation bill. It comes up here every session and if there is any college in this Commonwealth that does wonderful work for its students it is Temple University and I do not think this bill ought to be kicked around like a football.

And the question recurring,

Will the Senate agree to the motion?

It was not agreed to.

And the question recurring

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Norton, | Rupp, |
| Batchelor, | Howell, | Owlett, | Salus, |
| Baumer, | Huffman, | Pierson, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | | | |

NAYS—1

Prince,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 755, entitled:

An Act making an appropriation to the Temple University Garretson Hospital Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 756, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain county city borough town township school district and poor district taxes

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

## BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that the question together with the further consideration of the bill, be postponed for the present.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 763, entitled:

An Act making an appropriation to the Coaldale State Hospital Coaldale Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 764, entitled:

An Act making an appropriation to the Department of Welfare for use of Coaldale State Hospital for payment of an indebtedness incurred by, and lapsing a prior appropriation made to the Board of Trustees of Coaldale State Hospital.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 765, entitled:

An Act making an appropriation to the Elizabeth Steel Magee Hospital Pittsburgh Pennsylvania.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Buckman, | Howell, | Pierson, | Salus, |
| Ealy, | Huffman, | Prince, | Shapiro, |
| Batchelor, | Hunsicker, | Pytko, | Sones, |
| Baumer, | Kahle, | Rankin, | Sordoni, |
| Bennett, | Lanius, | Reed, | Thompson, |
| Cavalcante, | Law, | (Dauphin) | (Centre) |
| Chapman, | Mallery, | Reed, | Thompson, |
| Clark, | McClure, | (Washington) | (Westmoreland) |
| Coyne, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. LAW. Mr. President, there is certain information I would like to get in regard to this bill from the sponsor, and I ask unanimous consent that Senate Bill No. 768, on third reading, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 770, entitled:

An Act making an appropriation to the Shamokin State Hospital Shamokin Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Sordoni, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 771, entitled:

An Act authorizing guardians of minors to expend parts of the income of said minors in life insurance policies with leave of the orphans' court and stipulating the rights of such minors in regard thereto upon becoming of age

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Homsher, | Owlett, | Rupp, |
| Batchelor, | Howell, | Pierson, | Salus, |
| Baumer, | Huffman, | Prince, | Shapiro, |
| Bennett, | Hunsicker, | Pytko, | Sones, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Harris, | Norton, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determine din the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## CONSIDERATION OF SECOND READING BILLS DEFERRED

Mr. BUCKMAN. Mr. President, in view of the hour of the day and the number of committee meetings that are scheduled, I move that the consideration of bills on second reading be deferred until tomorrow.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## AUTHORIZING THE TRANSFER OF MONEY FROM SPECIAL FUNDS

Mr. McCLURE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE offered the following resolution which was twice read:

In the Senate, April 9, 1935.

Whereas, It is necessary that the Commonwealth of Pennsylvania shall contribute its share of the moneys necessary for unemployment relief for the months of April and May; and

Whereas, It has been reported that the Federal Relief Administrator has required that the Commonwealth of Pennsylvania shall contribute as its share the sum of five million ($5,000,000) dollars per month; and

Whereas, The unemployment relief needs of the Commonwealth of Pennsylvania have been provided for up to and including the fifteenth day of April 1935; and

Whereas, There is not sufficient money in the General Fund to provide for the Commonwealth's contribution for the balance of the month of April and May, 1935; and

Whereas, It is of paramount importance that the poor and needy of Pennsylvania shall not be permitted to go hungry or starve; and

Whereas, There was introduced in the House of Representatives on the 8th day of April, 1935, by the gentleman from Philadelphia, Mr. Blumberg, bills designed to permit the Commonwealth of Pennsylvania to accomplish the above by borrowing the sum of seven million five hundred thousand ($7,500,000) dollars for the use of the General Fund by transfer to the General Fund from the Liquid Fuels' Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, the said sum of seven million five hundred thousand ($7,500,000) dollars for the purpose of meeting the requirements of the Federal Administrator for unemployment relief; now therefore be it

Resolved (if the House of Representatives concur), That the General Assembly hereby authorizes the Governor and the fiscal officers of the Commonwealth to transfer to the General Fund from the Liquid Fuels' Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, for deposit in the General Fund, the sum of seven million five hundred thousand ($7,500,000) dollars, and the General Assembly hereby pledges that it will pass appropriate legislation validating the action of the Governor and the fiscal officers in making such transfers and providing such moneys if the legislation enacted for the purpose of making said transfers and providing said moneys shall provide for the repayment of such moneys to the said funds from which the same was taken on or before December 31, 1935.

Mr. McCLURE. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. ROBERTS. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The Resolution will be referred to the Committee on Finance.

## RESOLUTION

### RECALLING FROM THE GOVERNOR SENATE BILL No. 242

Mr. SONES. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 9, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 242, Printer's No. 38, entitled "An act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words "drug" and "poison" and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity' as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. CLARK. Mr. President, at the request of and on behalf of the Senator from Chester, Mr. Clark, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK read in place and presented to the Chair, Senate Bill No. 820, entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief.

Which was committed to the Committee on Appropriations.

Mr. MALLERY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair, Senate Bill No. 821, entitled:

An Act to establish as a State highway a certain section of public roads in the County of Blair, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Also read in place and presented to the Chair, Senate Bill No. 822, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Blair.

Which was committed to the Committee on Highways.

## REPORT FROM COMMITTEE

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM from the Committee on Municipal Government re-reported as amended, Senate Bill No. 669 (House Bill No. 224), entitled:

An Act requiring certain cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

## RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess until 4:30 this afternoon.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 95 (Senate Bill No. 823), entitled:

An Act to add clause (p) to section two hundred two, and to amend sections seven hundred two, seven hundred seven, paragraph (d) of section eight hundred one and section eight hundred four of an act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "Fiscal Code," as amended, by providing for the settlement and collection of a franchise tax on foreign corporations; requiring such corporations to file reports, and providing a penalty to do so.

Which was committed to the Committee on Finance.

House Bill No. 1021 (Senate Bill No. 824), entitled:

An Act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands at certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" by providing for condemnation proceedings and assessment of damages.

Which was committed to the Committee on Highways.

House Bill No. 1064 (Senate Bill No. 825), entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act"; amplifying contractural rights as to joint sewers.

Which was committed to the Committee on Municipal Government.

House Bill No. 1278 (Senate Bill No. 826), entitled:

An Act limiting the mileage costs for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys.

Which was committed to the Committee on Judiciary General.

House Bill No. 1279 (Senate Bill No. 827), entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings; and prohibiting duplicate payments.

Which was committed to the Committee on Judiciary General.

House Bill No. 1415 (Senate Bill No. 828), entitled:

An Act to amend section thirty-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "Divorce Law," providing that the entry of an appearance for the respondent shall not be deemed collusive.

Which was committed to the Committee on Judiciary General.

House Bill No. 1621 (Senate Bill No. 829), entitled:

An Act to amend sections two and five of the act approved the second day of May, one thousand eight hundred eighty-nine (P. L. 66), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," as amended by extending the same to funds and money, estates or effects in the custody, or under the control, of certain United States courts; fixing jurisdiction; and providing proceedings relative thereto.

Which was committed to the Committee on Finance.

House Bill No. 1652 (Senate Bill No. 830), entitled:

An Act to amend section one as amended, and section two of, and adding section two and one-tenth to, the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended, "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the qualifications and appointment of the members of the courts of inquiry and trial authorized to hear and determine charges against such police officers, detectives and firemen; providing that charges preferred before the effective date of this act shall be invalid; and providing penalties.

Which was committed to the Committee on Municipal Government.

House Bill No. 1654 (Senate Bill No. 831), entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury, regulating such trials, and conferring a jurisdiction upon the judges of the several courts in such cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 1722 (Senate Bill No. 832), entitled:

An Act making voidable certain releases of damages for personal injuries or for death resulting from such injuries.

Which was committed to the Committee on Judiciary General.

House Bill No. 1780 (Senate Bill No. 833), entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (Pamphlet Laws one hundred seventy-eight) entitled "An act taxing certain stocks of building and loan associations for State purposes" fixing the rate of the tax on matured stock of building and loan associations

Which was committed to the Committee on Banking.

House Bill No. 1788 (Senate Bill No. 834), entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "Administrative Code of 1929," as amended, by changing the names of the State Association and training schools for nurses.

Which was committed to the Committee on Education.

House Bill No. 1789 (Senate Bill No. 835), entitled:

An Act to amend sections one, three, four, five, seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "Nurses Registration Law," by changing qualifications for registration, the publishing of a list of registrants, and fixing penalties.

Which was committed to the Committee on Education.

House Bill No. 1792 (Senate Bill No. 836), entitled:

An Act to amend section one thousand six hundred and three of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by authorizing the borrowing of money by township authorities to provide a water supply for public and private use.

Which was committed to the Committee on County Government.

House Bill No. 1798 (Senate Bill No. 837), entitled:

An Act to promote public morals, abolishing civil causes of action for alienation of affections except in certain cases, seduction, criminal conversation, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file or threaten to cause to be filed, any such action fixing a time for the commencement of such causes of action heretofore accrued, declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 1821 (Senate Bill No. 838), entitled:

An Act to amend sections four hundred and twenty-one, four hundred and twenty-two, and four hundred and twenty-three as amended, section four hundred and twenty-four section four hundred and twenty-six as amended, section four hundred and twenty-eight, section four hundred thirty-two as amended, and section four hundred and thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by clarifying the term "Deceased service men," specifying the form and contents of applications for county contributions; stipulating the material for markers; permitting contributions for lettering alone, permitting the removal of worn flags, requiring the appointment of grave registrars and providing a penalty.

Which was committed to the Committee on Military Affairs.

## RESOLUTION

### AUTHORIZING TRANSFER OF MONEY FROM SPECIAL FUNDS

He also informed the Senate that the House had concurred in amendments made by the Senate to House Resolution as follows:

In the House of Representatives, April 1, 1935.

Whereas A number of investigating committees have been created by the House of Representatives to investigate the affairs of local relief boards in particular counties and

Whereas It is apparent from the widespread dissatisfaction that some inherent defect exists in the present system of relief distribution and that enormous sums of public money are being expended and are requested for the next fiscal biennium when no taxpayer appears to be assured that such expenditures are actually needed and

Whereas Taxpayers are demanding that the light of publicity be thrown upon the whole system of distributing public relief and that some system be devised to call from the list of recipients of relief those who are unworthy those who abuse the aid extended to them and those who paint false pictures of economic conditions in order to fasten a dole system foreign to American traditions on the body politic and

Whereas The system of investigating relief distribution in particular localities while beneficial to the locality affected fails to approach the task of placing relief upon a sound Statewide business basis whereby red tape may be eliminated and those actually in need aided in a manner suitable to an American citizen therefore be it

Resolved (if the Senate concur That the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint three members of their respective Houses whose duty it shall be (a) to make a searching and impartial study and investigation of the distribution of public relief throughout this Commonwealth (b) to ascertain whether and in what respect the present system is open to abuse (c) to ascertain whether additional legal safeguards should be provided (d) to ascertain whether appropriations for relief may be reduced (e) to collate and digest reports of other investigating committees and (f) to investigate such other facts and circumstances as may be deemed necessary and advisable to enable the General Assembly to act with some degree of certainty and establish an impartial unpolitical unwasteful and business system of aiding those of our unfortunates in need and of eradicating and punishing those who take advantage of distressing economic conditions for their personal selfish ends whether as recipients of relief or as distributors thereof.

Resolved That said committee shall make a preliminary report of its findings to this General Assembly as early as possible and shall make a final report to the General Assembly not later than February 1, 1937.

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the court of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

## RESOLUTION

### RECALLING FROM THE GOVERNOR SENATE BILL No. 242.

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 9, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 242, Printer's No. 38, entitled "An act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 208) entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words "drugs" and "poisons" and providing for the appointment of a board which shall have in charge the enforcement of said law and power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity' as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings",

be recalled from the Governor for the purpose of amendment.

## HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 149, RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 149.

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

Mr. McCLURE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. McCLURE read in place and presented to the Chair, Senate Bill No. 839, entitled:

An Act transferring money from the Veterans' Compensation Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair, Senate Bill No. 840, entitled:

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

## BILLS INTRODUCED

Also read in place and presented to the Chair, Senate Bill No. 841, entitled:

An Act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair Senate Bill No. 842, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair Senate Bill No. 843, entitled:

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transfrered money.

Which was committed to the Committee on Appropriations.

Mr. REED. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair, Senate Bill No. 844, entitled:

An Act to amend section three of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 995), entitled "An act to provide for the nomination and election of candidates for the office of United States Senator and the filling of vacancies in said office."

Which was committed to the Committee on Elections.

Also read in place and presented to the Chair, Senate Bill No. 845, entitled:

A Joint Resolution proposing an amendment to section sixteen of article two of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Also read in place and presented to the Chair, Senate Bill No. 846, entitled:

A Supplement to the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties;" providing for the districting of the State in order to spread the licensing work of the board; defining the powers of the board and its members with respect to the granting, transfer and revocation of hotels, restaurant and club licenses, and for appeals; providing for staggered license dates; further extending civil service provisions to employes of Pennsylvania liquor stores; and repealing inconsistent laws.

Which was committed to the Committee on State Government.

Mr. COYNE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE read in place and presented to the Chair, Senate Bill No. 847, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the General maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

Which was committed to the Committee on Appropriations.

## RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILLS SIGNED

The PRESIDENT, (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 71, entitled:

An Act to amend section forty-two of and to add section thirty-five A to the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers controllers registrars of vital statistics and boards of school directors and imposing penalties" adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors and changing certain penalties

Senate Bill No. 149, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or purors becoming incapacitated.

Whereupon,

The PRESIDENT, (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Finance reported as committed, the following Resolution:

In the Senate, April 9, 1935.

Whereas, It is necessary that the Commonwealth of Pennsylvania shall contribute its share of the moneys necessary for unemployment relief for the months of April and May; and

Whereas, It has been reported that the Federal Relief Administrator has required that the Commonwealth of Pennsylvania shall contribute as its share the sum of five million ($5,000,000) dollars per month; and

Whereas, The unemployment relief needs of the Commonwealth of Pennsylvania have been provided for up to and including the fifteenth day of April 1935; and

Whereas, There is not sufficient money in the General Fund to provide for the Commonwealth's contribution for the balance of the month of April and May, 1935; and

Whereas, It is of Peramount importance that the poor and needy of Pennsylvania shall not be permitted to go hungry or starve; and

Whereas, There was introduced in the House of Representatives on the 8th day of April, 1935, by the gentle-

man from Philadelphia, Mr. Blumberg, bills designed to permit the Commonwealth of Pennsylvania to accomplish the above by borrowing the sum of seven million five hundred thousand ($7,500,000) dollars for the use of the General Fund by transfer to the General Fund from the Liquid Fuels' Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, the said sum of seven million five hundred thousand ($7,500,000) dollars for the purpose of meeting the requirements of the Federal Administrator for unemployment relief; now therefore be it

Resolved, (if the House of Representatives concur), That the General Assembly hereby authorizes the Governor and the fiscal officers of the Commonwealth to transfer to the General Fund from the Liquid Fuels' Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, for deposit in the General Fund, the sum of seven million five hundred thousand ($7,500,000) dollars, and the General Assembly hereby pledges that it will pass appropriate legislation validating the action of the Governor and the fiscal officers in making such transfers and providing such moneys if the legislation enacted for the purpose of making said transfers and providing said moneys shall provide for the repayment of such moneys to the said funds from which the same was taken on or before December 31, 1935.

Mr. McCLURE. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to lie on the table, be suspended and that the Senate do now proceed to the immediate consideration of the resolution just read.

Mr. PRESIDENT. Is there objection?

Mr. ROBERTS. Mr. President, I object, in order that the resolution may be considered in its regular order.

The PRESIDENT. The Chair hears objecion. The resolution will lie on the table.

## REPORTS FROM COMMITTEE

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 468, entitled:

An Act to amend sections six hundred and sixteen and six hundred and twenty of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended; further regulating appeals where operators' licenses and learners' permits have been suspended and providing that an appeal from the action of the Secretary of Highways shall operate as a supersedeas.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Appropriations reported as committed, Senate Bill No. 839, entitled:

An Act transferring money from the Veterans' Compensation Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 840, entitled:

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 841, entitled:

An Act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 842, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 843, entitled:

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confifirmation:

#### ALLEGHENY COUNTY

Miss Katherine M. Ambrose, American Bank Building, Pittsburgh.

#### BEAVER COUNTY

H. J. Beck, South Heights.

BERKS COUNTY

Miss Irene Bright, Hamburg.
Mrs. Norma Z Cannon, Reading.
Daniel K. East, Boyertown.
Albert F. Mohr, Laureldale.

CARBON COUNTY

O. Joseph Rutch, Nesquehoning.

ERIE COUNTY

Mrs. Elsie Maloney, Erie.

FAYETTE COUNTY

Mrs. Edna F. Roseberry, Uniontown.
John Wolak, Everson.

LEHIGH COUNTY

George C. Fullagar, Coplay.

LUZERNE COUNTY

Miss Laura Bittner, Hazleton.

MERCER COUNTY

Miss Margaret E. Malley, Sharon.

MONTGOMERY COUNTY

Samuel K. Cohen, Bala-Cynwyd.

NORTHAMPTON COUNTY

Pasquale Castiello, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Rose B. Pichney, 1851 N. 7th Street, Philadelphia.

WASHINGTON COUNTY

T. S. Maxwell, West Alexander.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

BERKS COUNTY

Anthony Zaffiro, Reading, April 10, 1935.

LEHIGH COUNTY

Frank E. Schaeffer, Emaus, April 13, 1935.

NORTHAMPTON COUNTY

Miss Helena P. Hoere, Bethlehem, April 16, 1935.

LEHIGH COUNTY

William C. Jackson, Allentown, April 17, 1935.

SOMERSET COUNTY

Miss Marian E. Albright, Somerset, April 20, 1935.

LUZERNE COUNTY

Mrs. Emma H. Wilhelm, Hazleton, April 21, 1935.

WESTMORELAND COUNTY

J. R. Silvis, Greensburg, April 21, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 2, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following appointments:

MEMBERS OF THE BOARD OF TRUSTEES OF THE PHILIPSBURG STATE HOSPITAL

John Scollins, of Houtzdale, Clearfield County, as a member of the Board of Trustees of the Philipsburg State Hospital, vice Andrew Frendberg, whose term expired, for the term of four years, and until his successor is qualified.

Charles E. Freeman, of Philipsburg, Center County, as a member of the Board of Trustees of the Philipsburg State Hospital, vice Mrs. Viola Lewis Martin, whose term expired, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICE OF THE PEACE

Charles Yarosh, of Portage, Cambria County, as Justice of the Peace in the Township of Portage, Cambria County, until the first Monday in January, 1935.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

John R. Klima, 38 Pilgrim Road, Rosslyn Farms, Carnegie, Allegheny County, as Justice of the Peace in the Borough of Rosslyn Farms, Allegheny County, until the first Monday in January, 1936.

GEORGE H. EARLE.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA TRAINING SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

John L. Post, of Claysville, Washington County, as a member of the Board of Trustees of Pennsylvania Training School, vice Mrs. Minnie S. Kaufmann, whose term expired, for the term of four years, and until his successor is qualified.

Carl E. Gibson, of Monongahela, Washington County, as a member of the Board of Trustees of Pennsylvania Training School, vice John H. Lauer, whose term expired, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Joseph F. Filtz, of Hollidaysburg, Blair County, as Justice of the Peace in the Borough of Hollidaysburg, Blair County, vice Isaac M. Irwin, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Mrs. Blanch E. Whiteman, of Williamsport, Lycoming County, as Alderman of the Sixth Ward of the City of Williamsport, Lycoming County, vice her husband, Walter C. Whiteman, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

John H. Schell, 1051 Dewey Avenue, Williamsport, Lycoming County, as Alderman of the 7th Ward of the City of Williamsport, Lycoming County, until the first Monday in January, 1936.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

Mr. HARRIS. Mr. President, two weeks ago I objected to the confirmation of John R. Klima of Roslyn Farms, Allegheny County, Carnegie, Pa. At that time I voiced my objection because of the fact that I had no knowledge of the gentleman's character or ability to fill the position to which he had been appointed. Since that time I have made some investigation. I find the gentleman is a man of character, enjoys a very splendid reputation in his community, and will be eminently fitted to fill this position. Therefore, I now withdraw any objection that I had to the confirmation of his nomination, and urge the confirmation of John R. Klima as Justice of the Peace of Roslyn Farms.

On the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

| | | | |
|---|---|---|---|
| Aron, | Howell, | Owlett, | Rupp, |
| Batchelor, | Huffman, | Pierson, | Salus, |
| Baumer, | Hunsicker, | Prince, | Shapiro, |
| Buckman, | Kahle, | Pytko, | Sones, |
| Cavalcante, | Lanius, | Rankin, | Sordoni, |
| Chapman, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Centre) |
| Ealy, | McClure, | Reed, | Thompson, |
| Frey, | McCreesh, | (Washington) | (Westmoreland) |
| Gelder, | McGinnis, | Rice, | Trainer, |
| Harris, | Miller, | Roberts, | Woodward, |
| Homsher, | Norton, | Rodgers, | Ziesenheim, |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

## BILLS INTRODUCED

Mr. ARON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON read in place and presented to the Chair, Senate Bill No. 848 entitled:

An Act to provide for sexual sterilization of Mental defectives.

Which was committed to the Committee on Public Health.

Also read in place and presented to the Chair, Senate Bill No. 849, entitled:

An Act to amend Article XIX of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by adding thereto Section 181, regulating the procedure to be followed when such cities find it necessary to reduce the number of police officers or firemen.

Which was referred to the Committee on Municipal Government.

## MOTION TO READ BILLS THE FIRST TIME

Mr. EALY. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 468, entitled:

An Act to amend sections six hundred and sixteen and six hundred and twenty of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the tilting, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and

limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporate towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended; further regulating appeals where operators' licenses and learners' permits have been suspended and providing that an appeal from the action of the Secretary of Highways shall operate as a supersedeas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 839, entitled:

An Act transfrring money from the Veterans' Compensaion Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 840, entitled:

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 841, entitled :

An Act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 842, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 843, entitled:

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board, and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr HOMSHER. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 10 o'clock.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:03 P. M. until Wednesday, April 10, 1935, at 10 o'clock A. M.

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# HOUSE OF REPRESENTATIVES

TUESDAY, April 9, 1935

The House met at 11.00 a. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Marshall L. Shepard, a member of the House offered the following prayer:

He that dwelleth in the secret places of the Most High shall abide under the shadow of the Almighty. They that wait on the Lord shall renew their strength. They shall mount up on wings like eagles; they shall run and not grow weary; they shall walk and not faint.

Make us, Heavenly Father, conscious of these imperishable sources of power all about us and available for us as we face the task of this Legislative session. Bless the Governor of the Commonwealth, the Speaker of the House and every member of this Legislature. Bless our families and loved ones far and near, and may all that we say and do be done with an eye single to Thy glory. In His name and for His sake. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. Linderman, the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. JOHN A. SMITH (by request)

HOUSE BILL No. 1974.

An Act concerning public records; prohibiting the unlawful filing, removal or alteration thereof, and providing the means for making proper corrections thereon.

Referred to the Committee on Judiciary General.

By Mr. HABBYSHAW. HOUSE BILL No. 1975.

An Act to establish as a State highway a certain section of public roads in the County of Dauphin; and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. KOBELAK. HOUSE BILL No. 1976.

An Act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

Referred to the Committee on Judiciary General.

By Mr. HABBYSHAW. HOUSE BILL No. 1977.

An Act to establish as a State highway a certain section of public roads in the County of Dauphin; and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mrs. WILSON. HOUSE BILL No. 1978.

An Act to amend section two hundred and three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonyealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by reducing the number of directors in second class districts; changing their terms and providing for the fixing of their salaries and terminating the terms of directors now in office.

Referred to the Committee on Education.

By Mr. WEISS. HOUSE BILL No. 1979.

An Act to amend section five of the act approved fifth day of May, one thousand nine hundred and eleven, (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein and providing for the expenses thereof," as amended, providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

Referred to the Committee on Judiciary General.

By Mr. WEISS. HOUSE BILL No. 1980.

An Act to repeal the act approved the twenty-second day of April, one thousand nine hundred and fifteen (P. L. 172), entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities, to facilitate the assessment, levy, and collection of taxes and municipal claims in such cities; authorizing the preservation and use of records heretofore employed in such cities for such purposes."

Referred to the Committee on Cities.

By Mr. BLUMBERG. HOUSE BILL No. 1981.

An Act transferring money from the Veterans' Compensation Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. BLUMBERG. HOUSE BILL No. 1982.

An Act transferring money from the Liquid Fuels Tax to the General Fund and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. BLUMBERG. HOUSE BILL No. 1983.

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. BLUMBERG. HOUSE BILL No. 1984.

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. BLUMBERG. HOUSE BILL No. 1985.

An Act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. RINN. HOUSE BILL No. 1986.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. REISING. HOUSE BILL No. 1987.

An Act to amend section nine hundred and seven of article nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing citizens to petition the Attorney General to appoint an attorney to supersede the district attorney in certain cases.

Referred to the Committee on Judiciary General.

By Mr. TURNER. HOUSE BILL No. 1988.

An Act authorizing the county commissioners of counties of the third class to appropriate funds of the county and to furnish space in any county building for the maintenance and support of any legal aid agency approved by the court of common pleas of such county.

Referred to the Committee on Counties.

By Mr. MOORE. HOUSE BILL No. 1989.

An Act requiring motion picture machines to be equipped with certain devices for the prevention of fire.

Referred to the Committee on Judiciary Special.

By Mr. FALKENSTEIN. HOUSE BILL No. 1990.

An Act making an appropriation to the Germantown Dispensary and Hospital, Germantown, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. COHEN. HOUSE BILL No. 1991.

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools, for two years beginning June first, one thousand nine hundred and thirty-five: and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five.

Referred to the Committee on Appropriations.

By Mr. OMINSKY. HOUSE BILL No. 1992.

An Act making an appropriation to the Philadelphia Home for Infants, located at three hundred eleven South Juniper Street, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. OMINSKY. HOUSE BILL No. 1993.

An Act making an appropriation to the Children's Aid Society of Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. JONES. HOUSE BILL No. 1994.

An Act to validate contracts for the erection and construction of school buildings, additions to, and improvements of existing school buildings, and improvements of the grounds appurtenent to the same, and orders for extra work and material in connection therewith, and to authorize payment therefor by the school districts, where there is no evidence of fraud or conspiracy.

Referred to the Committee on Education.

By. Mr. STANK. HOUSE BILL No. 1995.

An Act requiring registry assessors and assessors who perform duties incident to elections in election districts in which personal registration is not required, to attend at the polling place at all elections and primaries; and fixing their compensation.

Referred to the Committee on Elections.

By Mr. POWERS. HOUSE BILL No. 1996.

An Act to amend the act approved the third day of June, one thousand nine hundred and fifteen (P. L. 177), entitled "A supplement to an act, entitled 'The Workmen's Compensation Act of 1915,' to exempt domestic servants and agricultural workers from the provisions thereof," removing the exemptions set forth in certain cases.

Referred to the Committee on Labor.

By Messrs. O'KEEFE and SHAW. HOUSE BILL No. 1997.

An Act making an appropriation to the Home for Colored Children, Tremon Avenue, Twenty-seventh Ward, Pittsburgh, Pennsylvania, or its successors.

Referred to the Committee on Appropriations.

By Messrs. O'KEEFE and SHAW. HOUSE BILL No. 1998.

An Act making an appropriation to the Woods Run Settlement House of Allegheny County.

Referred to the Committee on Appropriations.

By Mr. MURRIN. HOUSE BILL No. 1999.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. SHORTZ. HOUSE BILL No. 2000.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Luzerne.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 2001.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. BURKE. HOUSE BILL No. 2002.

An Act fixing a uniform rate telephone companies may charge for listings in telephone directories.

Referred to the Committee on Public Utilities.

By Mr. O'NEILL. HOUSE BILL No. 2003.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lackawanna.

Referred to the Committee on Highways.

By Mr. O'NEILL. HOUSE BILL No. 2004.

An Act to establish as a State highway a certain section of public roads in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. HOLSTROM and McDERMOTT.
HOUSE BILL No. 2005.

An Act to amend Article XLIII of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by adding thereto section 4344.1, providing certain causes for the forfeiture of rights in the pension fund for employes.

Referred to the Committee on Cities.

By Messrs. HOLSTROM and McDERMOTT.
HOUSE BILL No. 2006.

An Act to amend paragraph two of section two thousand four hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council of such cities to hire certified public accountants to audit the affairs of the city when it deems it necessary.

Referred to the Committee on Cities.

By Mr. FINNERTY. HOUSE BILL No. 2007.

An Act providing that when any person held under arrest shall request the privilege and means of notifying his family or others of his arrest and imprisonment, those persons in charge of such prisoner, shall grant such request.

Referred to the Committee on Judiciary General.

By Messrs. FINNERTY and DUFFORT.
HOUSE BILL No. 2008.

An Act requiring weighers of cargo of ships at ports in cities, and to be licensed; and providing penalties.

Referred to the Committee on Cities.

By Mr. JACKSON. HOUSE BILL No. 2009.

An Act to amend sections three, seven and seventeen, and to repeal section four of the act approved the twentieth day of May, one thousand nine hundred and thirteen, (P. L. 229), entitled "An act defining and regulating public amusements, and places used therefor; requiring and regulating the licensing thereof; restricting the scope of certain acts of Assembly relating thereto; and providing penalties for violation of this act." by increasing license fees and further revising the provisions of said act.

Referred to the Committee on Ways and Means.

By Mr. WESTRICK. HOUSE BILL No. 2010.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By MR. HIRSCH. HOUSE BILL No. 2011.

An Act removing trucks operated or used as common or private carriers, except those operated as common carriers on scheduled routes, from the jurisdiction of the Public Service Commission.

Referred to the Committee on Public Utilities.

By Mr. KOBELAK (By Request).
HOUSE BILL No. 2012.

An Act to provide for the examination and licensing of steam engineers by a departmental administrative board under the Department of Labor and Industry, and regulating the employment of such engineers.

Referred to the Committee on Labor.

By Mr. COAKLEY. HOUSE BILL No. 2013.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain sructures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northampton.

Referred to the Committee on Highways.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 2014.

An Act defining the rights of privileges of honorably discharged members of the Pennsylvania Reserve Militia who served during the period of the World War.

Referred to the Committee on Military Affairs.

By Mr. MORAN. HOUSE BILL No. 2015.

An Act authorizing cities, boroughs and towns to construct, acquire, own, operate and control water-works and gas works and appurtenances thereto, and to sell water and gas both within and without their corporate limits, and conferring the power of eminent domain to acquire property for such purposes.

Referred to the Committee on Municipal Corporations.

By Mr. HARMUTH. HOUSE BILL No. 2016.

An Act creating a State Planning Board, prescribing and defining its powers and duties, including the planning of long term and emergency programs of public works construction and expenditure, planning for the conservation and utilization of the resources of the Commonwealth, coordinating the plans of the various departments of the State government for the general good of the Commonwealth, and assisting official and citizen constituted planning groups throughout the Commonwealth,

cooperating closely with the Federal government, making special studies for the Legislature when requested and provided for, and such other activities as may be assigned to it by the Governor of the Commonwealth, and making an appropriation.

Referred to the Committee on State Government.

By Mr. SCHWARTZ. HOUSE BILL No. 2017.

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth, and to provide for the administration thereof.

Referred to the Committee on Insurance.

By Mr. EBERHARTER. HOUSE BILL No. 2018.

An Act making an appropriation to the Eye and Ear Hospital of Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. STOCKHAM. HOUSE BILL No. 2019.

An Act relating to the operation of bus lines within cities and boroughs; authorizing cities and boroughs to fix routes, terminals and stopping places, and to regulate the operation of buses within their limits; imposing duties on the Public Service Commission; and limiting the scope of certificates of public convenience to operate bus lines within cities and boroughs.

Referred to the Committee on Municipal Corporations.

By Mr. STOCKHAM HOUSE BILL No. 2020.

An Act to amend section three of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1387), entitled "An act relieving canal corporations, owning any canals or other artificial water-ways constructed by the Commonwealth as parts of its public works, from the obligation to maintain the same for transportation purposes, under certain conditions; and authorizing such corporations to use, sell, or lease the waters of such canals and waterways for domestic, manufacturing, commercial, and other lawful purposes, and to use, sell, lease, or otherwise dispose of the whole or any part of the lands occupied by such canals or waterways, and the property appurtenant thereto and authorizing the Department of Highways to acquire, by gift, all or any part of such lands, to sell or otherwise dispose of all or any part of such lands as shall not be needed for highway purposes," by providing for condemnation of such lands in certain cases.

Referred to the Committee on Forestry.

By Mr. McKINNEY. HOUSE BILL No. 2021.

An Act to amend section three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 912), entitled "An act to regulate the drilling, operating, and abandoning of oil and gas wells, and providing a penalty for violation of the provisions of this act;" as amended, extending the provision of said act to additional sands.

Referred to the Committee on Mines and Mining.

By Mr. FITCH HOUSE BILL No. 2022.

An Act imposing a state tax for unemployment relief and old age assistance upon checks, drafts, assaignments and other written evidences for the payment and transfer of money honored by banks, by payment or by receipt for deposit; imposing duties and liabilities on banks; and imposing penalties in the nature of the loss of certain civil rights in certain cases.

Referred to the Committee on Ways and Means.

By Mr. RUTH HOUSE BILL No. 2023.

An Act to amend an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunction, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act, approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof, repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," as amended, by designating as public service companies, persons, partnerships, asociations and corporations engaged in selling liquid fuels and lubricating oils, and also those engaged in leasing franchises, rights, powers, immunities, privileges or facilities to other public service companies and empowering, the Public Service Commission to regulate the same; and by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies, or affiliated interests, involving loans of money to such public service companies, and of contracts for the acquisition and construction of certain facilities and permanent improvements.

Referred to the Committee on Public Utilities.

By Mr. RUTH. HOUSE BILL No. 2024.

An Act to amend the supplement approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 714), entitled "A supplement to an act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder,' providing for the payment of compensation to volunteer firemen or their dependents," extending the provisions of the act to firemen in certain cases when they are not with their own fire company.

Referred to the Committee on Labor.

By Mr. RUTH. HOUSE BILL No. 2025.

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by exempting municipalties and townships from paying any license fee on their service lines.

Referred to the Committee on Municipal Corporations.

By Mr. COOLAHAN. HOUSE BILL No. 2026.

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth, one thousand nine hundred and nineteen (P. L. 1003), entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties," as amended, providing for the method of reimbursement to such licensees; and making an appropriation therefor.

Referred to the Committee on Appropriations.

By Mr. DENT. HOUSE BILL No. 2027.

An Act to limit the jurisdiction of courts in equity in issuing restraining orders or temporary or permanent injunctions in certain cases.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 2028.

An Act requiring the Water and Power Resources Board, in granting certain permits, to fix and collect annual charges and impose terms and conditions for the protection of the Commonwealth.

Referred to the Committee on Forestry.

By Mr. NOTHNAGLE. HOUSE Bill No. 2029.

An Act to amend section twenty of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed, and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," making it unlawful for manufactures of such beverages to sell the same to other than licensed distributors engaged principally in the beer business, except for export from this Commonwealth.

Referred to the Committee on Law and Order.

By Mr. HARKINS. HOUSE BILL No. 2030.

An Act to amend the act approved the twenty-eighth day of April, one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three), entitled "An act in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" by revising and changing the method of paroling inmates from the Pennsylvania Industrial School and for their final discharge.

Referred to the Committee on Judiciary General.

By Mr. STOCKHAM. HOUSE BILL No. 2031.

An Act providing for the administration of employment relief through the State Emergency Relief Board and District Chapters of the American Red Cross and abolishing existing local relief boards and agencies; imposing certain costs upon counties; providing for the audit of accounts by the Auditor General; and providing penalties.

Referred to the Committee on State Government.

## SENATE MESSAGE

### SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 352. (HOUSE BILL No. 2032).

An Act to re-enact and amend the act approved the twenty-third day of March, one thousand eight hundred and seventy-seven (Pamphlet Laws thirty-four), entitled "An act making the verdict of a jury in the several courts of common pleas of this Commonwealth a lien in certain cases extending said act to all courts of record.

Referred to the Committee on Judiciary General.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. KOBELAK. RESOLUTION No. 117.

In the House of Representatives, April 8, 1935.

Whereas, Immediate relief should be accorded to the owners of improved real estate, the assessed valuation of which is less than $5,000 and which property is occupied by the said owners as a dwelling, and

Whereas, His Excellency, the Governor, has appointed a Constitutional Convention Committee to draft a new Constitution responsive to the needs, wants and demands of the present social and economic conditions prevailing in our Commonwealth, and

Whereas, It is deemed advisable to draw the attention of the members of said Constitutional Convention Committee to the just demands of the owners of small homes, assessed at less than $5,000.00 for relief from a portion of the burdensome taxation from which they are suffering.

Therefore, Be It Resolved by the members of the House of Representatives that said Constitutional Convention Committee shall incorporate in the Constitutional Convention Draft being prepared by it an Amendment relieving from municipal taxation all improved real estate occupied by the owners thereof as a dweling, the assessed valuation of which is less than $5,000.00.

Referred to the Committee on Constitutional Amendments.

By Mr. WITKIN (Concurrent) RESOLUTION No. 118.

In the House of Representatives, April 8, 1935.

Whereas, It is necessary that the Commonwealth of Pennsylvania shall contribute its share of the moneys necessary for unemployment relief for the months of April and May; and

Whereas, It has been reported that the Federal Relief Administrator has required that the Commonwealth of Pennsylvania shall contribute as its share the sum of five million ($5,000,000) dollars per month; and

Whereas, The unemployment relief needs of the Commonwealth of Pennsylvania have been provided for up to and including the fifteenth day of April, 1935; and

Whereas, There is not sufficient money in the General Fund to provide for the Commonwealth's contribution for the balance of the month of April and May, 1935; and

Whereas, It is of paramount importance that the poor and needy of Pennsylvania shall not be permitted to go hungry or starve; and

Whereas, There has this day been introduced by the gentleman from Philadelphia, Mr. Blumberg, bills designed to permit the Commonwealth of Pennsylvania to accomplish the above by borrowing the sum of seven million five hundred thousand ($7,500,000) dollars for the use of the General Fund by transfer to the General Fund from the Liquor Fuel's Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, the said sum of seven million five hundred thousand ($7,500,000) dollars for the purpose of meeting the requirements of the Federal Administrator for unemployment relief; now therefore be it

Resolved, (if the Senate concur), That the General Assembly hereby authorizes the Governor and the fiscal officers of the Commonwealth to transfer to the General Fund from the Liquid Fuels' Tax Fund, The Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, for deposit in the General Fund, the sum of seven million five hundred thousand ($7,500,000) dollars and the General Assembly hereby pledges that it will pass appropriate legislation validating the action of the Governor and the fiscal officers in making such transfers and providing such moneys if the legislation enacted for the purpose of making said transfers and providing said moneys shall provide for the repayment of such moneys to the said funds from which the same was taken on or before December 31, 1935.

Referred to the Committee on Appropriations.

## SENATE MESSAGE

### AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 149.

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 18, by inserting after the word "jurors" the words "shall have died or"; also in line 19, by striking out after the word "have" the words "died or".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shortz, |
| Alexander, | Eroe, | Mason, | Shreiner, |
| Allen, | Falkenstein, | McCreary, | Shugarts, |
| Altenburg, | Ferko, | McDermott, | Siegel, |
| Andrews, | Finnerty, | McDevitt, | Simon, |
| Arnold, | Fleagh, | McElroy, | Simpson, |
| Atkins, | Flanagan, | McHenry, | Sinwell, |
| Aukerman, | Flinchbaugh, | McKinney, | Sloan, |
| Baine, | Flynn, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J J., | Gates, | Merrell, | Snyder, F. E., |
| Baldi, | Gerard, | Moomaw, | Snyder, J. L., |
| Barber, | Gillette, | Mooney, | Sowers, |
| Barnhardt, | Green, | Moore, | Sproul, |
| Bernhard, | Greenstein, | Moran, | Stank, |
| Blumberg, | Habbyshaw, | Moul, | Stevens, |
| Boose, | Haberlen, | Muir, | Stewart, |
| Boyd, R., | Hagerty, | Murrin, | Stockham, |
| Boyer, | Haluska, | Nagel, | Stone, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, H. S., | Hart, | O'Neill, | Tahl, |
| Brown, J. E., | Hartman, | Panton, | Terry, |
| Brownfield, | Hefferon, | Parks, | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, C., | Trout, |
| Burke, | Hetrick, | Patterson, J. W., | Tumelty, |
| Cannon, | Hindman, | Pearson, | Turner, |
| Caputo, | Hirsch, | Perry, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso, | Roan, | Westrick, |
| Conner, | Kilroy, | Root, | White, |
| Coolahan, | Kinney, | Ruffennach, | Wickersham, |
| Cordier, | Klingler, | Ruth, | Wilson, |
| Davies, | Kobelak, | Sarraf, | Witkin, |
| Decker, | Linderman, | Schrock, | Wood, |
| Dent, | Long, | Schrope, | Woodside, |
| Diehl, | Longaker, | Schwab, | Yeakel, |
| Dilley, | Lovett, | Schwartz, | Yourishin, |
| Downey, G. E., | Lynch, | Shaw, | Zappala, |
| Downey, J. J., | Male, | Shepard, | Sarig, |
| Duffort, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

## RESOLUTION NO. 110

In the House of Representatives, April 1, 1935.

Whereas, A number of investigating committees have been created by the House of Representatives to investigate the affairs of local relief boards in particular counties; and

Whereas, It is apparent, from the widespread dissatisfaction, that some inherent defect exists in the present system of relief distribution, and that enormous sums of public money are being expended and are requested for the next fiscal biennium when no taxpayer appears to be assured that such expenditures are actually needed; and

Whereas, Taxpayers are demanding that the light of publicity be thrown upon the whole system of distributing public relief and that some system be devised to cull from the list of recipients of relief those who are unworthy, those who abuse the aid extended to them, and those who paint false pictures of economic conditions in order to fasten a dole system, foreign to American traditions, on the body politic; and

Whereas, The system of investigating relief distribution in particular localities, while beneficial to the locality affected, fails to approach the task of placing relief upon a sound State-wide business basis, whereby red tape may be eliminated and those actually in need aided in a manner suitable to an American citizen; therefore, be it

Resolved (if the Senate concur), That the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint three members of their respective Houses, whose duty it shall be (a) to make a searching and impartial study and investigation of the distribution of public relief throughout this Commonwealth, (b) to ascertain whether, and in what respect, the present system is open to abuse, (c) to ascertain whether additional legal safeguards should be provided, (d) to ascertain whether appropriations for relief may be reduced, (e) to collate and digest reports of other investigating committees, and (f) to investigate such other facts and circumstances as may be deemed necessary and advisable to enable the General Assembly to act with some degree of certainty and establish an impartial, unpolitical, unwasteful, and business system of aiding those of our unfortunates in need and eradicating and punishing those who take advantage of distressing economic conditions for their personal, selfish ends, whether as recipients of relief or as distributors thereof.

Resolved, That said committee shall make a report of its findings to this General Assembly as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend resolution, page 2, line 21, by inserting after the word "a" the word "preliminary;" also in line 23, by inserting after the word "possible" the following: "and shall make a final report to the General Assembly not later than February 1, 1937."

On the question.

Will the House concur in the amendments made by the Senate?

They were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## LEAVE OF ABSENCE

Mr. Shugarts asked and obtained leave of absence for Mr. ZIMMERMAN.

## REPORTS FROM COMMITTEES

Mr. OMINSKY, from the Committee on Judiciary General reported as committed, House Bill No. 1130, entitled:

An Act prescribing the courts to which successive appeals, by the same or different parties but involving the same questions, shall be taken, regulating the disposition of such appeals, and repealing certain acts and parts of acts.

Mr. CARSON, from the Committee on Agriculture reported as committed, House Bill No. 1459, entitled:

An Act to further amend sections one and two, and to add sections two A, two B, two C and two D, to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs for and as fresh, that are not fresh eggs, or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," providing standards for fresh eggs and prohibiting illegal sales and misbranding.

Mr. HALUSKA from the Committee on Forestry reported as committed, House Bill No. 754, entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two clauses (a) and (b) of section one thousand eight hundred and three, and section one thousand eight hundred and six as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Forests and Waters to acquire lands by purchase, gift, condemnation and lease for State forest, park and recreational purposes, and to maintain, develop and re-lease such lands.

Mr. McELROY, from the Committee on Elections reported as committed, House Bill No. 1188, entitled:

An Act to amend section three of the act approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended; requiring that bond be filed by political bodies filing nomination papers.

Mr. DENT, from the Committee on Labor reported as committed, House Bill No. 1140, entitled:

An Act to further amend Section three hundred five of the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by increasing the requirements to be met by employers desiring to be self-insurers, and providing for better enforcement of the provisions of the act by conferring additional powers upon the Department of Labor and Industry and by prescribing and changing certain presumptions, rules of evidence, and penalties.

Mr. EBERHARTER, from the Committee on Judiciary General reported as committed, House Bill No. 1724, entitled:

An Act to amend section three of the act approved the second day of May, one thousand nine hundred and thirty-three (P. L. 224), entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants; authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation, except expenses payable by counties; providing for the commitment of defendants to certain institutions where the reports show the same to be advisable; and providing for the payment by individuals, counties, or the Commonwealth of the cost of admission, care and discharge of such defendants," providing for appeals in such cases.

Mr. VanSICKLE, from the Committee on Judiciary General reported as committed, House Bill No. 1747, entitled:

An Act making the insurer of defendant in an action in torts involving the operation of a motor vehicle a party defendant with the defendant; and providing for the effect of such joinder.

Mr. CANNON, from the Committee on Labor reported as committed, House Bill No. 1155, entitled:

An Act imposing upon employers subject to the Workmen's Compensation Law or their workmen's compensation insurance carriers, including the State Workmen's Insurance Fund, expenses and costs incurred by the Commonwealth in administering and enforcing certain laws for the benefit of those injured in industry and for the benefit of the dependents of those killed in industry.

Mr. ACHTERMAN, from the Committee on Judiciary General reported as committed, House Bill No. 1748, entitled:

An Act to limit the personal liability of owners of real estate for taxes thereon.

Mr. BAINE, from the Committee on Ways and Means reported as amended, House Bill No. 479, entitled:

An Act providing for the imposition, collection and lien of charges for sand, gravel and coal taken, removed or dredged from the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of the boundary of, this Commonwealth, title to which is in the Commonwealth; requiring persons, associations, copartnerships and corporations to secure permits from the Water and Power Resources Board, and to file bonds with the Department of Revenue; and providing penalties.

Mr. BAINE, from the Committee on Elections reported as committed, House Bill No. 1894, entitled:

An Act to amend section thirteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, providing that at primary elections in boroughs, towns, or townships any elector not enrolled as a member of a political party or whose name is not on the assessors registry list may vote by proving his right thereto in the same manner as at general elections and making affidavit as to his party membership.

Mr. DECKER, from the Committee on Game reported as committed, House Bill No. 1807, entitled:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted.

Mr. HARKINS, from the Committee on Judiciary General reported as committed, House Bill No. 1260, entitled:

An Act limiting the questions to be determined on new trials in certain cases.

Mr. JOHN J. BAKER, from the Committee on Appropriations reported as committed, House Bill No. 1932, entitled:

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal.

Mr. COOLAHAN, from the Committee on Elections reported as committed, House Bill No. 758, entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns and townships as a condition of their right to vote, at elections and primaries, requiring the county commissioners of the various counties to act as a registration commission therefor, imposing duties and conferring powers upon such commissioners and their appointees, and upon courts, county officers, election officers, municipal officers, register of vital statistics and boards of school directors.

Mr. TAHL, from the Committee on Judiciary General reported as committed, House Bill No. 861, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1808), entitled "An act fixing the time when statutory law hereafter enacted shall become effective."

Mr. BARNHARDT, from the Committee on Game reported as committed, House Bill No. 1699, entitled:

An Act to amend section seven hundred and eighteen of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," as amended; by permitting dogs to work on liberated or native wild game animals in field meets, and changing the fees for permits therefor.

Mr. NOTHNAGLE, from the Committee on Game reported as amended, House Bill No. 1683, entitled:

An Act to amend section six of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "An act regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto;" by exempting hunters and fishers from the licensure provisions of the act under certain circumstances.

Mr. BERNHARD, from the Committee on Game reported as committed, House Bill No. 1949, entitled:

An Act to further amend section one thousand one of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the Board of Game Commissioners to prescribe by rule or regulation when and for what vermin bounties should be paid, and the amounts thereof within certain limits.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 1590, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 1592, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 1595, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1596, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to employes receiving compensation from the Fish Fund.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1597, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1588, entitled:

An Act making an appropriation from the Banking Department to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1589, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1599, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 1606, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 1607, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 1790, entitled:

An Act transferring money from the Motor License Fund to the General Fund.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 1879, entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

Mr. STONE, from the Committee on Ways and Means reported with a negative recommendation, House Bill No. 722, entitled:

An Act providing for the levy and collection of a tax upon sales of tangible personal property at retail for school purposes, requiring vendors to be licensed and imposing duties on vendors; imposing duties on county treasurers, on the fiscal officers and agencies of the Commonwealth, and on the Department of Public Instruction; prescribing penalties; making appropriations of the proceeds of said tax, and prohibiting school districts receiving proceeds from said tax from levying taxes on real property and other subjects of taxation except to pay funded indebtedness.

Mr. GEORGE E. DOWNEY, from the Committee on Ways and Means reported with a negative recommendation, House Bill No. 1361, entitled:

An Act imposing a State income tax on all residents of this Commonwealth, including fiduciaries, and on income of non-residents derived from property or business in this Commonwealth; defining taxable income, and requiring filing of returns thereof; providing for information at source; providing methods and proceedings for determination and collection of the tax and imposition of liens therefor; imposing duties on prothonotaries, sheriffs, receivers, trustees, assignees, masters and other officers, and on the Department of Revenue; prescribing penalties; and making an appropriation.

Mr. HARMUTH, from the Committee on Ways and

Means reported with a negative recommendation, House Bill No. 1362. entitled:

An Act to amend the act approved the day of one thousand nine hundred and thirty-five (Act No. ) entitled "'An act imposing a State income tax on all residents of this Commonwealth including fiduciaries and on income of nonresidents derived from property or business in this Commonwealth; defining taxable income and requiring filing of returns thereof; providing for information at source; providing methods and proceedings for determination and collection of the tax and imposition of liens therefor; imposing duties on prothonotaries, sheriffs, receivers, trustees, assignees, masters and other officers and on the Department of Revenue; and prescribing penalties" by classifying taxpayers according to their abilities to maintain themselves on their incomes; graduating the income taxes according to such classes; and allowing deductions on account of living expenses

Mr. SHAW, from the Committee on Elections, reported as committed, House Bill No. 1657, Senate Bill No. 70, entitled:

An Act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards.

Mr. ROOT, from the Committee on Ways and Means, reported as committed House Bill No. 1297, Senate Bill No. 99, entitled:

An Act requiring the Department of Revenue to prepare and distribute to counties banks and trust companies lists of corporations joint stock associations limited partnerships banks and trust companies taxable for State purposes.

Mr. BLUMBERG, from the Committee on Judiciary General, re-reported as amended, House Bill No. 1485, Senate Bill No. 152, entitled:

An Act authorizing the exoneration of taxes assessed or levied against any property, purchased for hospital uses, upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes.

Mr. HARKINS, from the Committee on Labor re-reported as committed, House Bill No. 340, entitled:

An Act relating to and regulating industrial home-work; prohibiting certain kinds of industrial homework; conferring powers and duties upon the Department of Labor and Industry; requiring permits, certificates, and licenses of persons engaged in industrial homework or distributing such work; imposing a processing fee on employers measured by their payrolls; and imposing civil and criminal penalties.

Mr. LYNCH, from the Committee on Forestry reported as committed, House Resolution No. 73.

Mr. SHUGARTS, from the Committee on Ways and Means reported as committed, House Resolution No. 83.

Mr. CONNER IN THE CHAIR.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 766, entitled:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" providing for appeals from assessments in years other than the triennial year.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1195, as follows:

A Supplement To the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" providing for the return of summons in actions brought before justices of the peace aldermen and magistrates

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all actions brought before a justice of the peace alderman or magistrate in this Commonwealth wherein it is necessary to serve any defendant with a summons in accordance with the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended the said summons may be made returnable not less than fifteen nor more than thirty days from the date thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1044, entitled:

An Act to amend section two of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" granting licenses by the Board without examination to certain persons having had at least three years' practical experience as embalmer or undertaker under certain conditions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 2 Any person not holding a license so to do on the date this act becomes effective desiring to operate as an undertaker in this Commonwealth shall make application for examination and licensure to the board upon a form furnished by it and shall accompany the application by such fee as may be fixed by the department whereupon the board shall fix a time and place for the examinations of the applicant and shall notify the applicant thereof Provided however That any person who has had at least three years' continuous practical experience in the business or profession of undertaking or embalming prior to June tenth one thousand nine hundred and thirty-one but did not register and does not hold a license as such shall be granted a license by the Board without an examination upon application made and proof of such service shown to the Board

Persons or corporations holding license under the existing laws shall be entitled to the renewal of such licenses as herein provided without examination

On the question,

Will the House agree to the Section?

## BILL RECOMMITTED

Mr. SCHWARTZ. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of a hearing.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeaby to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1776, as follows:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 350) is hereby amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or it such line is necessary for the service of persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable upon six months written notice by the Commonwealth and upon such other proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe and unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of Compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonweaith Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1143, as follows:

An Act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws eighty-nine one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act appropriating the moneys in The State Stores Fund" making appropriations for the payment of refunds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws eighty-nine one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act appropriating the moneys in The State Stores Fund" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as much of the moneys from time to time in The State Stores Fund as may be necessary are hereby appropriated to the Pennsylvania Liquor Control Board for the proper conduct of its work in establishing maintaining and operating Pennsylvania Liquor Stores warehousing and testing liquor issuing liquor licenses to hotels restaurants clubs and public service companies and otherwise administering and enforcing the Pennsylvania Liquor Control Act as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the members of the Board and such superintendents managers assistant superintendents assistant chiefs assistant engineers draftsmen accountants secretaries auditors inspectors examiners staticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required in the performance of the duties above mentioned and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the board or for handling any legal business pertaining to its work

(b) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment fuel and printing and binding and for the payment of the premiums on policies of insurance covering motor vehicles operated by employes of the board and surety bonds for officers or employes of the board required to furnish such bonds but all such purchases and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(c) For the purchase of automobiles and other automotive equipment through the Department of Property and Supplies the maintenance and operation of automobiles and for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles

(d) For the purchase of liquors to be sold in or through Pennsylvania Liquor Stores

(e) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

(f) For the payment of rentals for buildings or other accomodations leased by the board through the Department of Property and Supplies for use by or in connection with Pennsylvania Liquor Stores or for the storage or testing of liquors purchased by the board

(g) For the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the board

(h) For all other expenses of every kind and description necessary for the performance by the board of the aforesaid work

(i) For reimbursing the Department of Revenue for expenditures made by that department in anticipation of this appropriation to assist the board in issuing licenses to hotels restaurants clubs and public service companies prior to the ratification of the Twenty-first Amendment

(j) For the payment of refunds for money paid into the State Stores Fund erroneously inadvertently under mistake of law or fact or overpaid on any license application or paid for any license which was not granted

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1069, as follows:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws four hundred ninety-three) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to boroughs of one thousand population or more and incorporated towns and townships of the first class extendng the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act ap-

proved the seventh day of June one thousand nine hundred and one (Pamphlet Laws four hundred ninety-three entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as last amended by the act approved the twenty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws two hundred seventy-six) entitled "An act further amending section one of an act entitled 'An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof' approved the seventh day of June Anno Domini one thousand nine hundred and one extending the provisions of said act to all cities of the third class" is hereby further amended to read as follows

Section 1 That from and after the passage of this act it shall not be lawful for any persons to carry on or work at the business of plumbing or house or building drainage in the cities of the second and third class in boroughs of one thousand population or more and incorporated towns and townships of the first class of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons [by the Director of the Department of Public Safety or Department or Board or Bureau of Health of such cities] nor until they have registered as such [in the office of the Department or Board or Bureau of Health of said cities] as hereinafter provided

Section 2 That section two of said act as last amended by the act approved the twelfth day of June one thousand nine hundred and thirteen (Pamphlet Laws four hundred seventy-six) entitled "An act further amending section two of an act approved the seventh day of June one thousand nine hundred one entitled 'An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof' as hertofore amended authorizing and requiring second and third class cities to provide for the appointment and payment of plumbing inspectors" is hereby further amended to read as follows

Section 2 All and every person or persons with three years or more practical experience engaged or engaging in the business or work of plumbing and house and building drainage in said cities shall apply in writing to the [said] director of the department of public safety department or board or bureau of health for such certificate or license and in boroughs of one thousand population or more and incorporated towns and townships of the first class such application shall be made to the Department of Health of this Commonwealth or such department thereof or department or board or bureau of health for such certificate or license and in boroughs of one thousand population or more and incorporated towns and townships of the first class such application shall be made to the Department of Health of this Commonwealth or such department thereof or department or board or bureau of health as the said Department shall designate and if after proper examination made by the department or board or bureau of health [of said cities] such person or persons so applying shall be found competent the same shall be certified to the director of the department of public safety department or board or bureau of health in the case of cities and to the Department of Health of this Commonwealth in the case of boroughs of one thousand population or more and incorporated towns and townships of the first class who shall thereupon issue a certificate or license to such person or persons which shall for the period of one calendar year or fractional part thereof next ensuing the date of such examination entitle him or them to engage in or work at the business of plumbing and house and building drainage The mayor of said cities is hereby authorized to appoint a board of examiners to consist of one member of the board or bureau of health one plumbing inspector and two competent plumbers in nowise connected with the city government who shall examine all applicants for license under the provisions of this act The Secretary of Health of the Department of Health of this Commonwealth in the case of boroughs of one thousand population or more and incorporated towns and townships of the first class is hereby authorized to appoint a board of examiners to consist of such Master Plumbers or Journeymen of ten years experience as he may designate who shall examine all applicants for license under the provisions of this act outside of cities in the performance of this duty he shall divide the State into a convenient number of districts and appoint separate boards for the several districts or shall direct that applicants from certain districts shall submit themselves to examination by city boards in certain cities designated by him and shall also upon satisfactory evidence that certain muncipalities outside of cities have constituted a competent board of examiners appointed by the burgess of said borough direct that the applicants be examined by such board The said [board] boards shall make all reasonable rules regulations and examinations which shall be approved by the said director of the department or board or bureau of health in the case of cities and by the Secretary of Health in all other cases An examination of any member of a firm or corporation [or of the superintendent or foreman therefor] shall be deemed sufficient Said person or persons firm or corporation engaged or engaging in the business of plumbing or house or building drainage shall pay for each examination the sum of [five] ten dollars and each journeyman or person engaged in the work shall pay the sum of [fifty cents] five dollars which sum shall be paid into the State city or other municipal treasury [for the use of said cities] the proper officers [of said cities] are hereby authorized to pay to the plumbers acting on said board the sum of [five] ten dollars per day for each day or session thus actually employed

The mayor of said cities is hereby authorized and required to appoint a [competent person] Practical Plumber of at least ten years experience as plumbing inspector whose duty it shall be to supervise superintend and inspect all plumbing [and] house and building drainage in conformity with the provisions of this act And the several cities are hereby authorized and required to make proper provision for the payment of the salary of the said plumbing inspector as provided by law

In order to afford the opportunity for local administration and enforcement of this law the burgess of any borough of one thousand population or more or incorporated town or commissioners of a first class township are hereby authorized by appropriate municipal action providing therefor to appoint a Practical Plumber as plumbing inspector whose duty it shall be to supervise superintend and inspect all plumbing house and building drainage in conformity with the provisions of this act and to make provisions for the payment of the salary of the said plumbing inspector whenever this is done by such municipality When this is done the matter shall be submitted to the Secretary of Health of this Commonwealth by application setting forth the action taken and the name of the person or persons selected as inspector and his qualification If the Secretary of Health is satisfied that the enforcement of the act can safely be left to the municipality under this action taken he may commit the same to it Should in its administration after being thus committed the local authorities fail in the proper administration of the law then the Secretary of Health of this Commonwealth shall revoke such commitment upon reasonable notice and hearing subject to this provision In cases outside of cities the Secretary of Health of this Commonwealth is authorized and required to appoint such number of Practical Plumbers as plumbing inspectors for the Commonwealth of Pennsylvania whose duty it shall be to supervise superintend and inspect all plumbing house and building drainage under the provisions of this act and to do any acts necessary for carrying this act into effect He

may however at his discretion and upon such terms as he may prescribe appoint permit or designate the plumbing inspector of any city or borough to perform these duties within a district or districts convenient Should the Secretary of Health elect the later joint compensation between the several districts shall be effectuated

Every registered master plumber shall have a bona fide place of business in said cities in the case of any borough of one thousand population or more or incorporated towns and townships of the first class either within said municipality or within a distance of one mile from its nearest boundary and shall display on the front of his or their place of business place of business a sign "Registered Plumber" bearing the name or names of the person firm or corporation in letters not less than three inches high

No person other than a registered master plumber shall be allowed to carry on or engage in the business nor shall any person or persons expose the sign of plumbing [or] house or building drainage or any advertisement or display pertaining thereto unless he or they have first secured a license or certificate and been registered in the office of the board or bureau of health of such cities or in the case of a borough of one thousand population or more or incorporated town or township of the first class then register with a board or bureau of health of such municipality if any functioning and if none such then with the Department of Health of the Commonwealth nor shall any person or persons other than a registered master plumber or registered plumber [or person] in his or their employe [or under his or their supervision] be allowed to alter repair or make any connection with any water drain-soil-waste-or vent-pipe or any pipe connected therewith

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate of registry to the board or bureau of health Every person firm or corporation [or representative thereof] in registering shall give the full name or names of the person firm or officers' names of the corporation for which he or they shall register

At the expiration of each calendar year said certificate or license shall be null and void A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing [and] house and building drainage for the ensuing year shall between the first and thirty-first days of December of each and every year surrender the said certificate or license to the department or board or bureau of health who certified it and reregister his their or its name or names and business or home address upon such form or forms as may from time to time be furnished by the several departments [said department] or board or bureau of health

A re-examination will not be necessary for re-registration unless the license master or journeyman plumber should have failed to make an application for re-registration at the specified time The sum of one dollar shall be paid by master plumbers firms or corporations and the sum of twenty-five cents by journeymen plumbers for re-registration which sum shall be paid into the state city or municipal treasury for [the] their use [of said cities] A register of all such applicants and the license or certificates issued shall be kept in said department board or bureau of health which said register shall be open to the inspection of all persons interested therein Any person firm or corporation holding a license or certificate granted by any [first second or third class] city borough of one thousand population of this Commonwealth to engage in or work at the business of plumbing and drainage work desiring to do plumbing or drainage work in any other city borough of one thousand population or more or incorporated town or township of the first class than the one in which said license or certificate was granted shall without examination be registered before entering upon such work Provided however That such registration shall be restricted and limited to/ such plumbing and drainage work as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued until he they or it shall have first registered his or its name or their names and addresses as hereinbefore provided

Section 3 That section four of the said act approved the seventh day of June one thousand nine hundred and one (Pamphlet Law number four hundred ninety-three entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for the violation thereof" which act was amended by an act approved the fourteenth day of May one thousand nine hundred and nine (Pamphlet Law number eight hundred forty) as last amended by the act approved the twelfth day of June one thousand nine hundred and thirteen (Pamphlet Law four hundred seventy-six) is hereby further amended to read as follows

Section 4 There shall be a separate plan for each building public or private or any addition thereto or alterations thereof accompanied by specifications showing the location size and kind of pipes traps closets and fixtures to be used which plans and specifications shall be filed with the local board or bureau of health of municipalities where same is functioning or with the Department of Health of the Commonwealth in other cases The said plans and specications shall be furnished by architect plumber or owner and filed by the plumber All applications for changes in plans must be made in writing

Section 4 That section twenty-seven of the said act approved the seventh day of June one thousand nine hundred and one (Pamphlet Law number four hundred ninety-three) entitled "An act providing for the examination licensure and registration of persons or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for the violation thereof" which act was amended by an act approved the fourteenth day of May one thousand nine hundred and nine (Pamphlet Law number eight hundred forty) as last amended by the act approved the twelfth day of June one thousand nine hundred and thirteen (Pamphlet Law four hundred seventy-six) is hereby further amended to read as follows

Section 27 Joints in cast-iron pipes and soil and waste-pipes must be so filled with oakum and lead and hand caulked as to make them gas-tight Connections of lead and cast-iron pipes must be made with brass sleeves or ferrules of the same size as the lead pipe inserted in the hub of the iron pipe and caulked with lead The lead pipe must be attached to the ferrule by wiped joint Joints between lead and wrought-iron pipes must be made with brass nipples of the same size as lead pipe The lead pipe must be attached to the nipple by wiped joint All connections of lead waste-pipe must be made by means of wiped joints All connections for Brass or Copper Pipe (which shall be full iron pipe size and weight) shall be screw joints properly secured

Section 5 That section seventy-one of the said act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws four hundred ninety-three which was amended by the act approved the fourteenth day of May one thousand nine hundred and nine (Pamphlet Laws eight hundred forty) entitled "An act amending section one two eight twenty-one twenty-five twenty-nine thirty-five thirty-six sixty sixty-one sixty-two sixty-six seventy and seventy-one of an act entitled 'An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction or plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof' approved the seventh day of June Anno Domini one thousand nine hundred and one extending the provisions of said act to cities of the third class having a system of water-supply and sewerage of this Commonwealth and providing further rules regulations and re-

quirements for the construction or reconstruction of plumbing house drainage and cesspools and providing penalties and forfeitures for violation thereof" is hereby further amended to read as follows

Section 71 Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing [or] house or building drainage shall be liable upon conviction for a first offense to a fine of not less than ten dollars ($10) nor exceeding fifty dollars ($50) for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license and for a second offense in like manner to a fine of not less than twenty dollars ($20) nor exceeding one hundred dollars ($100) for each and every day and for a third offense to a like fine as for a second offense or to imprisonmale in the county jail for a period not exceeding thirty days or both in the discretion of the alderman justice of the peace or magistrate together with costs prosecution in each case and any person or persons who shall violate any of the rules regulations or requirements set forth in this act regarding the construction reconstruction or testing of plumbing house and building drainage [or] cesspools or water connections to private or public fixtures or equipment shall be liable upon conviction for [every such] a first offense to a fine of not less than ten dollars ($10) nor more than fifty dollars ($50) and for a second offense to a fine of not less than twenty dollars ($20) nor exceeding one hundred dollars ($100) and for a third offense to a like fine as for a second offense or to imprisonment in the county jail for a period not exceeding thirty days or both at the discretion of the alderman justice of the peace or magistrate together with costs of prosecution in each case

[All fines and penalties imposed by this act shall be recoverable] All prosecutions for violations of this act shall be by summary proceedings brought in the name and for the use of the municipality or the Commonwealth as the case may be within or against which the alleged offense is committed before any alderman police magistrate or justice of the peace in [said cities] the county wherein the offense is alleged to have been committed [and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed And upon recovery thereof] All [such] fines and penalties shall be paid to the [city] treasurer [thereof] of the muncipality to apply to General Fund or to the Commonwealth for the use of the Department of Health as the case may be In default of the payment of any fine or penalty imposed by any alderman police magistrate or justice of the peace under the provisions of this act the person or persons so offending [may] shall be committed to the jail workhouse or other penal institution of the county [in which said city is situated] for a period not exceeding thirty days Provided however that in cases of third offense such period not exceeding thirty days may be added to the sentence of imprisonment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 521, as follows:

An Act to amend section two hundred and eight of and to add section twelve to the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that the Secretary of the Commonwealth shall be the agent of domestic business corporations upon whom process may be served prescribing the procedure for such service by the sheriff of Dauphin County and certain duties of the corporations relative thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended by adding thereto a new section to read as follows

Section 12 Service of Process Upon The Secretary of The Commonwealth As Agent of Domestic Corporations When the service of process against a domestic business corporation is to be made upon the Secretary of the Commonwealth as provided in section two hundred and eight of this act is shall be made by the sheriff of Dauphin County by leaving the fee the plaintiff is required by law to pay for this service and two copies of the process at the office of the Secretary of Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have its registered office or in the county in which the right of action arose When legal process against any such corporations has been served upon the Secretary of the Commonwealth he shall immediately send by mail postage prepaid one copy of such process directed to the corporation at its registered office The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under this section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation in the Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a domestic corporation in any other manner now or hereafter permitted by law

Section 2 That section two hundred and eight of said act is hereby amended to read as follows

Section 208 Conditions Precedent to Beginning Business Penalty for Violation of Section A A corporation formed under this act shall not incur any indebtedness or begin the transaction of any business except such as

shall be incident to its organization or to the obtaining of subscriptions to or the payment for its shares until

(1) The amount of capital with which it will begin business as stated in the articles has been fully paid and

(2) There has been filed with the Department of State an affidavit signed by at least a majority of the board of directors stating that the amount of capital with which it will commence business as stated in the articles has been fully paid in

(3) There has been filed with the Department of State a certificate of designation in its corporate name signed and acknowledged by its president or vice-president or its secretary or treasurer under its corporate seal designating the Secretary of the Commonwealth and his successor in office as its agent upon whom process in any action or proceeding against it may be served within this State and setting forth an address to which the Secretary of the Commonwealth shall mail a copy of any process which may be served upon him pursuant to law

B In case any such corporation shall have failed to file a certificate of designation prescribed by this section before the thirty-first day of December one thousand nine hundred and thirty-five it shall be deemed to have designated the Secretary of the Commonwealth as its agent upon whom process in any action or proceeding against it may be served and the Secretary of the Commonwealth shall upon that day become such agent and until a certicate of designation shall have been filed the corporation shall be deemed to have directed the Secretary of the Commonwealth to mail copies of process served upon him to the corporation in care of any one of the directors named in its certificate of incorporation at his address as therein stated When a certificate of designation has been filed by such corporation the Secretary of the Commonwealth shall mail copies of process thereafter served upon him to the address set forth in said certificate

C Any such corporation from time to time may change the address to which the Secretary of the Commonwealth is directed to mail copies of process by filing a certificate to that effect executed signed and acknowledged in like manner as a certificate of designation as herein provided

[B] D If a corporation shall transact any business in violation of subsection A (1) and A (2) of this section the officers who participated therein and the directors except those who dissented therefrom and caused their dissent to be filed at the time in the registered office of the corporation or who being absent filed their dissent upon learning of the action shall be severally liable for the debts and liabilities of the corporation arising therefrom

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 808, as follows:

An Act Relating to discrimination of prices making certain discrimination in the sale prices of commodities unlawful and making the violation of the provisions of the act a misdemeanor and providing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwaelth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person firm or corporoation doing business in the Commonwealth of Pennsylvania and engaged in the production manufacture distribution or sale of any commodity or product in general use or consumption with the intent to destroy the competition of any dealers in such commodity or product or to prevent the competition of any person firm or corporation who or which in good faith intends or attempts to become such dealer to discriminate between different sections communities or cities or any portion thereof or between different locations in such sections communities cities or portions thereof in this Commonwealth by selling or furnishing or offering to sell or furnish any such commodity or product at a lower price or rate in one section community or city or any portion thereof than in another after making allowance for the difference if any in the grade or quality and in the actual cost of transportation from the point of production if a raw product or commodity or from the point of manufacture if a manufactured product or commodity This act is not intended to prohibit the meeting in good faith of a competitive price or rate The inhibition hereof against locality discrimination shall embrace any scheme of special rebates collateral contracts or any device of any nature whereby such discrimination is in substance or fact effected in violation of the spirit and intent of this act

Any person who either as director officer agent superintendent manager or receiver of any corporation firm of person or as a member of any firm violates the provisions hereof assists or aids directly or indirectly in such violation shall be responsible therefor equally with the corporation firm or person for which or whom he acts

In the prosecution of any person as director officer agent superintendent manager or receiver or as member of any firm it shall be sufficient to allege and prove the unlawful intent of the person firm or corporation for whom or which he acts

Section 2 Any person firm or corporation or any officer director agent superintendent manager or receiver of any such person firm or corporation or any member of the same who or which shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail not to exceed one year or both at the discretion of the court

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 953, entitled:

An Act To further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two and three of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That thirty days after the approval of this act it shall be unlawful for any person copartnership association or corporation except in accordance with the provisions of this act to appeal to the public for donations or subscriptions in money or in other property or to sell or offer for sale to the public any thing or object whatever to raise money or to secure or attempt to secure money or donations or other property by promoting any public bazzaar sale entertainment or exhibition or by any similar means for any charitable benevolent or patriotic purposes or for the purpose of ministering to the material or spiritual needs of human beings either in the United States or elsewhere or of relieving

suffering of animals or of inculcating patriotism unless the appeal is authorized by and the money or other property is to be given to a corporation copartnership or association [or individual] holding a valid certificate of registration from the Department of Welfare issued as herein provided

On the question,

Will the House agree to the section?

Mr. JACKSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 12, by striking out the word "bazzaar", and inserting in lieu thereof the word: "bazaar."

Amend Sec. 1, page 2, line 14, by striking out the word "purposes," and inserting in lieu thereof the word: "purpose."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth and fifth sections and the title were separately read and agreed to as follows:

Section 2 Any written appeal to the public for any such purpose must state the name of the copartnership association or corporation by which [or of the individual by whom] it is authorized that a certificate of registration as herein provided has been duly issued to it [or him] and must be signed by an officer of the corporation or member of the copartnership or association [or by the individual]

Section 3 Any corporation copartnership or association [or individual] desiring to obtain a certificate of registration for any of such purposes shall file with the Department of Welfare on blanks prepared by the department a statement verified by an officer of the corporation copartnership or association [or by the individual] and containing such information as the Department of Welfare may require Other statements shall be filed from time to time under oath containing such information as the department may require

Section 2 Section four of said act as amended by the act approved the eighteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred) is hereby further amended to read as follows

Section 4 If the Department of Welfare deems the corporation copartnership or association [or individual] filing such statement a proper one and not inimical to the public welfare or safety and its appeal or proposed appeals to be for truly charitable benevolent or patriotic purposes or for the purpose of ministering to the material or spiritual needs of human beings in the United States or elsewhere or of relieving suffering of animals or of inculcating patriotism it shall issue to such corporation copartnership [person] or association filing the required statement a certificate of registration for the particular purpose described and for the necessary period but the department shall not issue any certificate of registration to any such [individual] corporation copartnership or association [who or] which pays or agrees to pay to any individual corporation copartnership or association a commission or compensation in excess of fifteen per centum of the amount collected or the sale price of any thing or object or the gross receipts from any public bazaar sale entertainment or exhibition or any similar means for service and the department shall revoke any certificate of registration which may be granted if and when any [individual] corporation copartnership or association shall pay or agree to pay an amount in excess of fifteen per centum as herein provided If the department deems the corporation copartnership or association [or individual] an improper one or the purposes of its appeal improper under the provisions of this act it shall refuse to issue a certificate of registration No registration certificate shall be valid for a longer period than one year from its date of issue The Department of Welfare before granting a certificate as herein provided may hold such hearings as may be deemed necessary to satisfy itself that the [individual] copartnership association or corporation filing a statement is entitled to a certificate of registration in accordance with this act

Section 3 Section five and seven of said act are hereby amended to read as follows

Section 5 If any statement required by the Department of Welfare is not filed the department shall notify the delinquent corporation copartnership or association [or individual] by mailing a notice to its or his last known address and if the statement be not filed within two weeks after the mailing of such notice the department shall cancel its [or his] certificates of registration The department may also cancel any certificate of registration whenever it is satisfied that contributions are used for unworthy purposes or where the [individual] copartnership association or corporation holding a certificate or registration engages in practices deemed sufficient in the discretion of the department to refuse a certificate of registration

Section 7 No person shall solicit or collect any contributions in money or other property for any of the purposes set forth in this act without a written authorization from the corporation copartnership or association for which [or the individual for whom] the contribution is made and the authorization must be shown to any person on request The authorization must be signed by an officer of the corporation or member of the copartnership or association for which [or by the individual for whom] the contribution is collected and must set forth the percentage of collection or other compensation for collection to be paid to the persons so soliciting or collecting contributions

Section 4 Section nine of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred seventy-three) is hereby further amended to read as follows

Section 9 A fee of ten dollars shall be paid to the Department of Welfare by every association copartnership or corporation [or individual] at the time of filing the original statement All fees shall be paid by the department into the State Treasury through the Department of Revenue

Where a certificate of registration is refused the fee provided by this section paid at the time of filing the statement shall be refunded to the party paying the same and for such purposes any moneys in the General Fund are hereby appropriated

Section 5 The provisions of this act shall become effective immediately upon its final enactment Provided That all certificates of registration heretofore issued to any individual shall continue to be effective for the balance of the period for which issued and the provisions of the act hereby amended shall remain in force as to such certificates until they expire

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and con-

sideration of House Bill No. 1158 (Senate Bill No. 18), entitled:

An Act to provide for the hospitalization of tubercular patients in State and State-aided hospitals when State owned institutions established for that purpose are unable to provide therefor

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Health is hereby authorized and empowered to send to State owned medical and surgical hospitals and State aided hospitals properly equipped to care for and treat tubercular patients and located within the State of Pennsylvania if such hospitals agree to receive them any tubercular patients eligible for admittance to the State owned institutions provided for the care and treatment of such patients when and if such State institutions are unable to provide for the care and treatment of such patients

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. HABERLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1815, entitled:

An Act To amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" is hereby amended to read as follows

Section 5 No proprietor shall furnish any towel or napkin to any patron of a public eating or drinking place unless such towel or napkin be laundered or discarded after each individual use thereof nor shall there be furnished to the patrons of such eating or drinking places any dish glass or other receptacle or utensil used in eating or drinking which has not been thoroughly cleansed with hot water and soap or other suitable cleansing material since it was used by another individual or destroyed or discarded after each individual use

On the question,

Will the House agree to the section?

Mr. LOVETT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 15, by striking out the word "material" and insert in lieu thereof "re-agent"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The title was read as follows:

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleased with any suitable cleansing material.

The title was read as follows:

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material

On the question,

Will the House agree to the title?

Mr. LOVETT. Mr. Speaker, I desire to offer the follow- amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 12 of title, by striking out the word "material" and inserting in lieu thereof "re-agent"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to,

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1838, entitled:

An Act requiring cities to allow members of the police departments twenty-four consecutive hours rest each week and fourteen days vacation each year except in emergency cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by

the authority of the same That any city having a police department shall allow and permit every member of such police department to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebrations and to have an annual vacation of not less than fourteen days without diminution of the salary or compensation fixed by ordinance or resolution of such city

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 4, by inserting after the word "city" the following: "of the second, second A and third class"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act Requiring cities to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

On the question,

Will the House agree to the title?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "cities" the following: "of the second, second A and third class"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1906, as follows:

An Act to amend the act approved the nineteenth day of July one thousand nine hundred thirteen (Pamphlet Laws eight hundred forty-three) entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employes and prescribing a penalty for non-compliance therewith" by further defining the duty of employers to make reports of injuries received by their employes requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so and clarifying the provisions of the act pertaining to the evidential value of such reports Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three four and five of the act approved the nineteenth day of July one thousand nine hundred thirteen (Pamphlet Laws eight hundred forty-three) entitled "An act requiring employers to make report to the Department of Labor and industry of accidents to employes and prescribing a penalty for non-compliance therewith" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That within [thirty] seven days after the [beginning of the disability of] date of any injury received by an employee [because of any personal injury caused by an accident occurring] in the course of or resulting from his employment and within forty-eight hours of the death of an employe occurring from an injury received in the course of or resulting from his employment the employer whether a person firm or corporation or the Commonwealth or any political subdivision thereof shall make report of such [accident] injury or death directly to the Department of Labor and Industry Such report shall be made in such form as the Department of Labor and Industry shall prescribe and shall set forth the name address and nature of the business of the employer name address sex age nationality wage or salary and occupation of the employee date day of week hour place cause and character of the [accident] injury or death and in the case of an injury the nature of the injury and the duration of the disability or probable disability as far as the same can be ascertained Such employer shall also upon request of the Department of Labor and Industry make such further report as may reasonably be required by it

Section 2 Any person firm or corporation having knowledge of the occurrence of such personal injury or death to an employee in the course of or resulting from his employment who shall fail to make report as aforesaid shall be liable to the Commonwealth for a penalty of one hundred dollars to be recovered by action brought by said department

Section 3 Reports made in accordance with this act shall not be evidence against the employer in any proceeding either under the Workmen's Compensation Law of one thousand nine hundred and [thirteen] fifteen or otherwise

Section 4 No employer who has made the report required by this act shall be required to make any other or further report of such [accident] injury or death to any other department of the government of the Commonwealth

Section 5 This act shall not apply to casual employments nor to [accidents] injuries resulting in disability continuing less than [two days] the day shift or turn in which the injury was received

Section 2 This act shall become effective thirty days after the date of its enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

The SPEAKER (Wilson G. Sarig) in the Chair.

## TIME EXTENDED ON BILL

Mr. ANDREWS. Mr. Speaker, I move that the time on House Bill No. 932, Printer's No. 383, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

on page 7 of todays' calendar, bills on second reading postponed, be extended.

The motion was agreed to.

## TIME EXTENDED ON BILL

Mr. COOLAHAN. Mr. Speaker, I move that the time on House Bill No. 1153, Printer's No. 445, entitled:

An Act to amend section two thousand nine hundred ten as amended and section two thousand nine hundred twenty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants.

on page 9 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## TIME EXTENDED ON BILL

Mr. HINDMAN. Mr. Speaker, I move that the time on House Bill No. 306, Printer's No. 379, entitled:

An Act providing for the registration of milk bottles and containers, forbidding refilling, using, selling, purchasing, giving, taking, retaining, destroying, disposing or trafficking in same without the written consent of owners, imposing penalties, fines and imprisonment, providing for issuing process in nature of a search warrant; providing what shall constitute prima facie proof, forbidding defacement, covering up, removing or concealing name, mark or device; defining procedure; providing disposition of fines; providing that appeal will not invalidate conviction for second offence, but that sentence shall await decisions of appeal, providing that the requiring, taking or accepting a deposit shall not be deemed a sale; providing that registration prior to this act entitles registrants to benefits of act, and providing for the transfer of certificates of registration.

on page 8 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## TIME EXTENDED ON BILL

Mr. ANDREWS. Mr. Speaker, I move that the time on House Bill No. 811, Printer's No. 447, entitled:

An Act to amend section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prohibiting mayors from holding other public offices

on page 8 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1652, as follows:

An Act to amend the title section one as amended and section two of and adding section two and one-tenth to the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further eliminating from the said act the provisions relating to policemen and firemen of cities of the second class A and further regulating the qualifications and appointment of the members of the courts of inquiry and trial and authorized to hear and determine charges against police officers and detectives in cities of the second class providing that certain charges preferred before the effective date of this act shall be invalid and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" each as amended by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand forty-eight) is hereby further amended to read as follows

An Act regulating the removal or dismissal of policemen [and firemen in cities of the second class A and] [the removal of policemen] in cities of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no regularly appointed [policeman] police officer or detective in cities of the second class [and no regularly appointed] [policeman] [or fireman in cities of the second class A] shall be removed or dismissed without his written consent except by the decisions of court either of trial or inquiry duly determined and certified in writing to the mayor which court shall be composed of three persons [belonging to the police or fire force] who shall be retired police officers or detectives of such city [equal or superior in official position therein to the accused] Such decisions shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother officer to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank or seniority of service in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth

Such charges may be of disability for service in which case the court shall be one of inquiry whose decisions may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding [one year] ninety days or to dismiss from the service

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than [one month] fifteen days after charge has been made

The finding of the court of trial or inquiry as aforesaid shall be [of no effect until approved by] the maximum penalty and the mayor shall have the power to show clemency if he sees fit to do so

Section 2 That section two of said act is hereby amended to read as follows

Section 2 That members of such court of inquiry or trial shall be [selected as follows namely The director of the department of public safety shall in the presence of the accused and a brother officer acting as his counsel as aforesaid cause the names of at least twenty-five members in said police or fire department equal or superior in rank to the accused to be written upon separate slips

of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box from which the same are to be drawn by lot by some disinterested person until seven names have been drawn therefrom whereupon the director of the department of public safety and the accused shall each in order be entitled to exercise challenges until only three names are left and said three persons shall compose said court either of trial or inquiry as the case may be] appointed for each city by the presiding judge of the court of common pleas of the county in which such city is located within thirty days after this act becomes effective to serve for a term of one year without compensation In case a vacancy on account of death or resignation of any such member the same shall be filled immediately by the said judge appointing a qualified person to serve for the unexpired term The members of such courts of inquiry or trial shall be reimbursed monthly for any expenses incurred in securing witnesses and in travelling to and from such trials which expenses shall be paid out of the Police Pension Fund in cities of the second class

Any charge preferred against any police officer detective or fireman of such cities fifteen days or more prior to the effective date of this act shall be null and void and shall not be used or charged against him at any time

Section 3 That said act is hereby amended by adding thereto section two and one-tenth to read as follows

Section 2.1 Any person violating any of the provisions of this act and any person coercing in any manner any member of a court of inquiry or trial shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of two hundred dollars ($200) or to imprisonment for a period of six months or both

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McCreary, | Shortz, |
| Alexander, | Ferko, | McDermott, | Shreiner, |
| Allen, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Flynn, | Melchiorre, | Sinwell, |
| Baine, | Furman, | Mentzer, | Sloan, |
| Baker, F. T., | Gates, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gerard, | Moomaw, | Smith, W. G., |
| Baldi, | Gillette, | Mooney, | Snyder, F. E., |
| Barber, | Green, | Moore, | Snyder, J. L., |
| Barnhardt, | Greenstein, | Moran, | Sowers, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stockham, |
| Bradley, | Harkins, | O'Keefe, | Stone, |
| Brancato, | Harmuth, | Ominsky, | Stott, |
| Brennan, | Hart, | O'Neill, | Sumney, |
| Brown, H. S., | Hartman, | Panton, | Surface, |
| Brown, J. E., | Hefferon, | Parks, | Tahl, |
| Brownfield, | Hermansen, | Patterson, C., | Terry, |
| Brumbaugh, | Hetrick, | Patterson, J. W., | Tronzo, |
| Burke, | Hindman, | Pearson, | Trout, |
| Cannon, | Hirsch, | Perry, | Tumelty, |
| Caputo, | Hoffner, | Pfaff, | Turner, |
| Carr, | Holstrom, | Phillips, | Van Allsburg, |
| Carson, | Hoopes, | Piole, | Van Sickle, |
| Castor, | Horst, | Powers, | Walker, |
| Chervenak, | Jackson, | Reising, | Wall, |
| Coakley, | Jones, | Reynolds, | Wasserman, |
| Cochran, | Kane, | Rhys, | Weidemann, |
| Cohen, | Kelder, | Rinn, | Weiss, |
| Coleman, | Kelso, | Roan, | Welliver, |
| Condon, | Kilroy, | Robinson, | Welsh, |
| Conner, | Kinney, | Rooney, | Westrick, |
| Coolahan, | Klingler, | Root, | White, |
| Cordier, | Kobelak, | Ruffennach, | Wickersham, |
| Davies, | Linderman, | Ruth, | Wilson, |
| Decker, | Long, | Sarraf, | Witkin, |
| Dent, | Longaker, | Schrock, | Wood, |
| Diehl, | Lovett, | Schrope, | Woodside, |
| Dilley, | Lynch, | Schwab, | Yeakel, |
| Downey, G. E., | Male, | Schwartz, | Yourishin, |
| Downey, J. J., | Mallen, | Shaw, | Zappala, |
| Duffort, | Mason, | Shepard, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1278, entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Male, | Shaw, |
| Alexander, | Eberharter, | Mallen, | Shepard, |
| Allen, | Eroe, | Mason, | Shortz, |
| Altenburg, | Falkenstein, | McCreary, | Shreiner, |
| Andrews, | Ferko, | McDermott, | Shugarts, |
| Arnold, | Finnerty, | McDevitt, | Siegel, |
| Atkins, | Fitch, | McElroy, | Simon, |
| Aukerman, | Flanagan, | McHenry, | Simpson, |
| Baine, | Flinchbaugh, | McKinney, | Sinwell, |
| Baker, F. T., | Flynn, | Melchiorre, | Sloan, |
| Baker, J. J., | Furman, | Mentzer, | Smith, J. A., |
| Baldi, | Gates, | Merrell, | Smith, W. G., |
| Barber, | Gerard, | Moomaw, | Snyder, F. E., |
| Barnhardt, | Gillette, | Mooney, | Snyder, J. L., |
| Bernhard, | Green, | Moore, | Sowers, |
| Blumberg, | Greenstein, | Moran, | Stank, |
| Boose, | Habbyshaw, | Moul, | Stevens, |
| Boyd, R., | Haberlen, | Muir, | Stewart, |
| Boyer, | Hagerty, | Murrin, | Stone, |
| Bradley, | Haluska, | Nagel, | Stott, |
| Brancato, | Hamilton, F. P., | O'Keefe, | Sumney, |
| Brennan, | Harkins, | Ominsky, | Surface, |
| Brown, J. E., | Harmuth, | O'Neill, | Tahl, |
| Brown, H. S., | Hart, | Panton, | Terry, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, J. W., | Trout, |
| Burke, | Hermansen, | Pearson, | Tumelty, |
| Cannon, | Hetrick, | Perry, | Van Allsburg, |
| Carr, | Hindman, | Pfaff, | Van Sickle, |
| Carson, | Hirsch, | Phillips, | Walker, |
| Castor, | Hoffner, | Piole, | Wall, |
| Chervenak, | Holstrom, | Powers, | Wasserman, |
| Coakley, | Hoopes, | Reising, | Weiss, |
| Cochran, | Jackson, | Reynolds, | Welliver, |
| Cohen, | Jones, | Rhys, | Welsh, |
| Coleman, | Kane, | Rinn, | Westrick, |
| Condon, | Kelso, | Roan, | White, |
| Conner, | Kilroy, | Robinson, | Wickersham, |
| Coolahan, | Kinney, | Rooney, | Wilson, |
| Cordier, | Klingler, | Root, | Witkin, |
| Davies, | Kobelak, | Ruffennach, | Wood, |
| Decker, | Linderman, | Ruth, | Woodside, |
| Dent, | Long, | Sarraf, | Yeakel, |
| Diehl, | Longaker, | Schrock, | Yourishin, |
| Dilley, | Lovett, | Schrope, | Zappala, |
| Downey, G. E., | Lynch, | Schwab, | Sarig, |
| Downey, J. J., | | Schwartz, | |

NAYS—4

| | | | |
|---|---|---|---|
| Nothnagle, | Sproul, | Turner, | Weidemann, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 95, as follows:

An Act to add clause (p) to section two hundred two and to amend sections seven hundred two seven hundred seven paragraph (d) of section eight hundred one and section eight hundred four of an act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing for the settlement and collection of a franchise tax on foreign corporations requiring such corporations to file reports and providing a penalty for failure to do so

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seventy-four) is hereby further amended by adding thereto the following clause

(p) To settle and collect the franchise tax imposed by law upon foreign corporations joint-stock associations limited partnerships and companies

Section 2 That section seven hundred two of the said act as amended by an act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 702 Report on Fiscal Year Basis If any corporation or association shall certify to the Department of Revenue that its fiscal year closes not upon the thirty-first day of December but upon some other date and that it reports to the United States Government as of such other date the Department of Revenue may permit such corporation or association to make any capital stock franchise or loans tax report or bonus report required to be made by it or any of its officers to the Department of Revenue within seventy-five days after such date subject in all other respects to the laws relating to the making of such reports and returns

The first report made by any corporation or association changing any return or report from the calendar to the fiscal year basis shall cover the period from the last day of the calendar year for which a return or report was filed to the first day of the fiscal year and the Department of Revenue shall settle the tax for such intervening period at the proportionate annual rate provided by law and also settle the bonus

Section 3 That section seven hundred seven of the said act is hereby amended to read as follows

Section 707 Capital Stock and Franchise Tax Reports (a) Except in the case of corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign [insurance] companies the president vice-president secretary or treasurer of every corporation joint-stock association limited partnership and other company liable to pay to the Commonwealth a tax upon the value of its whole capital stock or upon its capital or property employed or used in this Commonwealth shall make annually a capital stock report to the Department of Revenue on or before the fifteenth day of March for the calendar year next preceding With such report shall be filed any statement necessary to enable the Department of Revenue to determine the amount of any deduction or exemption to which any such taxpayer is entitled

(b) The president vice-president secretary or treasurer of every foreign corporation joint-stock association limited partnership or other company liable to pay to the Commonwealth a franchise tax shall make annually a franchise tax report to the Department of Revenue on or before the fifteenth day of March for the calendar year next preceding With such report shall be filed any statement necessary to enable the Department of Revenue to determine the amount of any deduction or exemption to which any such taxpayer is entitled

Section 4 That paragraph (d) of section eight hundred one of the said act is hereby amended to read as follows

(d) If the Department of Revenue shall not be satisfied with the appraisement and valuation of capital stock or of property or capital located and used within this Commonwealth or of any franchise tax as made and returned by the officers of any corporation joint-stock association limited partnership or other company it is hereby authorized and empowered to make a valuation thereof based upon facts contained in the report or return made by such officers or upon any information within its possession or that shall come into its possession and to settle an account on the valuation thus made for taxes bonus penalties and interest due the Commonwealth

Section 5 That section eight hundred four of the said act is hereby amended to read as follows

Section 804 Estimated Settlements If the officers of any corporation joint-stock association limited partnership or other company shall neglect or refuse to make a capital stock report or a franchise tax report to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department

of Revenue it shall be the duty of the Department of Revenue to estimate a valuation of the capital stock of or of the taxable value necessary to compute the franchise tax payable by such corporation joint-stock association limited partnership or other company as the case may be and settle an account for taxes penalties and interest thereon

If the treasurer of any corporation shall fail or neglect to make to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department of Revenue the report required by law of the amount of indebtedness of the corporation owned by residents of this Commonwealth as nearly as the same can be ascertained it shall be the duty of the Department of Revenue to estimate a valuation of the scrip bonds certificates and evidences of indebtedness of such defaulting corporation or assumed by it or upon which it pays interest and settle an account for taxes penalty and interest thereon

In any other case if any taxpayer shall have failed within the time prescribed by law or any extension thereof granted by the Department of Revenue or if no such time is fixed by law then after demand by the Department of Revenue to file any report or return necessary to enable the department to settle any tax against such taxpayer if the department should deem it more conducive to the public interest because of the supposed smallness of the debt or for any other reason not to proceed to compel the exhibition of the taxpayer's account it may make an estimated settlement from the previous account settled or from any other reasonable data of the probable amount of the account of the delinquent but in every such case it shall add to every such estimated settlement an amount not exceeding fifty per centum to include any losses which might otherwise accrue to the Commonwealth from such neglect or refusal to furnish accounts and the Department of Revenue shall proceed to recover money so due the Commonwealth as in other cases No allowance for commissions shall in any instance be made by the Department of Revenue in cases of refusal or neglect to furnish accounts

From any estimated settlement there shall be no right to file a petition for review or to appeal but the Department of Revenue with the approval of the Department of the Auditor General may upon petition permit the required report or return to be filed and thereupon make a settlement based upon such report or return and cancel the estimated settlement From the department's refusal to permit the filing of a report or return in such case there shall however be no right to file a petition for review or to appeal

Section 6 This act shall become effective immediately upon final enactment and its provisions shall be applicable to the settlement and resettlement of franchise taxes on foreign corporations for the year ending the thirty-first day of December one thousand nine hundred thirty-five or any fiscal year ending after the effective date of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shortz, |
| Alexander, | Eroe, | McCreary, | Shreiner, |
| Allen, | Falkenstein, | McDermott, | Shugarts, |
| Altenburg, | Ferko, | McDevitt, | Siegel, |
| Andrews, | Finnerty, | McElroy, | Simon, |
| Arnold, | Fitch, | McHenry, | Simpson, |
| Atkins, | Flanagan, | McKinney, | Sinwell, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sloan, |
| Baine, | Flynn, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Sarig, |
| Duffort, | Mallen, | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1654, entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shortz, |
| Alexander, | Eroe, | McCreary, | Shreiner, |
| Allen, | Falkenstein, | McDermott, | Shugarts, |
| Altenburg, | Ferko, | McDevitt, | Siegel, |
| Andrews, | Finnerty, | McElroy, | Simon, |
| Arnold, | Fitch, | McHenry, | Simpson, |
| Atkins, | Flanagan, | McKinney, | Sinwell, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sloan, |
| Baine, | Flynn, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |

| | | | |
|---|---|---|---|
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Sarig, |
| Duffort, | Mallen, | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1415, entitled:

An Act to amend section thirty-one of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled, "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and annulment of bigamous marriages thereto;" providing that the entry of an appearance for the respondent shall not be deemed collusive.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shepard, |
| Alexander, | Eroe, | Mason, | Shortz, |
| Allen, | Falkenstein, | McCreary, | Shreiner, |
| Altenburg, | Ferko, | McDermott, | Shugarts, |
| Andrews, | Finnerty, | McDevitt, | Siegel, |
| Arnold, | Fitch, | McElroy, | Simon, |
| Atkins, | Flanagan, | McHenry, | Simpson, |
| Aukerman, | Flinchbaugh, | McKinney, | Sinwell, |
| Baine, | Flynn, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Habbyshaw, | Moul, | Stank, |
| Boose, | Haberlen, | Muir, | Stevens, |
| Boyd, R., | Hagerty, | Murrin, | Stewart, |
| Boyer, | Haluska, | Nagel, | Stockham, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Harkins, | O'Keefe, | Stott, |
| Brennan, | Harmuth, | Ominsky, | Sumney, |
| Brown, H. S., | Hart, | O'Neill, | Surface, |
| Brown, J. E., | Hartman, | Panton, | Tahl, |
| Brownfield, | Hefferon, | Parks, | Terry, |
| Brumbaugh, | Hermansen, | Patterson, C., | Tronzo, |
| Burke, | Hetrick, | Patterson, J. W., | Trout, |
| Cannon, | Hindman, | Pearson, | Tumelty, |
| Caputo, | Hirsch, | Perry, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1722, entitled:

An Act making voidable certain releases of damages for personal injuries or for death resulting from such injuries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shortz, |
| Alexander, | Eroe, | McCreary, | Shreiner, |
| Allen, | Falkenstein, | McDermott, | Shugarts, |
| Altenburg, | Ferko, | McDevitt, | Siegel, |
| Andrews, | Finnerty, | McElroy, | Simon, |
| Arnold, | Fitch, | McHenry, | Simpson, |
| Atkins, | Flanagan, | McKinney, | Sinwell, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sloan, |
| Baine, | Flynn, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrum, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |

| | | | |
|---|---|---|---|
| Deut, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Sarig, |
| Duffort, | Mallen, | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL ON FINAL PASSAGE

Mr. EBERHARTER. Mr. Speaker, I desire at this time to call up House Bill No. 1737, Printer's No. 515, on page 9 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Eberharter.

The House resumed the consideration on final passage of House Bill No. 1737, entitled:

An Act To amend the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by extending the scope of the title defining and further prohibiting the practice of law and providing additional penalties including the forfeiture of corporate charters for violations of the act.

On the question recurring,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the sponsor of this bill, the gentleman from allegheny, Mr. Eberharter.

The SPEAKER. Will the gentleman from Allegheny County, Mr. Eberharter, permit himself to be interrogated?

Mr. EBERHARTER. I will, Mr. Speaker.

Mr. TUMELTY. Will the gentleman from Allegheny state whether this bill takes in persons, as well as partnerships, associations, and corporations?

Mr. EBERHARTER. Mr. Speaker in answer to the gentleman from Philadelphia, Mr. Tumelty, I would say that the bill does take into consideration persons partnerships, associations and corporations.

Mr. TUMELTY. May I ask, Mr. Speaker, under the provisions of this bill, if a licensed real estate broker in the State of Pennsylvania sells a property, can he draw the necessary papers to convey the property, create a mortgage, if necessary, a bond or judgment notes, whatever might be necessary, to complete the transaction?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman from Philadelphia, I would say that the real estate broker could. That is incorporated in the bill on page five under paragraph (f) wherein the real estate broker is given the right to draw the necessary papers to complete the transaction.

Mr. TUMELTY. Mr. Speaker, would the gentleman from Allegheny say that a real estate broker has an interest in a property where a client comes in and merely asks him to draw a deed, transferring the property to another member of his family?

Mr. EBERHARTER. Mr. Speaker, in answer to that question from the gentleman from Philadelphia, Mr. Tumelty, I would say that the provisions which I just mentioned relate to real estate transactions in which the broker has a consideration or some interest in the way of a commission or in the way of a consideration for his services in selling the real estate.

Mr. TUMELTY. Mr. Speaker, do I understand the gentleman from Allegheny, Mr. Eberharter, correctly to say that where a licensed real estate broker actually sells a property he is considered capable of handling the conveyancing, but where he does not actually sell the property it then becomes a legal matter and he is not capable of making the conveyance?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Tumelty, I might say this, that where a real estate broker has an interest in a transaction by way of a commission or anything of that sort the law allows him, as it does at the present time, to draw the necessary papers. I would say this, if it is in the actual transaction of his business, he can draw those papers, but this act would prohibit him from going out and soliciting the drawing of papers such as mortgages and deeds, where he has no other interest in the transaction other than the drawing of legal papers.

Mr. TUMELTY. Mr. Speaker, may I ask the gentleman from Allegheny, Mr. Eberharter, if a licensed real estate broker advertises a house for rent and succeeds in getting a tenant, under this act he is permitted to draw the lease, but if he does not succeed in getting a tenant, and the owner of the property collects the rent himself, he gets a tenant and wishes a lease drawn the licensed real estate broker under this act, as I read it, is not capable of drawing that lease, is that correct?

Mr. EBERHARTER. Mr. Speaker, I don't know whether I could say a licensed real estate broker is not capable.

Mr. TUMELTY. Mr. Speaker, I will change my language, I will say "not permitted."

Mr. EBERHARTER. I would say, Mr. Speaker, that under the provisions of this bill he is not permitted to solicit the drawing of leases, the drawing of mortgages, deeds, deeds of trusts, trust agreements, and other legal papers, with which he has no actual and direct financial connections.

Mr. TUMELTY. Mr. Speaker, at no time am I referring to a man soliciting business. I am speaking of business that comes to him without solicitation. Would he then be entitled to draw the lease or deed or anything else that he did not solicit.

Mr. EBERHARTER. Mr. Speaker, the act provides that any person who is not an attorney cannot hold himself out as being capable of drawing legal papers such as mortgages, deeds, deeds of trusts, and so forth, unless it is directly connected with his business. If a real estate operator wants to draw leases, mortgages, trust agreements, deeds, and so forth, for the general public, I would say that he would be prohibited from so doing under the provisions of this act.

Mr. TUMELTY. Mr. Speaker, may I ask the gentleman from Allegheny, Mr. Eberharter, could a licensed real estate broker or any representative of a real estate board appear before a taxation body, whether it be with regard to school taxes or otherwise, and protest against

an increase in taxes or any assessment of taxes on properties and so forth.

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman from Philadelphia, I would say that a person who would appear before a board in that capacity would not be considered as practicing law. I do not think that any person in that category would have anything to fear from the provisions of this bill.

Mr. TUMELTY. Mr. Speaker and members of the House, I rise to oppose this bill on the ground that the state of Pennsylvania, under the Department of Public Instruction, licenses a real estate broker and gives him permission to sell and convey property. Our schools and our colleges have courses in conveyancing, in commercial law and various other forms of law that might all come up in commercial use.

I believe that under this act commercial law would no longer be permitted to be practiced by anybody except lawyers, and I do not believe that up to this time commercial law has been considered real legal work. Under the provisions of this act a condition exists in our county, as I presume in every other county in the state, where building and loan associations are forced to take back properties from people who could not afford to pay for them. The present law gives the building and loan association an opportunity to save for the building and loan association the costs of a sheriff's sale by transferring the property back to the building and loan association. In many cases this work is handled by a conveyancor who in most cases does not receive any compensation, because the building and loan association is not in a position to give him compensation. I suggest that if this bill is passed it will drive practically every real estate man out of business in our county, and I think it will drive a lot of justices of the peace out of business throughout the state. Under this bill they would not be allowed to draw a bill of sale for a horse and cart, if one farmer decided to sell it to another. I say that under the provisions of this act a man who is licensed by the Board of Public Instruction of Pennsylvania will not receive any license outside of a peddler's license.

For that reason, I oppose this bill so that the real estate business may still be on the high plane that it has always been.

Mr. BURKE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Tumelty?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tumelty, permit himself to be interrogated?

Mr. TUMELTY. I will, Mr. Speaker.

Mr. BURKE. Mr. Speaker, I would like to ask the gentleman, am I correct when I assume that the gentleman thinks a real estate man should not be deprived of the opportunity of drawing a deed?

Mr. TUMELTY. Mr. Speaker, I will answer that by saying he should not be deprived of the opportunity of drawing a deed to real property.

Mr. BURKE. Mr. Speaker, I am going to ask the gentleman from Philadelphia, Mr. Tumelty, two questions and in order to be fair about these questions I am going to give him a copy of each question, to give him an opportunity to look over them, so that I might not be considered unfair in asking the questions. I want, first of all, to ask the gentleman to refer to the question marked number one. Does the gentleman have that question?

Mr. TUMELTY. I do, Mr. Speaker.

Mr. BURKE. Mr. Speaker, I would like to ask the gentleman from Philadelphia if a real estate broker is asked to draw a deed, giving a piece of real estate to A for his life time, then to A's children for their lives, and then to A's grandchildren absolutely, at the time the deed is drawn A is single, what is the gentleman's opinion on that type of deed?

Mr. TUMELTY. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Burke, I do not believe—I will not say it for a fact—that it is possible to draw such a thing. I believe, after it goes to one person it then must go out absolutely, if I remember the law correctly. However, if I found myself in such a position, I would get out the law books and find out.

Mr. BURKE. Mr. Speaker, am I to construe the gentleman to mean that the property would be held by A for life, then by A's children for life, and then by A's grandchildren, that is, if the gentleman remembers the law correctly?

Mr. TUMELTY. Mr. Speaker, from my interpretation of the law, I would say that you cannot create a life-estate any more.

Mr. BURKE. Mr. Speaker, coming to the second part of the question, I would like to ask the gentleman from Philadelphia, if he were asked to draw such a deed, what part of the book he would go to, and what part of the index he would refer to?

Mr. TUMELTY. Mr. Speaker, I do not think that there is anything in this bill which covers these questions, and I probably would consult a lawyer if it got too deep for me.

Mr. BURKE. Mr. Speaker, do I understand that the gentleman from Philadelphia admits that he knows nothing about the answer to question No. 1?

Mr. TUMELTY. Mr. Speaker, I will admit that I am not fully familiar with it, but I can become fully familiar with it.

Mr. BURKE. Mr. Speaker, may I ask the gentleman from Philadelphia, can he become familiar with it by consulting a book?

Mr. TUMELTY. Mr. Speaker, I presume I can.

Mr. BURKE. Mr. Speaker, I would like to ask the gentleman from Philadelphia what part of the book he would look in to find the answer to that question?

Mr. TUMELTY. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether this is a trial of me or is it a trial of the bill?

The SPEAKER. The Chair is unable to decide what it is.

Mr. BURKE. Mr. Speaker, I would like to further interrogate the gentleman from Philadelphia, Mr. Tumelty.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tumelty, permit himself to be interrogated?

Mr. TUMELTY. Mr. Speaker, I will try to answer anything pertaining to the bill but nothing pertaining to my personal habits.

The SPEAKER. The gentleman from Philadelphia will confine his remarks to the bill?

Mr. BURKE. Mr. Speaker, I would like to ask the gentleman from Philadelphia, a question that pertains to the conveyancing of real estate, and I would like to ask the gentleman from Philadelphia if he knows that I am confining my remarks to the bill in a question that concerns a conveyance of real estate?

Mr. TUMELTY. Mr. Speaker, I believe he is, if he refers to the conveyance of real estate, but if he refers to my knowledge of conveyancing of real estate and tries to compare it with a lot of other brainy conveyancors, I think it is unfair to the other brainy conveyancors.

Mr. BURKE. Mr. Speaker, will the gentleman from Philadelphia, Mr. Tumelty, refer to the second question which I gave him? I take it for granted that the gentleman has assimilated the question.

Mr. TUMELTY. Mr. Speaker, in looking over the question, I do not think it pertains to the bill. It pertains to my personal abilities.

Mr. BURKE. Mr. Speaker, I did not hear the gentleman.

Mr. BURKE. Mr. Speaker, I would like to ask the gentleman from Philadelphia if the question does not pertain to the conveyancing of real estate?

Mr. TUMELTY. Mr. Speaker, I will say that it does, but he asks me how I would do it and that is my personal ability.

Mr. BURKE. Mr. Speaker, doesn't the gentleman believe that House Bill 1737 raises the question as to the capacity of a real estate agent to draw a deed, or involve the capacity of a real estate agent to draw a deed?

Mr. TUMELTY. Mr. Speaker, in answer to the question I will say that it does not raise the question, as under certain provisions of the act, where the real estate broker makes a sale according to this, he does have the capacity to draw it, and where he does not make the sale he does not have the capacity to draw it.

Mr. BURKE. Mr. Speaker, I would like to ask the gentleman if he will not admit that the bill before the House concerns the authority of real estate men to draw a deed, and as such it must necessarily include every possible kind of deed which could be drawn that would pass an interest in real estate?

Mr. TUMELTY. Mr. Speaker, I would say that it should concern every possible kind of deed drawn pertaining to real property and having nothing to do with personal property. But I still say that the bill permits a real estate broker in one place to draw papers, where he has actually made the sale, and in another provision of the bill he cannot draw papers if he did not make the sale.

Mr. BURKE. Mr. Speaker, will the gentleman answer my question, if the bill concerns the authority of a real estate agent to draw a deed, that the bill therefore concerns the authority of a real estate agent to draw any kind of a deed pertaining to real property.

Mr. TUMELTY. Yes sir, Mr. Speaker, it covers that.

Mr. BURKE. Mr. Speaker, does not the gentleman think that if he upholds the capacity or ability of a real estate agent to draw a conveyance of a piece of real estate, that he should also be able to substantiate the real estate man's position insofar as any deed is considered transferring real property?

Mr. TUMELTY. Mr. Speaker, in answer to the gentleman, I might say that I am not qualified as a lawyer, I am not holding myself out as authority for real estate brokers or conveyancors. I do not claim to be the best real estate broker and conveyancor in the state of Pennsylvania, and there is a possibility that there are some things that I am not quite familiar with but which I can familiarize myself with if necessary.

Mr. BURKE. Mr. Speaker, I will ask the gentleman if he did not admit to me in answer to a question which I propounded that he did not know in what part of the book to look to find the answer to one of those questions.

Mr. TUMELTY. Mr. Speaker, I say again that that is a question with reference to my personal ability and has nothing to do with reference to the bill.

Mr. BURKE. Mr. Speaker, does not the gentleman admit that there are certain types of conveyances which some real estate men may not be able to draw?

Mr. TUMELTY. Mr. Speaker, I will admit that there might be places where they will get stuck and will have to refer to their books the same as a lawyer.

Mr. BURKE. Mr. Speaker, the gentleman has answered my question by saying that he might have to refer to the books and he has stated on the floor of this House that he is unable to tell me what book he would refer to or what part of the index in his book he would refer to.

Mr. TUMELTY. Mr. Speaker, I still say that is a question with regard to my personal ability and not with regard to the bill.

Mr. BURKE. Mr, Speaker, does not the gentleman admit that there are conveyances or real estate transactions which involve the ability of a real estate broker?

Mr. TUMELTY. Mr. Speaker, I do.

Mr. MOUL. Mr. Speaker and members of the House, there is a very vital principle being covered over in this interrogation. The gentleman infers that a real estate man such as Mr. Tumelty or any other broker should be able to tell him on the floor of this House exactly where he could find answer to a certain question. I have been in consultation with many attorneys who went and referred to their law books and said in many cases, "If you come back in a day or two I will give you an answer to the question." I do not believe that it is fair to infer that any man in this House, whether he be an attorney or otherwise, should be able to tell exactly where he could find an answer to a particular question, which the interrogator himself has figured out and wrote down on a piece of paper. Gentlemen of the House, the gentleman is trying to cover up an issue here that is fundamental to a number of people in your district who are not real estate brokers.

I would like to interrogate the sponsor of the bill, Mr. Speaker.

The SPEAKER. Will the gentleman from Allegheny, Mr. Eberharter, the sponsor of the bill, permit himself to be interrogated?

Mr. EBERHARTER. Mr. Speaker, I will.

Mr. MOUL. Mr. Speaker, under the provisions of this bill, is it not true that no one except an attorney has the right to draw any deeds, leases or other legal papers, chiefly deeds, unless he has an interest in the deed,—in the transaction?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman, I would say that that is not quite true. Any person that is a member of the family of the person who is conveying or buying property, may draw the deed, or any person directly interested in it. In addition to that, a real estate broker, or a salesman or anybody that has a consideration involved can draw the deed,—can draw the necessary papers.

Mr. MOUL. Mr. Speaker, may I ask, would a justice of the peace, an alderman or a notary public have an interest in any case where he was approached by a friend, who asked them to draw up the necessary papers?

Mr. EBERHARTER. Mr. Speaker, I would say that a

justice of the peace, an alderman or a notary public would have no interest unless he is receiving a commission on the sale or on the rent to be collected.

Mr. MOUL. Mr. Speaker, and members of the House, ever since the state of Pennsylvania has been in existence, we have recognized the fact that justices of the peace, aldermen and notaries have had the legal right to draw up deeds in certain cases. In other words, a transaction takes place,—a very simple transaction,—one man sells a property to another, the title is searched by an attorney, or the title may not be searched by an attorney, whichever the gentleman transferring the property may desire. Under the present method he goes to a justice of the peace, an alderman, or a notary public, and asks him to draw up a deed. I recognize the fact that the justice of the peace, the alderman or the notary public has the right to take an affidavit or acknowledgment to the deed transferring the property to the purchaser. That condition has existed ever since the state of Pennsylvania was in existence. If we pass this present bill in its present form, we are going to take that privilege away from all justices of the peace in the state, all aldermen and all notaries, and we are going to make a complete change in our present system of conveyancing. My experience in dealing with attorneys has been that in most cases the fees which have been charged for the conveyance have been far in excess of any that have been charged by a justice of the peace, an alderman or a notary.

Before we consider this bill and make it a law of the state by our votes, I think we should consider seriously whether or not it is advisable to make such a complete change in the state of Pennsylvania.

Mr. SHEPARD. Mr. Speaker, I rise in support of this bill, not because I have any brief for the lawyers or the real estate men, but in the interest of a large number of people who received mis-information and have often times suffered serious losses because they have gone around the corner some place and gotten some real estate man or some other person to draw a legal document. These men have given mis-information, sometimes causing serious loss.

This bill simply provides that a real estate man shall do the things that are provided for him to do, according to his professional training. When we want medicine, when we are sick, we go to a doctor. Simply because we have had courses in college in hygiene or physiology, it does not permit us to practice medicine. This bill defines who shall practice law and it prevents people other than lawyers from practicing law and I think it is fair to both groups, I think it is emminently fair to a large number of people who have suffered loss. I think that we ought to see to it that a lot of chiselers do not go around professing to do things that they are not qualified to do. Lawyers ought to give advice on legal matters. Real estate men have a right to conduct their business and to do anything that is legal in connection with the transaction. That is far enough for them to go. If we want health in our bodies, we go to a doctor; if we want to know anything about heaven or hell, we go to a preacher.

I think that this is a fair bill and I ask you to support the measure.

Mr. PFAFF. Mr. Speaker and members of the House, I arise to oppose this bill, because I believe if it is enacted into law, under its provisions it will work an undue burden, an additional burden, on the already overburdened building and loan associations in the city of Philadelphia. I do believe that quite a lot of building and loan associations down our way are hanging on the ropes and they could not stand any additional operating costs. I am sincere in my belief that this bill is enacted into law, it will not only cost the building and loan associations more in their operating expense, but I think in real estate transactions, it will also be more expensive to the individual.

Mr. RUTH. Mr. Speaker, I am not a real estate man nor am I a lawyer but this bill was drawn up by the Attorney General and I ask the members of the House to support it.

Mr. ANDREWS. Mr. Speaker, in reply to the gentleman from Philadelphia, I would call your attention to the fact that the courts are full of cases brought by lawyers, trying cases due to mistakes made by other lawyers.

Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Burke.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Burke, permit himself to be interrogated?

Mr. BURKE. Mr. Speaker, I will.

Mr. ANDREWS. Mr. Speaker, may I ask the gentleman from Philadelphia if he ever knew a lawyer who was not competent to search a complicated title?

Mr. BURKE. Mr. Speaker, in answer to the gentleman I would say that I imagine there are many lawyers, I will not confine my answer to one, but will say that there are probably many lawyers who, because they have not specialized in this highly specialized field, may not be as able as other lawyers who have specialized in it to search those complicated titles.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman. The gentleman admits that every member of this House knows, that there are many lawyers who are not competent to give advice to laymen, who specialize in some particular branch of the law. This bill presumes that the laymen, having an interest, is not competent to know when he needs a lawyer and I submit to you that it is neither reason nor common sense to have the lawyers in this Legislature pass a law telling us when we need a lawyer.

Mr. Speaker, I would like to interrogate the gentleman from Pittsburgh, Mr. Eberharter.

The SPEAKER. Will the gentleman from Pittsburgh permit himself to be interrogated?

Mr. EBERHARTER. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, may I ask the gentleman from Pittsburgh, whether under the terms of this bill it is ever proper for an alderman to draw a will under any circumstances?

Mr. EBERHARTER. Mr. Speaker, I would say in answer to the gentleman from Cambria, Mr. Andrews, that the bill as drawn does prohibit the drawing of wills by any alderman.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for the answer.

The patient is in extremis; he is dying; there is nobody there but a layman and a doctor, and we have to delay the death so that the man can make a will, and I say that is placing entirely too much responsibility upon the poor doctors. It cannot be done.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. Andrews.

The SPEAKER. Will the gentleman from Cambria, Mr. Andrews, permit himself to be interrogated?

Mr. ANDREWS. Mr. Speaker, may I ask, does the gentleman intend to interrogate me or cross-examine me?

Mr. TURNER. Mr. Speaker, the gentleman has no preconceived notion of whether this will be an interrogation or a cross-examination. A great deal will depend upon the answers of the gentleman from Cambria.

Mr. ANDREWS. Mr. Speaker, I will not be cross-examined.

The SPEAKER. The gentleman refuses to be cross-examined, and unless the gentleman from Delaware, Mr. Turner, definitely states that he does not wish to cross-examine the gentleman from Cambria, he will be out of order.

Mr. TURNER. Mr. Speaker, I am quite amazed at the answer of the gentleman from Cambria knowing his adroitness, that he should be unwilling to be cross-examined at any time, but as long as he does not desire to be cross-examined, I will interrogate the gentleman from Cambria.

Mr. ANDREWS. Mr. Speaker, I will entertain the interrogation, and reserve decision as to the answer.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Cambria, Mr. Andrews, whether he has ever heard of libel suits against a newspaper being in the courts?

Mr. ANDREWS. Mr. Speaker, I have heard of libel suits being in the courts and whenever I found a libel suit I have generally found a misguided layman led astray by a fee seeking lawyer.

Mr. TURNER. Mr. Speaker, and members of the House, the answer which the gentleman from Cambria gave was exactly in line with what I said previously about the adrotiness of the gentleman from Cambria. I can well understand, and I trust that I am not transgressing the rules in saying that under the occupation which the gentleman from Cambria usually pursues, both in and out of the sessions of the legislature the gentleman from Cambria would look upon all libel suits in the same way as he has expressed it. But, members of the House, I have heard of verdicts by juries against newspapers in libel suits, so not only the lawyer and the client may have been misguided, but the twelve men and women of the jury must likewise have been misguided.

I asked this question for this reason: The gentleman from Cambria has said that the courts are filled with law suits that are occasioned by mistakes made by lawyers. Of course, that is incorrect and is not a statement of fact. The courts are filled with lawsuits which arise by reason of the difference of opinion by lawyers as to what is the interpretation of the law while as we all know, especially those who have practiced it, the last guess is that of the Supreme Court of the State and of the United States. So it is very difficult to determine just what the law may be. But if the courts are full of cases which arise by reason of the mistakes of lawyers, there are also many cases that arise by reason of the mistakes of newspaper men in the writing articles which they believe to be news, but which turn out to be pure libels and are so treated in the courts and by the juries.

The gentleman from Cambria has further illustrated, it seems to me, the need for this very piece of legislation, because if we admit for the sake of argument, that the fact is true that there are many cases in the courts arising by reason of the mistakes of lawyers, those mistakes having arisen out of the judgments of men, or the misjudgment of men, who have had years of experience and years full of training, certainly there is every reason to preclude men from entering into the writing of wills and into the writing of deeds and other forms of conveyance, which are referred to and controlled under this act, who have not had the opportunity for training.

The bar has spent many years in building up the standards of the bar. A man now to be admitted to the bar must complete a four years' college course, and must spend three years in an accredited law school. He must take an examination at the end of that time for admission to the bar. He must spend an apprenticeship in a law office as a registered student at law before he is admitted to practice.

Therefore, it seems to me that the gentleman from Philadelphia, Mr. Shepard, hit the nail right on the head in his speech because why should we permit a man who can go and within a very few months time study up enough to become a licensed real estate broker, or why should we permit the man who is elected in a district as a magistrate or alderman do these things. Certainly people do not elect him to write deeds and wills; they elect him to try certain actions that are given to him and are under his jurisdiction under the laws of this Commonwealth. Why should we permit these men without that preliminary training to do these things? Certainly if the lawyers after their four years in college, three years in the law school and training in a law office make mistakes certainly those mistakes are multiplied many hundreds of times by the men who have not the training and not the experience.

I think some one referred to the lawyers looking up the law. Well the practice of law is both in knowing where to find it, and after you find it knowing what the law is when you have read it. Now if a man neither knows where he can find it, nor has had the training to determine what the law is on a certain subject after he has read it, how can he advise people, and how can he properly do it.

I want to say to you that in my twenty-five years of experience at the bar I have had a great deal to do with real estate, I have had a great deal to do with conveyancing, and I know that in my experience there came into my office hundreds and hundreds of mistakes that have been made by real estate men, who have attempted to draw up the papers involved in a real estate transaction. Those are mistakes for which the people must suffer.

Last night this House voted down a bill that provided that optometrists could not use drugs in cerain cases. That was the interpretation that the medical profession put upon it. The medical profession said they were in favor of the optometrists doing certain things, but they were opposed to their using drugs because they didn't believe they were sufficiently experienced to use them.

I say to you that the same thing is true in this bill. It is a technical subject. You are dealing with a subject that we all know a man who has had years of experience and training is likely to make mistakes in the doing of these different things that come before him. So there is every reason why it should be restricted as far as it is possible to restrict it, as has been done in this act.

Mr. REISING. Mr. Speaker and members of the House, I have heard the discussions pro and con on this

subject between those interested from the legal standpoint and from the business standpoint. I rise at this time to interrogate the sponsor of the measure as to what effect it might have on a possible client in the field in which I may possibly be some time.

The SPEAKER. Will the sponsor of the bill, the gentleman from Allegheny, Mr. Eberharter, permit himself to be interrogated?

Mr. EBERHARTER. I will, Mr. Speaker.

Mr. REISING. Mr. Speaker, can the gentleman tell us just how much the increased costs of transferring property under the new arrangement or under the provisions of this bill—how much the cost is increased over what it is at the present time.

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman from Beaver, Mr. Reising, I do not think that it will cause any increase whatsoever in the cost of the transfer of property. I think as a matter of fact in the long run there will be a saving of thousands of dollars to the people of Pennsylvania in the aggregate. There should be no fear whatsoever that there will be an increased cost in the transfer of property by reason of any of the provisions of this bill.

Mr. REISING. Mr. Speaker, is it not a fact that the commission or the fees charged by the legal profession are higher than that of the real estate broker, the justice of peace, or the notary and so forth?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman, I do not believe that is true as a matter of fact, as a general rule, I believe that it is a recognized fact that some lawyers charge a good deal more than other lawyers. The same thing is true of justices of the peace and real estate men. A client or person having a real estate deal can very easily pick out the kind of service he wants. If he wants high priced service, he can pick out that kind of a person to do his work. If he wants low priced service, that is up to him.

Mr. REISING. Mr. Speaker, the gentleman seems to be quite well versed on this bill, and I would like to ask him if he can tell us about how much additional money it will mean to the legal profession than what they are now receiving in handling matters of this kind.

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman from Beaver, I will say this, that in the aggregate it will mean less money to the legal profession because there will be thousands of cases in the State of Pennsylvania that will never reach court, which reach court under the present conditions, or under conditions as they were in the past. This measure is for the public protection for that very reason.

Mr. SOWERS. Mr. Speaker and members of the House, It seems to me that the discussion on this bill has gone far afield. At the present time the present law is that a notary cannot practice law. A notary public in Philadelphia did set herself up in the business of writing deeds, and that case was taken to court, and the Supreme Court of Pennsylvania ruled that notary publics could not do it, and a perpetual injunction was issued.

All of the discussion I have heard thus far has been, "Can the real estate man do this," and "can the real estate broker do that?" Many of the things that have been contended for as rightfully belonging to the real estate man do not under the law today belong to him. Lawyers can go to court and can enjoin such a real estate broker from doing those things.

The object of this law is briefly this: under Pennsylvania law those who practice law, and who violate the law that prohibits them from practicing, there is no penalty for that. The only remedy today is an injunction. This bill seeks to cure the evil by imposing a penalty against those who unlawfully practice law. Now, how did this bill come about? Years ago many physicians were practicing in this commonwealth who were not capable physicians. A board was established to examine them and then there was a provision put in the medical code, imposing a penalty on those who practiced medicine without passing the examination. Today nobody dare practice medicine without fulfilling the necessary requirements, but there is in Pennsylvania no penalty imposed when they practice law without those requirements, and in all of the items enumerated in this bill today any man can be restrained from doing so by an injunction. The only remedy which apparently the Attorney General of this Commonwealth is seeking to bring about, is to penalize the little, smart guy that hangs around the corner or in some neighborhood barber shop, and tries to practice law under the guise of being connected or associated with some lawyer. The real object is to prevent lawyers from having understudies of that kind. The real object is to cut out this runner business, cut out this fixing business, put that kind of practitioner out of business. Now the lawyers for themselves welcome this bill in order to clear up all of the mess that has gone heretofore, and this House is asked to aid the bar and the courts to clean up all of the stuff that has existed heretofore. At the present time the only remedy is an injunction. If you permit this bill to pass then judges will have some control over these matters. Now, just think for a moment. Suppose you go to a man with your confidential affairs and you ask him to prepare a deed or prepare a will or prepare some other paper and you confide to him your secret. You are not protected under the law. Those statements can be divulged by that man. That man can be forced to testify. You should have the benefit and the public should have the benefit of having these secrets confided to an active practitioner of the bar admitted to practice so that you will have this protection. The system that exists today leaves the public, leaves the layman open wide, so that his secrets can be divulged anywhere. I ask the members of the House whether this is reasonable. If it is proper for the doctors to have a penalty in their law, it is proper for the lawyers to have a penalty in their law. It is proper to give this remedy and this penalty to the courts so that the courts may clean up the terrible condition that exists today.

I ask you to vote for this bill.

## POINT OF INFORMATION

Mr. SCHWARTZ. Mr. Speaker, I rise to a point of information.

The SPEAKER. The gentleman from Philadelphia will state his point of information.

Mr. SCHWARTZ. Mr. Speaker, I would like to ask whether under Rule 72 a lawyer and a real estate man can vote for this bill or vote against it.

The SPEAKER. The Chair will read Rule 72 for the information of the House:

"A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote

thereon, as required by the Constitution, Article III, Section 33."

Mr. SCHWARTZ. Mr. Speaker, I thank you very kindly for the information.

The SPEAKER. The Chair is afraid that if this rule is enforced, there will not be a quorum present in the House.

Mr. RUTH. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Simon, VanSickle, Stone, Carson, Moomaw, Haberlen, Westrick, Finnerty, Ominsky, Ruffennach, McHenry, Sarraf, Holstrom, Brumbaugh, Murrin, Klingler, Hetrick, Decker, Shaw, Shugarts, George E. Downey, and others.

On the question,
Shall the main question be now put?
It was agreed to.
On the question recurring,
Shall the bill pass finally?

## QUESTION OF PARLIMENTARY INQUIRY

Mr. TUMELTY. Mr. Speaker, I rise to a question of parlimentary inquiry.

The SPEAKER. The gentleman will state his question of parlimentary inquiry.

Mr. TUMELTY. Mr. Speaker, was the ruling of the Chair that the attorneys and real estate men be permitted to vote on this bill under House Rule No. 72?

The SPEAKER. Every member is privileged to vote on this bill.

Mr. TUMELTY. Mr. Speaker, I am not a real estate broker at this time.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

### YEAS—93

| | | | |
|---|---|---|---|
| Achterman, | Flynn, | McElroy, | Sarraf, |
| Altenburg, | Furman, | Melchiorre, | Shaw, |
| Atkins, | Gates, | Mooney, | Shepard, |
| Baker, J. J., | Gerard, | Murrin, | Shreiner, |
| Baldi, | Gillette, | Nothnagle, | Simon, |
| Barber, | Greenstein, | O'Keefe, | Smith, J. A., |
| Boose, | Habbyshaw, | Ominsky, | Sowers, |
| Bradley, | Hagerty, | O'Neill, | Stank, |
| Brancato, | Harkins, | Panton, | Tahl, |
| Brennan, | Harmuth, | Patterson, C., | Tronzo, |
| Brown, H. S., | Hart, | Patterson, J. W., | Turner, |
| Burke, | Hartman, | Pearson, | Van Allsburg, |
| Caputo, | Hefferon, | Peters, | Van Sickle, |
| Carr, | Hindman, | Phillips, | Wall, |
| Cochran, | Hoopes, | Powers, | Wasserman, |
| Cohen, | Jackson, | Reising, | Weidemann, |
| Coleman, | Kane, | Reynolds, | Weiss, |
| Condon, | Kilroy, | Roan, | Welliver, |
| Cordier, | Kinney, | Robinson, | Wickersham, |
| Davies, | Kobelak, | Rooney, | Wilson, |
| Dilley, | Long, | Root, | Wood, |
| Eberharter, | Mallen, | Ruffennach, | Woodside, |
| Falkenstein, | McDevitt, | Ruth, | Zappala, |
| Finnerty, | | | |

### NAYS—90

| | | | |
|---|---|---|---|
| Alexander, | Ferko, | McKinney, | Simpson, |
| Andrews, | Fitch, | Mentzer, | Sloan, |
| Arnold, | Flanagan, | Merrell, | Smith, W. G., |
| Aukerman, | Flinchbaugh, | Moomaw, | Snyder, F. E., |
| Baine, | Green, | Moore, | Snyder, J. L., |
| Baker, F. T., | Haberlen, | Moran, | Stevens, |
| Barnhardt, | Hamilton, F. P., | Moul, | Stewart, |
| Bernhard, | Hermansen, | Muir, | Stockham, |
| Blumberg, | Hetrick, | Nagel, | Stone, |
| Boyd, R., | Hirsch, | Parks, | Stott, |
| Boyer, | Hoffner, | Perry, | Sumney, |
| Brown, J. E., | Holstrom, | Pfaff, | Surface, |
| Brownfield, | Horst, | Piole, | Terry, |
| Brumbaugh, | Jones, | Rhys, | Trout, |
| Cannon, | Kelder, | Rinn, | Tumelty, |
| Castor, | Kelso, | Schrock, | Walker, |
| Chervenak, | Klingler, | Schrope, | Welsh, |
| Conner, | Lovett, | Schwab, | Westrick, |
| Decker, | Lynch, | Schwartz, | White, |
| Downey, G. E., | Male, | Shortz, | Witkin, |
| Downey, J. J., | McCreary, | Shugarts, | Yourishin, |
| Duffort, | McDermott, | Siegel, | Sarig, |
| Eroe, | McHenry, | | |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

(During the calling of the roll)

## REASONS FOR VOTE

Mr. SPROUL. Mr. Speaker may I state orally my reasons for voting against the bill?

The SPEAKER. The reasons will be filed with the Clerk.

Mr. SPROUL. Mr. Speaker, my reason for voting "no"———

## POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the gentleman is not allowed to state and give his reasons at this time.

The SPEAKER. There is nothing in order but the calling of the roll. The Chair has stated that the reasons shall be filled with the Clerk, and the gentleman from Delaware will send his reasons to the desk.

(After the calling of the roll)

## REASONS FOR VOTE

Mr. SPROUL. Mr. Speaker, I voted "no" on this bill and desire to file my reason.

Mr. Speaker, the bill does not allow the writing of a will by a trust officer or witness in an emergency so that the property of a sick or dying person may be disposed of according to his own ideas or desires. The amount involved may be a large sum of money and no interference in its disposal should be made by limitation of law on a person's own free will.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1798, entitled:

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases seduction criminal conversation and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such action making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Furman, | Merrell, | Smith, J. A., |
| Baker, F. T., | Gates, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gerard, | Mooney, | Snyder, F. E., |
| Baldi, | Gillette, | Moore, | Snyder, J. L., |
| Barber, | Green, | Moran, | Sowers, |
| Barnhardt, | Greenstein, | Moul, | Sproul, |
| Bernhard, | Habbyshaw, | Muir, | Stank, |
| Blumberg, | Haberlen, | Murrin, | Stevens, |
| Boose, | Hagerty, | Nagel, | Stewart, |
| Boyd, R., | Haluska, | Nothnagle, | Stockham, |
| Boyer, | Hamilton, F. P., | O'Keefe, | Stone, |
| Bradley, | Harkins, | Ominsky, | Stott, |
| Brancato, | Harmuth, | O'Neill, | Sumney, |
| Brennan, | Hart, | Panton, | Surface, |
| Brown, H. S., | Hartman, | Parks, | Tahl, |
| Brown, J. E., | Hefferon, | Patterson, C., | Terry, |
| Brownfield, | Hermansen, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hetrick, | Pearson, | Trout, |
| Burke, | Hindman, | Perry, | Tumelty, |
| Cannon, | Hirsch, | Peters, | Turner, |
| Caputo, | Hoffner, | Pfaff, | Van Allsburg, |
| Carr, | Holstrom, | Phillips, | Van Sickle, |
| Carson, | Hoopes, | Piole, | Walker, |
| Castor, | Horst, | Powers, | Wall, |
| Chervenak, | Jackson, | Reising, | Wasserman, |
| Coakley, | Jones, | Reynolds, | Weidemann, |
| Cochran, | Kane, | Rhys, | Weiss, |
| Cohen, | Kelder, | Rinn, | Welliver, |
| Coleman, | Kelso, | Roan, | Welsh, |
| Condon, | Kilroy, | Robinson, | Westrick, |
| Conner, | Kinney, | Rooney, | White, |
| Coolahan, | Klingler, | Root, | Wickersham, |
| Cordier, | Kobelak, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Witkin, |
| Decker, | Long, | Sarraf, | Wood, |
| Dent, | Longaker, | Schrock, | Woodside, |
| Diehl, | Lovett, | Schrope, | Yeakel, |
| Dilley, | Lynch, | Schwab, | Yourishin, |
| Downey, G. E., | Male, | Schwartz, | Zappala, |
| Downey, J. J., | Mallen, | Shaw, | Sarig, |
| Duffort, | Mason, | Shepard, | |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1279, entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings; and prohibiting duplicate payments.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Furman, | Merrell, | Smith, J. A., |
| Baker, F. T., | Gates, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gerard, | Mooney, | Snyder, F. E., |
| Baldi, | Gillette, | Moore, | Snyder, J. L., |
| Barber, | Green, | Moran, | Sowers, |
| Barnhardt, | Greenstein, | Moul, | Sproul, |
| Bernhard, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shaw, | Sarig, |
| Eberharter, | Mason, | Shepard, | |

NAYS—1

Blumberg.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1621, entitled:

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (Pamphlet Laws sixty-six) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shepard, |
| Alexander, | Eroe, | McCreary, | Shortz, |
| Allen, | Falkenstein, | McDermott, | Shreiner, |
| Altenburg, | Ferko, | McDevitt, | Shugarts, |
| Andrews, | Finnerty, | McElroy, | Siegel, |
| Arnold, | Fitch, | McHenry, | Simon, |
| Atkins, | Flanagan, | McKinney, | Simpson, |

| | | | |
|---|---|---|---|
| Aukerman, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Baine, | Flynn, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Barnhardt, | Green, | Moran, | Sowers, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry. |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsh, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1788, entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz,:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shepard, |
| Alexander, | Eroe, | McCreary, | Shortz, |
| Allen, | Falkenstein, | McDermott, | Shreiner, |
| Altenburg, | Ferko, | McDevitt, | Shugarts, |
| Andrews, | Finnerty, | McElroy, | Siegel, |
| Arnold, | Fitch, | McHenry, | Simon, |
| Atkins, | Flanagan, | McKinney, | Simpson, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Baine, | Flynn, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Barnhardt, | Green, | Moran, | Sowers, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill 1789, entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-eight) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shepard, |
| Alexander, | Eroe, | Mason, | Shortz, |
| Allen, | Falkenstein, | McCreary, | Shreiner, |
| Altenburg, | Ferko, | McDermott, | Shugarts, |
| Andrews, | Finnerty, | McDevitt, | Siegel, |
| Arnold, | Fitch, | McElroy, | Simon, |
| Atkins, | Flanagan, | McHenry, | Simpson, |
| Aukerman, | Flinchbaugh, | McKinney, | Sinwell, |
| Baine, | Flynn, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Habbyshaw, | Moul, | Stank, |
| Boose, | Haberlen, | Muir, | Stevens, |
| Boyd, R., | Hagerty, | Murrin, | Stewart, |
| Boyer, | Haluska, | Nagel, | Stockham, |
| Bradley, | Hamilton, F. P. | Nothnagle, | Stone, |
| Brancato, | Harkins, | O'Keefe, | Stott, |
| Brennan, | Harmuth, | Ominsky, | Sumney, |
| Brown, H. S., | Hart, | O'Neill, | Surface, |
| Brown, J. E., | Hartman, | Panton, | Tahl, |
| Brownfield, | Hefferon, | Parks, | Terry, |
| Brumbaugh, | Hermansen, | Patterson, C., | Tronzo, |
| Burke, | Hetrick, | Patterson, J. W., | Trout, |
| Cannon, | Hindman, | Pearson, | Tumelty, |
| Caputo, | Hirsch, | Perry, | Turner, |
| Carr, | Hoffner, | Peters, | Van Allsburg, |
| Carson, | Holstrom, | Pfaff, | Van Sickle, |
| Castor, | Hoopes, | Phillips, | Walker, |
| Chervenak, | Horst, | Piole, | Wall, |
| Coakley, | Jackson, | Powers, | Wasserman, |
| Cochran, | Jones, | Reising, | Weidemann, |
| Cohen, | Kane, | Reynolds, | Weiss, |
| Coleman, | Kelder, | Rhys, | Welliver, |
| Condon, | Kelso, | Rinn, | Welsh, |
| Conner, | Kilroy, | Roan, | Westrick, |
| Coolahan, | Kinney, | Robinson, | White, |
| Cordier, | Klingler, | Rooney, | Wickersham, |
| Davies, | Kobelak, | Root, | Wilson, |
| Decker, | Linderman, | Ruffennach, | Witkin, |
| Dent, | Long, | Ruth, | Wood, |
| Diehl, | Longaker, | Sarraf, | Woodside, |
| Dilley, | Lovett, | Schrock, | Yeakel, |
| Downey, G. E., | Lynch, | Schrope, | Yourishin, |
| Downey, J. J., | Male, | Schwab, | Zappala, |
| Duffort, | | Schwartz, | Sarig, |
| | | Shaw, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1021, entitled:

An Act to amend section three of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 801), entitled "An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and townships to purchase, or condemn by the right of eminent domain, free and unobstructed view over and across lands at certain highway, railroad, and railway intersections and curves, so as to prevent and permit removal of interference with an obstruction of the vision of users of said highways; and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view," by providing for condemnation proceedings and assessment of damages.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shepard, |
| Alexander, | Eroe, | McCreary, | Shortz, |
| Allen, | Falkenstein, | McDermott, | Shreiner, |
| Altenburg, | Ferko, | McDevitt, | Shugarts, |
| Andrews, | Finnerty, | McElroy, | Siegel, |
| Arnold, | Fitch, | McHenry, | Simon, |
| Atkins, | Flanagan, | McKinney, | Simpson, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Baine, | Flynn, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Barnhardt, | Green, | Moran, | Sowers, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso, | Roan, | Westrick, |
| Conner, | Kilroy, | Robinson, | White, |
| Coolahan, | Kinney, | Rooney, | Wickersham, |
| Cordier, | Klingler, | Root, | Wilson, |
| Davies, | Kobelak, | Ruffennach | Witkin, |
| Decker, | Linderman, | Ruth, | Wood, |
| Dent, | Long, | Sarraf, | Woodside, |
| Diehl, | Longaker, | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Sarig, |
| Duffort, | Mallen, | Shaw, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1064, entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shepard, |
| Alexander, | Eroe, | McCreary, | Shortz, |
| Allen, | Falkenstein, | McDermott, | Shreiner, |
| Altenburg, | Ferko, | McDevitt, | Shugarts, |
| Andrews, | Finnerty, | McElroy, | Siegel, |
| Arnold, | Fitch, | McHenry, | Simon, |
| Atkins, | Flanagan, | McKinney, | Simpson, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Baine, | Flynn, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Barnhardt, | Green, | Moran, | Sowers, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising. | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso, | Roan, | Westrick, |
| Conner, | Kilroy, | Robinson, | White, |
| Coolahan, | Kinney, | Rooney, | Wickersham, |
| Cordier, | Klingler, | Root, | Wilson, |
| Davies, | Kobelak, | Ruffennach, | Witkin, |
| Decker, | Linderman, | Ruth, | Wood, |
| Dent, | Long, | Sarraf, | Woodside, |
| Diehl, | Longaker, | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Sarig, |
| Duffort, | Mallen, | Shaw, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1792, entitled:

An Act to amend section one thousand six hundred and three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing the borrowing of money by township authorities to provide a water supply for public and private use.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—194

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shortz, |
| Alexander, | Eroe, | McCreary, | Shreiner, |
| Allen, | Falkenstein, | McDermott, | Shugarts, |
| Altenburg, | Ferko, | McDevitt, | Siegel, |
| Andrews, | Finnerty, | McElroy, | Simon, |
| Arnold, | Fitch, | McHenry, | Simpson, |
| Atkins, | Flanagan, | Melchiorre, | Sinwell, |
| Aukerman, | Flinchbaugh, | Mentzer, | Sloan, |
| Baine, | Flynn, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | O'Neill, | Stott, |
| Brancato, | Harkins, | Panton, | Sumney, |
| Brennan, | Harmuth, | Parks, | Surface, |
| Brown, H. S., | Hart, | Patterson, C., | Tahl, |
| Brown, J. E., | Hartman, | Patterson, J. W., | Terry, |
| Brownfield, | Hefferon, | Pearson, | Tronzo, |
| Brumbaugh, | Hermansen, | Perry, | Trout, |
| Burke, | Hetrick, | Peters, | Tumelty, |
| Cannon, | Hindman, | Pfaff, | Turner, |
| Caputo, | Hirsch, | Phillips, | Van Allsburg, |
| Carr, | Hoffner, | Piole, | Van Sickle, |
| Carson, | Holstrom, | Powers, | Walker, |
| Castor, | Hoopes, | Reising, | Wall, |
| Chervenak, | Horst, | Reynolds, | Wasserman, |
| Coakley, | Jackson, | Rhys, | Weidemann, |
| Cochran, | Jones, | Rinn, | Weiss, |
| Cohen, | Kane, | Roan, | Welliver, |
| Coleman, | Kelder, | Robinson, | Welsh, |
| Condon, | Kelso, | Rooney, | Westrick, |
| Conner, | Kilroy, | Root, | White, |
| Coolahan, | Kinney, | Ruffennach, | Wickersham, |
| Cordier, | Klingler, | Ruth, | Wilson, |
| Davies, | Kobelak, | Sarraf, | Witkin, |
| Decker, | Linderman, | Schrock, | Wood, |
| Dent, | Long, | Schrope, | Woodside, |
| Diehl, | Longaker, | Schwab, | Yeakel, |
| Dilley, | Lovett, | Schwartz, | Yourishin, |
| Downey, G. E., | Lynch, | Shaw, | Zappala, |
| Downey, J. J., | Male, | Shepard, | Sarig, |
| Duffort, | Mallen, | | |

NAYS—1

McKinney.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1821, entitled:

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended section four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men" specifying the form and contents of applications for county contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providing a penalty.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shepard, |
| Alexander, | Eroe, | McCreary, | Shortz, |
| Allen, | Falkenstein, | McDermott, | Shreiner, |
| Altenburg, | Ferko, | McDevitt, | Shugarts, |
| Andrews, | Finnerty, | McElroy, | Siegel, |
| Arnold, | Fitch, | McHenry, | Simon, |
| Atkins, | Flanagan, | McKinney, | Simpson, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Baine, | Flynn, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Barnhardt, | Green, | Moran, | Sowers, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1780, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand eight hundred and ninety-seven (P. L. 178) entitled "An act taxing certain stocks of building and loan associations for State purposes" fixing the rate of the tax on matured stock of building and loan associations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shepard, |
| Alexander, | Eroe, | McCreary, | Shortz, |
| Allen, | Falkenstein, | McDermott, | Shreiner, |
| Altenburg, | Ferko, | McDevitt, | Shugarts, |
| Andrews, | Finnerty, | McElroy, | Siegel, |
| Arnold, | Fitch, | McHenry, | Simon, |
| Atkins, | Flanagan, | McKinney, | Simpson, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Baine, | Flynn, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Barnhardt, | Green, | Moran, | Sowers, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1634, entitled:

An Act to amend section two thousand five hundred and sixty-eight of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing the city treasurer as collector of city, school and poor taxes shall proceed against the personal property before filing liens for such taxes, when instructed so to do by the taxing authorities, but otherwise at his own discretion.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MENTZER. Mr. Speaker, I would like the sponsor of this bill, Mr. Eroe, to explain the provisions of the bill, briefly.

Mr. EROE. Mr. Speaker and members of the House, this bill is trying to eliminate the necessity of a tax collector in third class cities from making a statement that is generally false, inasmuch as under the present law he must say that after proper efforts he could not find sufficient personal property out of which the said taxes or any part thereof could be met or collected, as provided by

aw. In other words, he has to make a statement that here was not enough personal property there, or else proceed against the personal property. They generally make a statement that there was not enough personal roperty there. The act provides under this amendment hat he can make an affidavit, "that although he found uch personal property, he did not consider it advisable o proceed against the same, and that he had not been nstructed so to do by the taxing authorities. The inten-ion of this amendment being that the said treasurer may t his discretion proceed against such personal property, ut if instructed so to do by the taxing authorities such ction shall be mandatory." In other words, if he does ot deem it advisable, he so states. That is excepted. ut if the taxing authority orders him to proceed against at personal property, then he must proceed.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the eas and nays were taken and were as follows, viz:

YEAS—51

| | | | |
|---|---|---|---|
| Achterman, | Condon, | Lovett, | Shugarts, |
| Alexander, | Dent, | Male, | Simon, |
| Allen, | Eroe, | Moomaw, | Sinwell, |
| Altenburg, | Fitch, | Murrin, | Smith, J. A., |
| Andrews, | Flanagan, | Nagel, | Smith, W. G., |
| Arnold, | Gerard, | Panton, | Sproul, |
| Aukerman, | Haluska, | Pearson, | Stewart, |
| Boyer, | Hamilton, F. P., | Piole, | Stone, |
| Brown, H. S., | Harkins, | Reising, | Tronzo, |
| Brownfield, | Kelso, | Ruth, | Tumelty, |
| Brumbaugh, | Kinney, | Schrock, | Welsh, |
| Carr, | Klingler, | Schwab, | White, |
| Chervenak, | Long, | Shepard, | |

NAYS—88

| | | | |
|---|---|---|---|
| Atkins, | Eberharter, | Melchiorre, | Schrope, |
| Baine, | Falkenstein, | Mentzer, | Shortz, |
| Baker, J. J., | Ferko, | Merrell, | Shreiner, |
| Baldi, | Finnerty, | Moore, | Simpson, |
| Barber, | Flynn, | Muir, | Sloan, |
| Blumberg, | Gillette, | Nothnagle, | Snyder, F. E., |
| Boyd, R., | Green, | O'Keefe, | Snyder, J. L., |
| Bradley, | Habbyshaw, | Ominsky, | Sowers, |
| Brancato, | Hartman, | O'Neill, | Stevens, |
| Brennan, | Hetrick, | Parks, | Sumney, |
| Burke, | Hoffner, | Patterson, C., | Trout, |
| Caputo, | Holstrom, | Patterson, J. W., | Wall, |
| Castor, | Hoopes, | Perry, | Weiss, |
| Coakley, | Horst, | Peters, | Welliver, |
| Cochran, | Jones, | Pfaff, | Wickersham, |
| Coleman, | Kane, | Reynolds, | Wilson, |
| Conner, | Kelder, | Rhys, | Witkin, |
| Cordier, | Linderman, | Rinn, | Wood, |
| Davies, | Mallen, | Roan, | Woodside, |
| Downey, G. E., | McDevitt, | Robinson, | Yeakel, |
| Downey, J. J., | McElroy, | Ruffennach, | Yourishin, |
| Duffort, | McKinney, | Sarraf, | Sarig, |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

## SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

## RECONSIDERATION OF VOTE ON HOUSE BILL No. 1082

Mr. CONDON. Mr. Speaker, I move that the vote by which House Bill No. 1082, Printer's No. 475, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

was defeated on third reading and final passage on Monday, April 8, 1935, be reconsidered.

Mr. BURKE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Condon, vote on the final passage of this bill?

Mr. CONDON. Mr Speaker, I voted "no".

The SPEAKER. How did the gentleman from Philadelphia, Mr. Burke, vote on the final passage of this bill?

Mr. BURKE. Mr. Speaker, I voted "no".

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for and one hundred and eleven members or more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

Mr. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

sidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON SECOND READING

Mr. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 1594, Printer's No. 508, on page 7, of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1594, entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Executive and Judicial Departments by the act to which this is a supplement be and the same are hereby specifically appropriated to the several departments hereinater named

EXECUTIVE DEPARTMENT

Treasury Department

For the payment of the deficiency in the appropriation for interest on bonds issued under the Act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eleven) the sum of two hundred thirty-four thousand three hundred seventy-five dollars ($234,375)

Department of Forests and Waters

For the payment of the deficiency in the appropriation for expenses incurred for the extinction and control of forest fires the sum of sixty thousand dollars ($60,000)

Department of Internal Affairs

For the payment of the deficiency in the appropriation for the salaries wages or other compensation of employes postage traveling general and incidental expenses of the Bureau of Standard Weights and Measures of the Department of Internal Affairs the sum of five thousand five hundred dollars ($5,500)

Department of Property and Supplies

For the payment of the deficiency in the appropriation for the payment of premiums on surety bonds for such officers and employes of the General Assembly and the several administrative departments boards and commissions of the State government as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for State funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned by the Commonwealth and purchased from moneys of the General Fund except motor vehicles permanently assigned to departmental administrative boards having control of State institutions which policy or policies shall protect both the Commonwealth and State officers or employes operating said motor vehicles against claims for damages for injury to person or property and for the payment of a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of its several departments boards and commissions except employes or dependents of deceased employes of departmental administrative boards having control of State institutions the sum of one hundred twelve thousand dollars ($112,000) Provided That no part of this appropriation shall be available for expenditure to cover employes of the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the Board of Fish Commissioners the Board of Game Commissioners and the State Workmen's Insurance Board

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of the costs of all printing incident to the sessions of General Assembly including the printing of the Pamphlet Laws and for the payment of costs of printing the Pennsylvania State Manual the sum of two hundred thousand dollars ($200,000)

Department of Public Instruction

For the payment of the deficiency in the appropriation for the payment of salaries of County Superintendents of public schools as required by law the sum of forty-four thousand one hundred fifty dollars ($44,150)

For the payment of the deficiency in the appropriation for the payment of salaries of Assistant County Superintendents of public schools as required by law the sum of forty-six thousand eight hundred fifty dollars ($46,850)

For the payment of the deficiency in the appropriation for the reimbursement to school districts for transportation of school children as required by law the sum of three hundred eighty thousand dollars ($380,000)

For the payment of the deficiency in the appropriation for aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics and other vocational and practical education for the salaries and expenses of and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors as provided by law for two years the sum of two hundred fifteen thousand dollars ($215,000)

For the payment of the deficiency in the appropriation for reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of four million three hundred thousand dollars ($4,300,000)

Department of Revenue

For the payment of the deficiency in the appropriation for the payment of the mileage of appraisers of mercantile and other license taxes the sum of fifteen thousand dollars ($15,000)

Department of Welfare

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to Department or Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishing and livestock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of State-owned Welfare Institutions hereinafter specified in the amounts hereinafter indicated

Torrance State Hospital at Torrance $68,000

Eastern State Penitentiary at Philadelphia and at Graterford $140,000

JUDICIAL DEPARTMENT

Superior Court

For the payment of the deficiency in the appropriation for the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior Court the sum of three hundred dollars ($300)

Common Pleas Courts

For the payment of the deficiency in the appropriation for the salaries of the judges of the courts of common pleas learned in the law in the several judicial districts the sum of twelve thousand dollars ($12,000)

For the payment of the deficiency in the appropriation for the compensation carfare and expenses of judges for holding court outside of their own judicial districts in accordance with law the sum of twenty-six thousand dollars ($26,000)

On the question,

Will the House agree to the question?

Mr. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, Page 3, Line 21, by striking out after the word "hundred" the word "twelve" and inserting in lieu thereof the word "thirty-nine."

Amend Section 1, Page 3, Line 22, by striking out after the word "lars" the figure ($112,000) and inserting in lieu thereof the figure ($139,000).

Amend Section 1, Page 5, Line 9, by striking out after the word "hundred" the word "fifteen" and inserting in lieu thereof the word "five."

Amend Section 1, Page 5, Line 9, by striking out after the word "dollars" the figure ($215,000) and inserting in lieu thereof the figure "($205,000)".

Amend Section 1, Page 6, Line 1, by striking out after the word "Graterford" the figure "$140,000" and inserting in lieu thereof the figure "150,000."

Amend Section 1, Page 5, Line 9, by inserting after the word "hundred" and before the word "thousand" the words "and six."

Amend Section 1, Page 5, Line 9, by striking out after the word "dollars" the figure "($4,300,000)" and inserting in lieu thereof the figure "($4,306,000)".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to, as follows:

Section 2 This act shall take effect upon the date of its approval by the Governor

A supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

## BILL ON THIRD READING

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time House Bill No. 1119, Printer's No. 404, on page 18, of today's calendar bills on third reading posponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Woodside.

The House resumed the consideration on third reading of House Bill No. 1119, entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred fifty-one) entitled "An act relating to roads highways and bridges" decreasing minimum widths of certain roads.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## REPORT FROM COMMITTEE

Mr. Woodside, from the Committee on Judiciary General asked and obtained unanimous consent to report as committed House Bill No. 1840, entitled:

An Act requiring all courts of record and appeal to take judicial notice of public statutes, and judicial decisions by courts of record, of other states and territories of the United States, and the District of Columbia.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate April 9, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 242, Printer's No. 38, entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphet Laws two hundred eight) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representativs numbered and entitled as follows:

HOUSE BILL No. 552.

An act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

HOUSE BILL No. 441.

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws six) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising

breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such morgtages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof

HOUSE BILL No. 442.

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of one thousand nine hundred thirty-three or from Federal intermediate credit banks organized under the Agricultural Credits Act of one thousand nine hundred twenty-three.

HOUSE BILL No. 450.

An Act to amend section two of the act approved the twenty-eighth day of June, one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act, entitled, 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," as amended; providing for payments to relief fund associations of fire departments and fire companies of cities, boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

HOUSE BILL No. 462.

An Act to validate and confirm certain contracts expenditures or payments heretofore made ratified or approved by councils of cities of the third class and to direct payments thereunder by the fiscal officers of such cities in certain cases.

HOUSE BILL No. 454.

An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities townships and boroughs for payments to firemen's relief pension and retirement funds.

HOUSE BILL No. 1023.

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines.

HOUSE BILL No. 88.

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

HOUSE BILL No. 720.

An Act to amend sections six hundred and fifty, six hundred and fifty-one, section six hundred and fifty-two as amended, sections six hundred and fifty-four, six hundred and fifty-five and six hundred and fifty six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," empowering Counties to acquire lands for recreational purposes, and to build parkways, bridle paths and foot paths.

HOUSE BILL No. 1061.

An Act requiring banks trust companies bank and trust companies private bankers and building and loan association to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances.

with the information that the Senate has passed the same without amendment.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Legislative Apportionment will meet today at 2:30 P. M. in room 325.

The Committee on Public Utilities will meet today at 3:30 P. M. in room 521.

The Committee on Fisheries will meet tomorrow at 9:30 A. M. in room 326.

The Committee on Military Affairs will meet tomorrow at 9:30 A. M. in room 324.

The Committee on State Government will meet tomorrow at 10:00 A. M. in room 323.

The Committee on Boroughs and Townships will meet tomorrow at 10:30 A. M. in room 326.

The Committee on Counties will meet tomorrow at 10:30 A. M. in room 324.

The Committee on Municipal Corporations will meet after tomorrow morning's session in room 324.

The Committee on Pensions and Gratuities will meet after tomorrow morning's session in room 323.

The Committee on Judiciary General will hold a public hearing on House Bills Nos. 4 and 104 today at 2:00 P. M. in the Senate Caucus Room instead of the Hall of the House.

The officers of the League of cities of the third class have invited members from third class cities to meet with them at the Harrisburg Lodge of Elks, 216 North Third Street, tonight at 6:30 P. M.

The Committee on Banking will not meet today.

The Committee on Judiciary Special will not meet today.

The Committee on Law and Order will not meet today.

## ADJOURNMENT

Mr. COLEMAN. Mr. Speaker, I move that this House to now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 1:58 P. M.) the House adjourned until Wednesday, April 10, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, APRIL 10, 1935 No. 43

## SENATE

WEDNESDAY, April 10, 1935

The Senate met at 10:00 o'clock A. M.

The PRESIDENT PRO TEMPORE (Mr. John G. Homsher) in the Chair

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Save us, O Lord, from the sin of undue self-esteem. We realize that we must place a proper estimate upon our own persons and powers, else we would achieve naught in life. May we grant our fellow men the same privilege. May we not forget that only one perfect man has ever lived and that He was God as well as man. And how humble and unassuming He was!

Whatever our belief concerning Him may be, we must admire His perfection of character, His superior intellectual power and the lasting impression He has made upon the race. Yet He set for Himself the task of going about to do good, bearing the burdens of others and making the world brighter and better.

Give Thy councel unto the members of this Senate, O God, so they may be, like the Man of Galilee, a source of blessing and hope unto the multitudes who look to them for helpful legislation

We ask it in His name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk preceeded to read the Journal of the preceding session, when, on motion of Mr. NORTON, the further reading was dispensed with, and the Journal was approved.

### PETITIONS

#### FAVORING REDUCTION OF TAXES ON REAL ESTATE

Mr. REED (Washington) presented to the Senate petitions from Pawnee Grange No. 1375 and Washington County Pomona Grange favoring reduction of taxes on real estate.

Which were referred to the Committee on Finance.

#### PROTESTING AGAINST SENATE BILL NO. 204

He also presented petitions from the Elizabeth Borough Council, Borough Council of Aspinwall, Robinson Township School District and Showden Township School District protesting against Senate Bill No. 204.

Which were referred to the Committee on County Government.

#### FAVORING REVISION OF THE CONSTITUTION

He also presented petition from the Fallowfield Grange No. 1382 favoring revision of the Senate Constitution.

Which was referred to the Committee on Constitutional Changes.

#### FAVORING COMPLETION OF STATE HIGHWAY ROUTE NO. 02169

He also presented petition from the Township Commissioners of Springdale Township favoring completion of Route No. 02169.

Which was referred to the Committee on Highways.

#### FAVORING PROPORTIONATE SHARE OF LIQUOR LICENSE FEES

He also presented petition from the Monongahela City Council favoring legislation to return a proportionate share of the liquor license fees to third class cities.

Which was referred to the Committee on Finance.

### RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### RESOLUTION RELATIVE TO THE TRANSFER OF MONEY FROM SPECIAL FUNDS

Mr. McCLURE. Mr. President, I move that the Senate do now proceed to the consideration of the resolution relative to the transfer of money for relief purposes, favorably reported from Committee on Finance at yesterday's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was read as follows:

In the Senate, April 9, 1935.

Whereas, It is necessary that the Commonwealth of Pennsylvania shall contribute its share of the moneys necessary for unemployment relief for the months of April and May; and

Whereas, It has been reported that the Federal Relief Administrator has required that the Commonwealth of Pennsylvania shall contribute as its share the sum of five million ($5,000,000) dollars per month; and

Whereas, The unemployment relief needs of the Commonwealth of Pennsylvania have been provided for up to and including the fifteenth day of April 1935; and

Whereas, There is not sufficient money in the General Fund to provide for the Commonwealth's contribution for the balance of the month of April and May, 1935; and

Whereas, It is of paramount importance that the poor and needy of Pennsylvania shall not be permitted to go hungry or starve; and

Whereas, There was introduced in the House of Representatives on the 8th day of April, 1935, by the gentleman from Philadelphia, Mr. Blumberg, bills designed to permit the Commonwealth of Pennsylvania to accomplish the above by borrowing the sum of seven million five hundred thousand ($7,500,000) dollars for the use of the General Fund by transfer to the General Fund from the Liquid Fuels' Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, the said sum of seven million five hundred thousand ($7,500,000) dollars for the purpose of meeting the requirements of the Federal Administrator for unemployment relief; now therefore be it

Resolved, (if the House of Representatives concur), That the General Assembly hereby authorizes the Governor and the fiscal officers of the Commonwealth to transfer to the General Fund from the Liquid Fuels' Tax Fund the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, for deposit in the General Fund, the sum of seven million five hundred thousand ($7,500,000) dollars, and the General Assembly hereby pledges that it will pass appropriate legislation validating the action of the Governor and the fiscal officers in making such transfers and providing such moneys if the legislation enacted for the purpose of making said transfers and providing said moneys shall provide for the repayment of such moneys to the said funds from which the same was taken on or before December 31, 1935.

On the question,

Will the Senate agree to the Resolution?

Mr. McGINNIS. Mr. President, I feel that this is a cowardly thing to do. The last Special Session of this Legislature did nothing but transfer funds. This is not raising funds; it is merely escaping taxation. These funds will have to be paid back, and I feel that if we were in a state of war here today, my good friends on the other side would forget politics; that we would all forget politics, and raise some revenues to meet the situation.

I feel, Mr. President, that we are in a worse condition today than if we were in a state of war; I know the people in my district are suffering more than they ever suffered under any war; and here we have been in this Senate, of the State of Pennsylvania, for three months fiddling our time away. Our people are patient—I know people back home that are losing their homes; the people who have saved all their lives, saved for a rainy day, saved for old age, and something, somehow, has happened, something has come along and has swept their wealth right from under their feet. People are walking the streets starving, and I see misery, want and woe written on every face; and yet in this Senate, of the State of Pennsylvania, are playing politics.

Now, I know the gentlemen on the other side—I know some very fine men, almost all of them are very fine men, and it is natural to play politics—we all play it more or less; but, as I said before, if we were in a state of war I am sure that this week we would put through in this Senate revenue bills that would meet the situation.

Now, what does this resolution propose? It proposes taking money from the Liquid Fuels Fund, the Motor License Fund, the Soldiers Bonus Fund, the Liquor Control Fund. Now, those are taxes that have been paid by the masses of this State. They have done their duty during the past five years of misery and depression and woe and suffering; they have gone without luxuries and they have paid into these funds hard-earned dollars; and during these five years I have observed the Utilities of Pennsylvania drawing down dividends the same as they drew down in the midst of prosperous years of this country, and there has been not a move during these five years to reach out and tap the sources of wealth in Pennsylvania.

Our Governor said the other day, that there were $6,000,000,000 of taxable property, taxable wealth, in Pennsylvania escaping taxation. Now, it does seem to me, after five years of this awful depression, of this suffering, of these failures and suicides, that this Senate would relieve the masses of Pennsylvania, would reach out and tap some of the wealth of this State in this terrible situation. I believe that in every district in Pennsylvania, every Senatorial district, the conditions are the same as in mine; I believe the people are suffering in every district as they have never suffered before; and I feel that we should forget our party politics here. I have heard nothing offered from the other side, except from one member, I believe, and he took it upon himself to say that he did not represent his Party but represented himself only, and that is the only suggestion I have heard here for three months, to meet a most terrible situation.

I know that our hospitals need money; I know that many tuberculosis patients are suffering throughout this State, and cannot get into any hospital. The Emergency Relief needs this money, and the idea of shifting this money from funds where the masses of this State dug down in their pockets to fill those funds, and letting the Utilities and the manufacturers escape taxation, when they have drawn down dividends in the midst of depression same as they have drawn them down before—I say to you it is a crime to go on the way we are going and allow that thing to continue.

Mr. THOMPSON (Centre). Mr. President, in addition to the moral aspect of this situation, which my colleague, the Senator from Allegheny, Mr. McGinnis, has so eloquently discussed, there is a very practical fiscal aspect to such proposed transfer, which we are entirely neglecting.

This resolution proposes to take $2,000,000 from the Liquid Fuels Fund, in addition to the $3,766,000 taken at the 1934 Special Session; to take $1,000,000 from the Liquor License Fund, in addition to the $2,173,000 taken at the 1934 Special Session; and to take $2,000,000 from the Motor License Fund, in addition to the $5,140,000 taken in the 1934 Special Session. Somehow or other we are coming to the climax, in the State of Pennsylvania, of an inferiority complex on the part of our legislators with regard to the levying of taxation. We have seen for years, growing up in this State, an inadequacy of our tax measures. We see, for instance, in our Insane and in our Tubercular Institutions an absolutely inadequate condition; hundreds if not thousands of patients have for years been on the waiting lists of those institutions; and we have not offered—our legislators have not offered to levy taxes, in order to bring those institutions up to the standard that should be in the State of Pennsylvania, and provide accommodations for the needy that should be in those institutions. We know, down to our Special Session of last September, we saw that same practice coming more to the fore, when we transferred the enormous amount of funds that were transferred last September, and made, in that session, no provision to repay those funds; and no provision was ever presented in these legislative halls to provide for repay-

ment to those funds until the Governor's Budget message came into the halls ot fhis Legislature this year.

Now we propose a further raid upon these especial funds; and, mind you, these funds we are proposing to deplete today are in the nature of trust funds. The Highway Fund is regarded as a trust fund for the building of highways; the Veterans Compensation Fund—spoken of so eloquently by Senator Reed on Monday—was voted by the people of Pennsylvania as a fund for the purpose of paying the Soldiers' Bonus, and now we are attempting to raid that fund. Furthermore, let us consider this Veterans Fund a little bit. We all know that if we vote to transfer money from this fund it will be absolutely illegal and unconstitutional, and for the following reasons: First, the money contained in the Veterans Compensation Fund was derived from the sale of bonds authorized at a referendum, I believe, two years ago—for the specific purpose of paying the Soldiers' Bonus. The Veterans Fund now has $5,637,000 in it. $2,450,000 of that total is presently due—due now for the payment of interest and Sinking Fund requirements on the $50,000,000 bond issue that was made to procure this fund.

If $2,500,000 is transferred out of the Veterans' Compensation Fund, there will not be enough money left to take care of the applications for the bonus which are now on hand, and many of which have already been approved but checks not yet drawn.

With regards to the $2,000,000 which it is proposed to transfer from the Liquid Fuels Tax Fund, the actual balance on hand today is $2,019,562. Such a transfer would absolutely strip that fund.

The same holds true of the $1,000,000 which it is proposed to take from the Liquor License Fund, which now has on hand $1,174,000.

This fact must be remembered—that if $2,000,000 is taken from the Liquid Fuels Tax Fund, and $1,000,000 from the Liquor License Fund, making a total of $3,000,000, that money would be taken away from thousands of communities, small and large, in the State to which under the terms of our jurisprudence this money belongs—by reason of our lack of courage to face a taxing situation which calls for taxation and not interminable transfer of funds, when God knows where, after seven weeks from today, these funds are going to come from.

Coming on top of the $5,900,000 transferred from these funds at the 1934 Special Session, we would have approximately $9,000,000 taken away from cities, towns and boroughs which, in making up their budgets for this year, treated these funds as collectible from the State and budgeted them accordingly.

Mr. President, I say this is the unsoundest and unwisest kind of fiscal maneuver, to try to capture these funds at this time for purposes for which they were never intended, while we still sit here and fiddle about things which we have to do and are afraid to tackle, namely, the levying of taxation. We know we have got to do it. We know the end of this biennium is only seven weeks away; and, if we have no taxation provided for, what are we going to do in seven weeks or two months from now? What will we do in seven weeks from now, when we start to work on our budget, or the budget which we are supposed to have filed by that time for the biennium which starts in June of 1935?

Certainly, there is no one in this Senate more in favor of levying taxes for relief purposes, to relieve taxation on real estate, than I am. No one is more anxious to see that money procured. But I say to you, Mr. President, and gentlemen of the Senate, this is a cowardly way to get out of this situation. This is a matter in which we are deliberately shirking the duties of our office, which we pledged ourselves to carry out when we entered this Senate; and I appeal to you, Mr. President and members of the State Senate, to screw up your courage and get down to this business of taxation, which we all seem so reluctant to look squarely in the face, to let the people of this State of Pennsylvania know they have a Legislature in session, to let them know they have a group of men who are finally willing to perform their constitutional duties, and not shirk the duties which the people of this State have imposed upon them.

Mr. LAW. Mr. President, it seems to me that we are all wrong in regard to this transfer proposition—as to the purpose. I would like to know what the purpose of this transfer is. If it is to meet the issue which has been put up to the Governor of Pennsylvania by the head of the Relief organization at Washington, it is absolutely meaningless, because what was asked for was a revenue system which will show where the money is coming from during the next biennium, not where we are going to get immediate money for the next six weeks.

We are proposing to transfer money out of the various funds—that is a habit we have in Pennsylvania, of transferring money from funds, whether rightly or wrongly, and I believe there have been transfers in the past that were absolutely in defiance of the moral law. When you take funds which have been set aside, for use of the municipalities of the State of Pennsylvania through liquor licenses or highway funds, and that have been budgeted by those municipalities on the promise of the Commonwealth of Pennsylvania that they would receive those funds, you are not keeping faith. Those municipalities have, very properly, reduced their real estate assessments, or reduced their millage rate, because of this promised money. Now we are going back, at the very time when we are trying to relieve real estate from excessive taxation, and we are saying to these municipalities, "you have got to put more taxes on real estate, in order to raise this money which we are taking away from you."

On the question of the money taken from the Soldiers' Bonus Fund I am satisfied that we have not the power to authorize the Governor or anybody else to transfer this money. This is set aside by a bond issue for a specific purpose, and if this transfer were to go through the Veterans Organizations throughout the State of Pennsylvania would take you into court on the legal question of whether you have the right to make the transfer or not.

There has been too much, in the last two years, in Pennsylvania, of the attitude of meeting these problems by just simply forgetting everything and saying, "What is the Constitution among friends?" We have asked for Constitutional Revision because we feel it is needed, but we are not willing to scrap the Constitution now and say we will defy the Constitution and transfer the money anyway. Money has been transferred and raised in the past without compliance with the ordinary method of amendment to the Constitution of Pennsylvania; but we are not going, here in the Legislature, to agree to transfer these funds now in defiance of the State Constitution. We have been asked to propose and give to the people of Pennsylvania a revenue system which will raise the

money to meet the problems of the next biennium; instead we are simply offering a transfer of some funds.

Gentlemen of the right, are you going to take the position that when these people ask for bread you will give them a stone? That is what you are doing today, with this legislation; and I am unalterably opposed to such a transfer. I want to see the problem met fairly and squarely. If we are afraid of a tax because we fear it is going to cut off sources of private revenue, rather than publice rvenue, let us come out and say so.

Last fall, in the Special Session, the Legislature refused to act to raise new revenue. On the eve of an election they dared not increase taxation on the small man. At the same time there was an apparent fear of increasing taxation on the special and privileged interests, for fear it would cut off contributions and special favors, and injure personal friends. Let us get away from that; let us get down to a point where we will look after the interests of all the people in Pennsylvania indiscriminately, and work for the people. Get a taxing program that will be effective, and that will provide for the needs of the Commonwealth of Pennsylvania for the next biennium. Forget these transfers and work on our real need for a taxing program.

Mr. STAUDENMEIER. Mr. President, I am exceedingly sorry to be here this morning to hear all of these talks about being cowardly. From what I know of the personnel of this Senate, I sincerely doubt whether that term can be fittingly and appropirately applied to the men who go to make up this Senate, and I depreciate in no uncertain way the statement that we are now "engaged in war". I heard that call years ago, and I sincerely hope that neither I, nor those belonging to me, or any of you, or those belonging to you will hear this talk of war as we know that term. This is no time to talk about cowardice—this is no time to talk about war—what we are talking about here this morning is a resolution to do what—to do nothing more than what we did in this very Session, a transfer of funds for hospitalization, a transfer of funds for old age assistance, an action which was concurred in whole-heartedly and unanimously by my colleagues on the left. If this is so wrong today, what has happened in the interim to make that which was right several weeks ago wrong today? And have we not lost sight of one fact? These transfers are not to be made with the thought in mind that the money will never again go back to those funds; that is not the thought. The thing that makes this resolution so necessary and so vital this morning is the statement of the Federal Relief Administrator that on and after April 15th the State of Pennsylvania will be compelled—to do what—to have $5,000,000. in money to go towards the relief burden in the State of Pennsylvania.

I am not unmindful of the fact as I stand here today, that my own county of Schuylkill has the greatest relief burden of any county in the State of Pennsylvania, according to the last figures that were released, and I have not turned from white to black and black to white. Not yet. I am not traitorous to the people back home, just as I am not traitorous to the people in general in this Commonwealth, but if that statement of the Federal Relief Administrator, that on April 15th Pennsylvania must have $5,000,000. to match the Federal fund, then I say, here is an appropriate method of doing so. I say in all sincerity that just like my friends on the left, so my Republican friends on the right, I believe each and every man in this Senate is doing his best to work out a tax situation that will meet the needs of those who are entitled to relief in this Commonwealth.

I do not like these charges of insincerity. I think they come with poor grace, and perhaps on the spur of the moment we are inclined to forget our better sense and use expressions here which in our own hearts we do not mean, because after all, just as sure as I am standing here today, this problem is going to be worked out, it is going to be solved. There are going to be taxes, there is no doubt about that, but to take care of this present emergency, by this date of April 15th, certainly, my fellow Senators, there is no harm in passing this resolution. Just as at a caucus here a short time ago, we realize that this transfer from the Soldiers' Bonus fund would in all likelihood be declared illegal, and you might say 'ab initio,' from the time of its inception, if it be wrong. We discussed that and we said, "let this resolution be passed here with the understanding that over in the House an amendment will be offered to strike out the figures $7,500,000. and make it $5,000,000; that takes care of the transfer from the Soldiers' Bonus fund.

That resolution was amended as passed by the House. It only need come back here next Monday evening, and I am sure that this Senate will concur in the amendment, and then were it to go down to Washington that "here we have the $5,000,000, the money is here for you, we are not shirking our duty as Pennsylvanians, that is not our thought, but before we, as Pennsylvanians, pass a tax program, we want to be sure and be satisfied in our consciences that the taxes that are levied and about to be collected from ciizens of the Commonwealth of Pennsylvania, are the taxes which, in the best judgment, the best minds of the administration, of the House and of the Senate, are the bills that were passed by the present Session of the Pennsylvania Legislature. That is the only thought we have in mind.

I am sure there is not a man in this Senate who would be so devoid of common decency as to harbor in his breast the thought that we could avoid taxing somebody in this Session in order to take care of those who are in need. No, it is going to be a long day until I will charge a fellow Senator with harboring thoughts of that kind. All we ask here is, pass this resolution, have it amended as I have outlined, in the House, and I am sure that in the course of the next few weeks my friends over on the left will have no cause to complain, and in an irrational moment charge a fellow Senator with being cowardly and will no longer, I sincerely hope, in his zeal, raise this awful spectre of war. There never was a need for raising a spctre of that type—never. Let us be true to ourselves. Let us not be stampeded into doing something which perhaps you and I may sincerely regret after we close this Session. Let us go home when these taxes are levied, with the thought in mind that we have done the best that we possibly could according to the dictates of our consciences.

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

Mr. BUCKMAN. Mr. President, I call for the previous question.

Mr. OWLETT. Mr. President, I second it.

Mr. McCLURE. Mr. President, I second it.

Mr. ZIESENHEIM. Mr. President, I second it.

Mr. NORTON. Mr. President, I second it.

Mr. EALY. Mr. President, I second it.

The PRESIDENT. The previous question has been called for.

Mr. CAVALCANTE. Mr. President, I desire to rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, is out of order, the previous question has been called for.

Mr. BUCKMAN. Mr. President, I withdraw the call for the previous question.

Mr. OWLETT. Mr. President, I withdraw my second.

Mr. McCLURE. Mr. President, I withdraw my second.

Mr. ZIESENHEIM. Mr. President, I withdraw my second.

Mr. NORTON. Mr. President, I withdraw my second.

Mr. EALY. Mr. President, I withdraw my second.

The PRESIDENT. The previous question has been withdrawn.

Mr. CAVALCANTE. Mr. President, due to the incident that has just transpired, I wish to read on my point of order from Jefferson's Manual, and I do that because Rule 34 of this Senate reads as follows:

"The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Senate, and the joint rules of the Senate and House of Representatives".

I want to state at this moment that I was on my feet on a point of order before the Senator from Bucks Mr. Buckman called for the previous question.

Mr. HARRIS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his point of order.

Mr. HARRIS. Mr. President, there is no objection to the Senator from Fayette, Mr. Cavalcante, speaking. The objection has been withdrawn, and therefore this question is not before the House.

The PRESIDENT. The Chair rules that the point of order is well taken.

Mr. CAVALCANTE. Mr. President, I now read from Jefferson's Manual—

The PRESIDENT. The point of order raised by the Senator from Allegheny, Mr. Harris, is well taken, and the Senator from Fayette, Mr. Cavalcante, will confine himself to the question.

Mr. CAVALCANTE. Mr. President, my point of order is this: Rule 39 reads—

Mr. McCLURE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Delaware, Mr. McClure will state his point of order.

Mr. McCLURE. Mr. President, the resolution is debatable and not the point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will confine himself to the resolution.

Mr. CAVALCANTE. Mr. President, my point of order is on the resolution. Is that clear? If they will allow me to proceed, I will state my point of order.

Rule 39 of this Senate reads:

"The following resolutions after they have been twice read shall be referred to an appropriate committee—"

Mr. HARRIS. Mr. President, I raise the same question and press my request, that the Senator from Fayette be refused permission to speak on this subject. It is not properly before this body.

The PRESIDENT. The Senator from Fayette will confine himself to remarks upon the resolution.

Mr. CAVALCANTE. Mr. President, and that is what I am doing.

The PRESIDENT. The Chair rules that the Senator from Fayette is not doing that when he is speaking on the point of order.

Mr. CAVALCANTE. Mr. President, my point of order is that the resolution is not before this Senate legally and logically, under the rules of this Senate, for consideration, and I wish to state my reasons.

The PRESIDENT. The point of order is not well taken. This resolution is properly before the Senate, and the Chair so rules. The Senator can only appeal from the decision of the Chair.

Mr. CAVALCANTE. Mr. President, that question has not been raised. I have arisen to a point of order to have a ruling that this resolution is not properly before this Senate at this time for consideration.

The PRESIDENT. The Chair has ruled that the resolution is properly before the Senate.

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, I submit that the Senator from Fayette should be allowed time to present his point of order, and that he has a right to do. Then he can consider it afterwards.

The PRESIDENT. The Chair informs the Senator from Monroe, Mr. Huffman, that the Senator from Fayette, Mr. Cavalcante, has read the Rule.

Mr. CAVALCANTE. Mr. President, am I in order or out of order?

Mr. EALY. Mr. President, the Senator from Fayette has raised the point of order that this resolution is out of order. I think, for one, that he should be allowed to give his reason for stating that it is out of order and then the President can rule on that.

Mr. CAVALCANTE. Mr. President, this resolution is out of order because Rule 39 of this Senate provides the following:

"The following resolutions after they have been twice read, shall be referred to an appropriate committee, without debate, (unless by unanimous consent the Senate shall otherwise direct), and is favorably reported by the committee, shall lie over one day for consideration, after which they may be called up, as, of course, under the appropriate order of business".

Mr. President, I contend that the resolution under consideration is a concurrent resolution and that the resolution has not been on the table a calendar day before consideration of it at this time.

Mr. HARRIS. Mr. President, I agree with the Senator from Fayette, Mr. Cavalcante, on the rule, and everything that he reads from the rule has been done.

The PRESIDENT. The Chair rules that the point of order by the Senator from Fayette, Mr. Cavalcante, is not well taken.

The PRESIDENT. The question is on the adoption of the resolution.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. CAVALCANTE and Mr. RICE and were as follows, viz:

YEAS—24

| | | | |
|---|---|---|---|
| Aron, | Harris, | Pierson, | Thompson, |
| Batchelor, | Howell, | Reed, | (Westmoreland) |
| Buckman, | Hunsicker, | (Dauphin) | Trainer, |
| Chapman, | Mallery, | Salus, | Woodward, |
| Coyne, | McClure, | Shapiro, | Ziesenheim, |
| Ealy, | Norton, | Staudenmeier, | Homsher, |
| Gelder, | Owlett, | | Pres. Pro. Tem. |

NAYS—18

| | | | |
|---|---|---|---|
| Baumer, | Lanius, | Rankin, | Rodgers, |
| Cavalcante, | Law, | Reed, | Rupp, |
| Frey, | McCreesh, | (Washington) | Sones, |
| Huffman, | McGinnis, | Rice, | Thompson, |
| Kahle, | Pytko, | Roberts, | (Centre) |

So the question was determined in the affirmative.

## MOTION TO RECOMMIT RESOLUTION

Mr. THOMPSON (Centre). Mr. President, I move the resolution that has just been considered, in spite of the vote, be recommitted. We are pledging this Senate to transfer money and to repay money into those funds by this resolution, and a constitutional majority of this Senate has not voted to do that. We are pledging ourselves to legislation, and a constitutional majority has not acted on this resolution.

Therefore, Mr. President, I move that the resolution be recommitted to the Committee and not forwarded to the House of Representatives.

Mr. RICE. Mr. President, I second the motion.

Mr. BUCKMAN. Mr. President, the resolution being a concurrent one has been passed by a majority of the Senators present in the Hall, and, therefore, the motion of the Senator from Centre, Mr. Thompson, is out of order, and the resolution should be messaged to the House in accordance with the instruction of the Senate.

The PRESIDENT. The Chair rules that the point of order of the Senator from Bucks, Mr. Buckman, is well taken. The motion of the Senator from Centre, Mr. Thompson, is out of order.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

On March 25, 1935, the Federal Emergency Relief Administration served notice that it would halt further relief disbursements in Pennsylvania after April 15th unless this Commonwealth would enact tax legislation which would insure, when the revenues resulting from such tax legislation became available, that Pennsylvania would contribute $5,000,000 monthly as its fair share of the present approximate $20,000,000 monthly relief costs in this State.

In view of the approach of the April 15th deadline fixed by the Federal Emergency Relief Administration, I request that the General Assembly remain in session for the remainder of the present week for a sufficient number of Legislative days in which to pass adequate tax legislation which will assure the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

GEORGE H. EARLE.

The PRESIDENT. The communication is referred to the Committee on Finance.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

### WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Abram H. Young, of Manheim, Lancaster County, as a Workmen's Compensation Referee, vice Harvey B. Lutz, resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

SCHUYLKILL COUNTY

Miss Mary M. Boyle, Coaldale, April 14, 1935.

ALLEGHENY COUNTY

Harry Easton, Pittsburgh, April 21, 1935.

PHILADELPHIA COUNTY

Samuel J. Taylor, Philadelphia, April 23, 1935.

ALLEGHENY COUNTY

Miss Faye E. Miller, Pittsburgh, April 27, 1935.
Howard I. Hausman, Pittsburgh, April 27, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William A. Barrickman, Clairton.
Miss Elizabeth C. Ritz, Peoples Bank Bldg., Pittsburgh.

PHILADELPHIA COUNTY

Robert Armstrong, Jr., 7121 Woodland Ave., Philadelphia.
George W. Hamm, 400 Chestnut St., Philadelphia.
Miss Helen G. Youell, N. W. Cor. Broad and Walnut, Philadelphia.
Louis Howard Zeff, 3015 Ridge Ave., Philadelphia.

SCHUYLKILL COUNTY

George R. Stitzel, Pottsville.

GEORGE H. EARLE.

## HOUSE MESSAGE

### RESOLUTION RELATIVE TO ADJOURNMENT

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows:

In the House of Representatives, April 10, 1935.

Whereas, an emergency exists in the fiscal affairs of the Commonwealth which threatens to prejudice the ability of the Commonwealth to obtain funds from the Federal Government for relief purposes and

Whereas, the General Assembly to this date has passed no taxing legislation and

Whereas, the fifteenth day of April has been fixed as the dead line for the furnishing of Federal funds unless appropriate action is taken by the Legislature demonstrating good faith inthis critical situation.

Now therefore be it resolved, by the House of Representatives (if the Senate concur) that the General Assembly remain in session during the present week for sufficient number of legislative days in which to pass adequate taxing legislation which will indicate to the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

Mr. THOMPSON (Centre). Mr. President, I want to call your attention to the fact that this is a privileged resolution and should be acted upon immediately and not referred. Let me call attention to Rule 39:

"All Senate and House concurrent resolutions, excepting resolutions in reference to adjournment" * * * which shall be regarded as privileged."

This resolution, thereofre, is a privileged resolution, and I move you that the Senate concur in the resolution as adopted by the House.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, be interrogated?

Mr. THOMPSON (Centre). Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Centre, Mr. Thompson, state what we propose to do here if we stay the rest of this week?

Mr. THOMPSON (Centre). Mr. President, I think that is beside the question.

Mr. SHAPIRO. Mr. President, I would ask the Senator from Centre, Mr. Thompson, to answer the question which is in my mind. I am willing to make a sacrifice of my time, and ask the forty-nine other Senators to do the same if there is something we can accomplish by the sacrifice.

## POINT OF ORDER

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, my point of order is that there is a resolution before the house, and the Senator from Philadelphia, Mr. Shapiro, is out of order.

The PRESIDENT. The Chair rules that the point of order of the Senator from Monroe, Mr. Huffman, is not well taken; and that the resolution is before the house and is the subject of debate.

Mr. THOMPSON (Centre). Mr. President, does the Senator from Philadelphia, Mr. Shapiro, renew his question?

Mr. SHAPIRO. Mr. President, I renew my question.

Mr. THOMPSON (Centre). Mr. President, in answer to the Senator from Philadelphia, Mr. Shapiro, I think there is no doubt about what may be done during the rest of the week if the unanimity of the forty-nine minds, of which he spoke, is expended along the line of reporting some tax bills out of committee and of acting favorably on them on the floor of this house.

Mr. SHAPIRO. Mr. President, is it not true that there are no tax bills now on the calendar, and therefore even if the Senate were to sit here for the rest of the week nothing could be accomplished, as it takes three legislative days here, and three in the House of Representatives?

I would like the Senator from Centre, Mr. Thompson, to state what tax bills could be passed before Monday of next week; and how we can accomplish anything if nothing can be done to pass the bills.

Mr. THOMPSON (Centre). Mr. President, the personal property tax bill is in committee. It could be reported out today. It could be passed on first reading today, on second reading tomorrow, Thursday, and could be passed finally on Friday—as could some of these other tax bills which are now in committee.

Mr. SHAPIRO. Mr. President, is the Senator from Centre, Mr. Thompson, aware of the fact that the personal property tax bill was recommitted to committee for the purpose of amendment, and nobody has sent in any amendment?

Mr. THOMPSON (Centre). Mr. President, these amendments could be offered at any time. There are other tax bills—the chain store tax and others—that could be reported out today.

Mr. SHAPIRO. Mr. President, is it not true that the personal property tax bill was recommitted for the purpose of allowing amendments to be submitted by my friends over on the other side, and that up to this time no amendments have been offered, and we have not seen any?

The PRESIDENT. The Chair wishes to state that while great latitude is desired in the exchange of thought and speech in the Senate, we will get along expeditiously if the Senators will address the Chair, in regular order.

Mr. SHAPIRO. Mr. President, I should like the Senator from Centre, Mr. Thompson, to state whether it is not a fact that so far as the calendar is concerned there are no bills—that no tax bill is on this calendar which can be passed this week, and that no bill that we have before us—there are not sufficient legislative days left this week for us to pass any legislation of the sort he speaks of.

Mr. THOMPSON (Centre). Mr. President, we have four legislative days in which to act during this present week; and I think the Senator from Philadelphia, Mr. Shapiro, has been in this body long enough to know that it takes only three legislative days in order to pass a bill.

Mr. HUFFMAN. Mr. President, I would like to answer the question propounded by the Senator from Philadelphia, Mr. Shapiro. There is one bill in the Finance Committee that would net the State about $40,000,000 if passed. It has been passed by the House, it has passed two readings in the Senate, and if reported today, can be passed today and become a law before night.

Mr. McCLURE. Mr. President, at a meeting of the Finance Committee yesterday, late in the afternoon, the Senator from—I forget the county—offered amendments to the six-mill personal property tax, as we know it. Those amendments are now being given consideration. I also want to state that it is not necessary for the whole Senate to stay here in order to give consideration to the bills that are in committee. The Finance Committee has been working continuously ever since these bills have come into the possession of the Senate. We have had a number of hearings and we are considering these bills all the time. Mr. President, I assure you that nothing will be lost, as the committee will continue its activities over the week-end if this Senate adjourns.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. CAVALCANTE and Mr. BUCKMAN and were as follows, viz:

YEAS—19

| | | | |
|---|---|---|---|
| Baumer, | Lanius, | Rankin, | Rodgers, |
| Cavalcante, | Law, | Reed, | Rupp, |
| Frey, | McCreesh, | (Washington) | Sones, |
| Harris, | McGinnis, | Rice, | Thompson, |
| Huffman, | Pytko, | Roberts, | (Centre) |
| Kahle, | | | |

NAYS—23

| | | | |
|---|---|---|---|
| Aron, | Howell, | Reed, | Trainer, |
| Batchelor, | Hunsicker, | (Dauphin) | Woodward, |
| Buckman, | Mallery, | Salus, | Ziesenheim, |
| Chapman, | McClure, | Shapiro, | Homsher, |
| Coyne, | Norton, | Staudenmeier, | Pres. Pro. Tem. |
| Ealy, | Owlett, | Thompson, | |
| Gelder, | Pierson, | (Westmoreland) | |

So the question was determined in the negative.

## REPORTS FROM COMMITTEE

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on State Government, reported as amended, Senate Bill No. 609, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on County Government, reported as committed, Senate Bill No. 432 (House Bill No. 678), entitled:

An Act to amend sction twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. Coyne from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### MEMBERS OF THE STATE PARK AND HARBOR COMMISSION OF ERIE

April 8, 1935

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Martin Mayer, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice George B. Taylor, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Robert M. Thompson, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice Paul D. Wright, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Dr. G. C. Boughton, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice S. A. Sisson, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Patrick J. Grant, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified (reappointment).

S. Y. Rossiter, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice W. W. D. Sones, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Norman Wilson, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice Austin J. White, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Fred J. Waldinger, of Erie, Erie County, as a member of the Pennsylvania State Park and Harbor Commission of Erie, vice James N. Wilson, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

### JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

George C. Patterson, of Pitcairn, Allegheny County, as Justice of the Peace in the Borough of Pitcairn, Allegheny County, vice L. H. Deviney, resigned, until the first Monday in January, 1936.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Mrs. Ida S. Crytzer, of Tarentum, Allegheny County, as Justice of the Peace in the Township of Fawn, Allegheny County, until the first Monday in January, 1935.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

| | | | |
|---|---|---|---|
| Aron, | Huffman, | Pytko, | Shapiro, |
| Batchelor, | Hunsicker, | Rankin, | Sones, |
| Baumer, | Kahle, | Reed, | Staudenmeier, |
| Buckman, | Lanius, | (Dauphin) | Thompson, |
| Cavalcante, | Law, | Reed, | (Centre) |
| Chapman, | Mallery, | (Washington) | Thompson, |
| Coyne, | McClure, | Rice, | (Westmoreland) |
| Ealy, | McCreesh, | Roberts, | Woodward, |
| Frey, | McGinnis, | Rodgers, | Ziesenheim, |
| Gelder, | Norton, | Rupp, | Homsher, |
| Harris, | Owlett, | Salus, | Pres. Pro. Tem. |
| Howell, | Pierson, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

## BILL ON THIRD READING AND FINAL PASSAGE

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed with the consideration of Senate Bill No. 768, on third reading, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 768, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

| | | | |
|---|---|---|---|
| Aron, | Huffman, | Pytko, | Shapiro, |
| Batchelor, | Hunsicker, | Rankin, | Sones, |
| Baumer, | Kahle, | Reed, | Staudenmeier, |
| Buckman, | Lanius, | (Dauphin) | Thompson, |
| Cavalcante, | Law, | Reed, | (Centre) |
| Chapman, | Mallery, | (Washington) | Thompson, |
| Coyne, | McClure, | Rice, | (Westmoreland) |
| Ealy, | McCreesh, | Roberts, | Woodward, |
| Frey, | McGinnis, | Rodgers, | Ziesenheim, |
| Gelder, | Norton, | Rupp, | Homsher, |
| Harris, | Owlett, | Salus, | Pres. Pro. Tem. |
| Howell, | Pierson, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILLS ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now proceed with the consideration of Senate Bill No. 701, (House Bill No. 1354), on third reading entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 701 (House Bill No. 1354), entitled:

An act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunties of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations asso-

ciation or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and lmiitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend the title on page 1, line 15 by striking out after the word "trustees" the word share-holders; also line 15 by inserting after the word "trustees" the word share-holders; also line 18 by striking out at the beginning of the line the syllable ciation; also line 18 by inserting at the beginning of the line before the word "or" the syllable ciations; also section 1, page 3, line 10 by striking out after the word "of" the word the; also line 25 by striking out at the end of the line the word charter; also line 25 by inserting at the end of the line after the word "or" the word charters also page 4, line 20 by striking out the word discounts; also line 20 by inserting after the word "of" and before the word "and" the word discount; also page 6, line 9 by striking out after the word "any" the word banks; also line 9 by inserting after the word "any" the word bank; also page 7, line 11 by striking out after the first the word Reorganized; also line 11 by inserting after the first and before the word "Stock" the word Recognized; also page 9, line 25 by striking out after the word "and" the word effectively; also line 25 by inserting before the word "conducted" the word efficiently; also page 12, line 26 by striking out at the end of the line the following: by section; also line 27 by striking out at the beginning of the line the following: 401; also line 27 by inserting before the word "but" the words by this act;; also page 15, line 19 by inserting after the word "but" and before the second the word every; also line 19 by striking out before the word "share" the word Every; also line 19 by inserting before the word "share" the word Every; also page 16, line 28 by striking out at the end of the line the word per; also line 28 by inserting after the word "aggregate" the word per; also page 17, line 21 by striking out after the word "any" the word shares; also line 21 by inserting after the word "any" the word share; also page 19, line 16 by inserting after the word "bank" and before the word "bank" the word a; also page 22, line 24 by striking out the second word "banks"; also line 24 by inserting before the word "and" the word bank; also line 27 by striking out the second word "banks"; also line 27 by inserting before the word "and" the word bank.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## CONSIDERATION OF THIRD READING BILLS DEFERRED

Mr. BUCKMAN. Mr. President, I move that the consideration of all other bills on third reading be deferred until next Monday night and that the Senate do now proceed with the consideration of bills on second reading.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

## ANNOUNCEMENT

The SECRETARY. On page two, Senate Bill No. 690 is erroneously on the calendar as third reading. It should be second reading. The same is true as to Senate Bill No. 691 and Senate Bill No. 695 at the top of page three, and Senate Bill No. 783 on page four. These bills are on second reading, not third reading, as appears on the calendar.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 690, (House Bill No. 1479), entitled:

An Act to amend the title and section three of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" by transferring the control management supervision restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 691 (House Bill No. 1480), as follows:

An Act to amend the title and section one as amended and section three of the act approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" by transferring the control and supervision of said park to the Department of Forests and Waters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred seventy-two) are hereby further amended to read as follows

An Act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth hereby accepts free and clear of all encumbrances except reservations of oil gas and minerals any grant of lands by the American Petroleum Institute of not less than one-half and not more than one hundred and fifty acres with the improvements thereon located on either or both banks of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County upon which is the site where Colonel Edwin L. Drake drilled the first successful oil well in the world in the year one thousand eight hundred and fifty-nine be hereafter used as a public park and as a memorial to Colonel Drake and the petroleum industry The said park and memorial shall be known as the Drake Well Memorial Park

The acceptance of said grant shall be completed upon delivery to the Commonwealth of a deed in fee simple (subject to reservation if any of oil gas and minerals) approved by the Attorney General.

Said property after its acceptance shall be under full control and supervision of the Department of Forests and Waters subject however to the aforesaid reservations The Department of Forests and Waters shall develop the forest resources of said lands

Section 2 Section three of said act is hereby amended to read as follows

Section 3 The Department of Forests and waters is hereby authorized subject to its approval to permit the donor of such property to erect structures upon and to make improvements to such property after the same has been accepted by the Commonwealth and to accept such structures and improvements on behalf of the Commonwealth and to use the same in connection with and for the protection of such park or memorial

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 695 (House Bill No. 609), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 853), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," permitting the assignment of rights by members in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 783, entitled:

An Act authorizing corporations to appropriate moneys out of general revenues to pay bonds and obligations issued by such municipal corporations for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any municipal corporation has in good faith issued bonds or other obligations for the payment of the costs of a public improvement on the assumption that such bonds were not debts of the municipality within the meaning and intent of article nine section eight of the Constitution for the reason that such bonds or obligation were to be secured or are to be secured by assessments against property benfitted by such improvement and were to rest alone for their security upon payment of such assessments such muncipalities are hereby authorized to appropriate moneys out of the general revenues for the purpose of calling in and paying such bonds in their order of priority notwithstanding the fact that the corporate authorities of the municipality failed either in whole providing the method of incurring and increasing its indebtedness Provided however That the amounts appropriated from time to time be left within the discretion of the proper municipal authorities

On the question,

Will the Senate agree to the section?

Mr. ZIESENHEIM. Mr. President, I move to amend section 1, page 1, line 4, by striking out the words "municipal corporation" and insert in lieu thereof city of the third class; also page 2, line 1, by striking out the word "municipalities" and insert in lieu thereof cities; also line 5, by striking out the word "municipality" and insert in lieu thereof city; also line 10, by striking out the word "municipal" and insert in lieu thereof city; also by inserting after line 10, the following section:

Section 2. This act shall become effective immediately upon final enactment.

Mr. NORTON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act Authorizing municipal corporations to appropriate moneys out of general revenues to pay bonds and obligations issued by such municipal corporations for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

On the question,

Will the Senate agree to the title?

Mr. ZIESENHEIM. Mr. President, I move to amend title, page 1, line 1 of title, by striking out the words "municipal corporations" and insert in lieu thereof cities of the third class; also line 3 of title, by striking out the words "municipal corporations" and insert in lieu thereof cities

Mr. NORTON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 468, as follows:

An Act to amend sections six hundred and sixteen and six hundred and twenty of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended further regulating appeals where operators' licenses and learners' permits have been suspended and providing that an appeal from the action of the Secretary of Highways shall operate as a supersedeas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections six hundred and sixteen and six hundred and twenty of the act approved the first day of May one thousadn nine hundred and twenty-nine (Pamphlet Laws nine hundred five) netitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including llens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" which were amended by section three of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 616 Right of Appeal to Court from Suspension Any person whose operator's license or learner's permit has been suspended by the secretary under the provisions of this act shall have the right to file a petition within [thirty (30)] twenty (20) days thereafter for a hearing in the matter in the court of common pleas of the county in which the operator or permittee resides which said appeal when taken shall act as a supersedeas the operator's license or learner's permit to remain with the person or permittee pending the determination of the matter by the court and such court is hereby vested with jurisdiction and it shall be its duty to set the matter down for hearing upon thirty (30) days' written notice to the secretary and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is subject to suspension of operator's license or learner's permit under the provisions of this act

Section 620 Violation of License Provisions It shall be unlawful for any person to commit any of the following acts

(a) To display or cause or permit to be displayed or to have in possession any operator's license or learner's permit knowing the same to be fictitious or to have been cancelled revoked suspended or altered

(b) To lend to or knowingly permit the use of by one not entitled thereto an yoperator's license or learner's permit issued to the person so lending or permitting the use thereof

(c) To display or to represent as one's own any operator's license or learner's permit not issued to the person so displaying the same

(d) To fail or refuse to surrender to the department upon demand any operator's license learner's registration card registration plates certificates of title or duplicates thereof which have been suspended cancelled or revoked as provided in this act

(e) To make use of or operate any motor vehicle without the knowledge or consent of the owner or custodian thereof

(f) To operate a motor vehicle while under the influence of intoxicating liquor or any narcotic drug or habit producing drug or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

(g) To turn off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest

(h) To operate any motor vehicle upon the highways of this Commonwealth after operating privilege is suspended or revoked in cases where no appeal is taken or in cases where appeals have been taken after final determination of the matter by the court hearing the same sustaining the action of the secretary

(i) To operate any motor vehicle upon the highways of this Commonwealth after its registration has been suspended by the secretary

(j) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any application

Penalty Any person violating any of the provisions of subsection (a) (b) (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsections (e) (f) (g) (h) (i) or (j) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of two hundred ($200) dollars and costs of prosecution or undergo imprisonment for not more than theee (3) years or suffer both such fine and said imprisonment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 839, as follows:

An Act transferring money from the Veterans' Compensation Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred and thirty-five to transfer from the Veterans' Compensation Fund to the General Fund such sums not exceeding in the aggregate the sum of two million five hundred thousand dollars ($2,500,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor

The purpose of the transfers authorized by this act is to provide immediate funds for unemployment relief purposes and the moneys so transferred are hereby appropriated to the State Emergency Relief Board for direct relief work relief and administrative expenses To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Veterans' Compensation Fund to the General Fund shall be repaid to the Veterans' Compensation Fund out of the General Fund not later than December thirty-first one thousand nine hundred and thirty-five

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 840, as follows:

An Act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred and thirty-five to transfer from the Liquor License Fund to the General Fund such sums not exceeding in the aggregate the sum of one million dollars ($1,000,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisition of the Governor

The purpose of the transfers authorized by this act is to provide immediate funds for unemplyoment relief purposes and the moneys so transferred are herby appropriated to the State Emergency Relief Board for direct relief work relief and administrative expenses To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Liquor License Fund to the General Fund shall be repaid to the Liquor License Fund out of the General Fund not later than December thirty-first one thousand nine hundred and thirty-five

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 841, as follows:

An Act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred and thirty-five to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of one million dollars ($1,000,000) as the Governor shall direct transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor

The purpose of the transfers authorized by this act is to provide immediate funds for unemployment relief purposes and the moneys so transferred are hereby appropriated to the State Emergency Relief Board for direct relief work relief and administrative expenses To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than December thirty-first one thousand nine hundred and thirty-five

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 842, as follows:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred and thirty-five to transfer from the Liquid Fuels Tax Fund to the General Fund such sums not exceeding in the aggregate the sum of two million dollars ($2,000,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor

The purpose of the transfers authorized by this act is to provide immediate funds for unemployment relief purposes and the moneys so transferred are hereby appropriated to the State Emergency Relief Board for direct relief and administrative expenses To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Liquid Fuels Tax Fund to the General Fund shall be repaid to the Liquid Fuels Tax Fund out of the General Fund not later than December thirty-first one thousand nine hundred and thirty-five

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 843, as follows:

An Act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred and thirty-five to transfer from the State Stores Fund to the General Fund such sums not exceeding in the aggregate the sum of one million dollars ($1,000,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor

The purpose of the transfers authorized by this act is to provide immediate funds for unemployment relief purposes and the moneys so transferred are hereby appropriated to the State Emergency Relief Board for direct relief work relief and administrative expenses To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the State Stores Fund to the General Fund shall be repaid to the State Stores Fund out of the General Fund not later than December thirty-first one thousand nine hundred and thirty-five

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. RODGERS. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 369, on third reading postponed for the present, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County Pennsylvania

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

## BILL DROPPED FROM CALENDAR

Mr. RODGERS. Mr. President, I move that Senate Bill No. 369, be dropped from the calendar.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

## REPORTS FROM COMMITTEE

Mr. LAW. Mr. President, I ask unanimous consent to make report from committee at this time .

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW from the Committee on Federal Relations, reported with favorable recommendation the following Resolution.

### MEMORIALIZING CONGRESS TO REJECT PROPOSED LEGISLATION CREATING A BRANCH BANKING SYSTEM

In the Senate, March 18, 1935.

Whereas, There is now pending before the Congress of the United States certain proposed legislation vitally affecting the banking system in this country and

Whereas, Among other provisions of this legislation is a provision authorizing the creation of branch banks which experience has proven is not a wise policy in this country,

Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reject any proposed legislation creating a branch banking system,

Resolved, That a copy of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this Senate.

Mr. LAW. Mr. President, I ask unanimous consent that Rule 39, which requires that concurrent resolutions lie on the table be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR, from the Committee on County Government, reported as amended, Senate Bill No. 581, entitled:

An Act creating a Local Government Commission to study and report on functions of local government, their

allocation and elimination, the cost of local government and means of reducing it and the consolidation of local government; and making an appropriation.

## BILLS INTRODUCED

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER, read in place and presented to the Chair Senate Bill No. 850, entitled:

An Act making an appropriation to the Ashland State Hospital, Ashland, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair Senate Bill No. 851, entitled:

An Act making an appropriation to the Locust Mountain State Hospital, Shenandoah, Pennsylvania.

Which was committed to the Committee on Appropriations.

## RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILLS SIGNED

The PRESIDENT PRO-TEMPORE (Mr. John G. Homsher) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 88, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

House Bill No. 441, entitled:

An Act to amend sections one, two, three, four and five of the act approved the second day of March, one thousand nine hundred and thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," extending the provisions of said act generally to persons, associations, partnerships and corporations; providing for bonds with confessions of judgments; changing fees and agencies from whom borrowings may be made; regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof.

House Bill No. 442, entitled:

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories, to secure loans from banks for cooperatives organized under the Farm Credit Act of 1933, or from Federal intermediate credit banks organized under the Agricultural Credits Act of 1923.

House Bill No. 450, entitled:

An Act to amend section two of the act approved the twenty-eighth day of June, one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," as amended; providing for payments to relief fund associations of fire departments and fire companies of cities, boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

House Bill No. 454, entitled:

An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities, townships and boroughs for payment of firemen's relief pension and retirment funds.

House Bill No. 462, entitled:

An Act to validate and confirm certain contracts, expenditures or payments heretofore made, ratified or approved by councils of cities of the third class; and to direct payments thereunder by the fiscal officers of such cities in certain cases.

House Bill No. 552, entitled:

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured.

House Bill No. 720, entitled:

An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended, sections six hundred and fifty-four, six hundred and fifty-five and six hundred and fifty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," empowering counties to acquire lands for recreational purposes, parkways, bridle paths and foot paths by eminent domain.

House Bill No. 1023, entitled:

An Act prohibiting the sale and distribution of medicines, drugs, poisons and articles intended for use in the cure, mitigation, treatmnt or prevention of disease in man or animal by means of vending machines.

House Bill No. 1061, entitled:

An Act requiring banks, trust companies, bank and trust companies, private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances.

Whereupon,

The PRESIDENT PRO-TEMPORE (Mr. John G. Homsher) in the presence of the Senate signed the same.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 432 (House Bill No. 678), entitled:

An act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 581, entitled:

An act creating a Local Government Commission to study and report on functions of local government, their allocation and elimination, the cost of local government and means of reducing it and the consolidation of local government; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 609, entitled:

An act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ERRATA

Page 1709, column 1, strike out lines 33 to 42, inclusive, and insert in lieu thereof the following:

Mr. HARRIS. Mr. President, the Senator from Monroe, Mr. Huffman, asked that he be permitted to present amendments. It was voted down. Then I made a motion, and sincerely so, for the purpose of permitting him to do that very thing. I was amazed to find there was opposition from our Democratic colleagues to give them the right to do the very thing which they desired to do. I then decided that it would suit the purpose better to give those who desired to present amendments a better opportunity to do so in committee. I then withdrew my motion and it was followed by a motion to recommit this bill to give these gentlemen the privilege which they so much desired. I am again amazed to find out from my Democratic colleagues that they are going ot oppose this motion, a motion that would give them the very opportunity they desire, to amend this bill in committee.

I do not think Senator Roberts need have any fear that this bill will be kept in committee. This bill, I think, will come out. I think the Republican members of this body are most anxious and willing to have it on the floor so that they will be recorded, and I desire to say to my Democratic colleagues, if this bill is kept in committee for the purpose of preventing it from being voted on on the floor, I will join with them in a vote to discharge this committee, to give us all an opportunity to vote on this very measure.

Also, page 1655, column 1, at the end of line 51, add the following: "and the Senator from Monroe, Mr. Huffman,"

## ADJOURNMENT

Mr. EALY. Mr. President, I move that the Senate do now adjourn.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:52 P. M. until nine o'clock Monday evening, April 15, 1935.

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# HOUSE OF REPRESENTATIVES

WEDNESDAY, April 10, 1935.

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Our Father who are in heaven; hallowed be Thy name. Thy Kingdom come; Thy will be done on earth as it is in heaven. Give us this day our daily bread; forgive us our debts as we forget our debtors. Lead us not into temptation but deliver us from evil, for Thine is the kingdom and the power and the glory forever. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SUMNEY the further reading was dispensed with and the Journal approved.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

EMERGENCY RELIEF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

On March 25, 1935, the Federal Emergency Relief Administration served notive that it would halt further relief disbursements in Pennsylvania after April 15th unless this Commonwealth would enact tax legislation which would insure, when the revenues resulting from such tax legislation became available, that Pennsylvania would contribute $5,000,000 monthly as its fair share of the present approximate $20,000,000 monthly relief costs in this State.

In view of the approach of the April 15th deadline fixed by the Federal Emergency Relief Administration, I request that the General Assembly remain in session for the remainder of the present week for a sufficient number of Legislative days in which to pass adequate tax legislation which will assure the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

GEORGE H. EARLE.

## RESOLUTION

### GENERAL ASSEMBLY TO REMAIN IN SESSION

Mr. RUTH. Mr. Speaker, I ask unanimous consent to offer a resolution at this time.

The SPEAKER. Will the House give its unanimous consent to offer a resolution at this time? Are there objections?

Mr. WITKIN. Mr. Speaker, may I ask, before the Chair announces whether there is objection or not, that the resolution be read for the information of the House?

The SPEAKER. The resolution will be read for the information of the House.

The resolution was read by the Clerk as follows:

Whereas, an emergency exists in the fiscal affairs of the Commonwealth which threatens to prejudice the ability of the Commonwealth to obtain funds from the Federal Government for relief purposes and

Whereas, the General Assembly to this date has passed no taxing legislation and

Whereas, the fifteenth day of April has been fixed as the dead line for the furnishing of Federal funds unless appropriate action is taken by the Legislature demonstrating good faith in this critical situation.

Now, Therefore Be It Resolved, by the House of Representatives (if the Senate concur) that the General Assembly remain in session during the present week for sufficient number of legislative days in which to pass adequate taxing legislation which will indicate to the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

The SPEAKER. The Chair hears no objections and consent is granted.

On the question,

Will the House adopt the resolution?

Mr. WITKIN. Mr. Speaker and members of the House, I will vote and ask my colleague to vote in favor of this resolution. However, I am frank to state that I believe it merely a by-play. The Republican members of this House realized the situation on Monday of this week, and we endeavored to propose for the consideration of this House certain measures introduced by the gentleman from Philadelphia, Mr. Blumberg, which, had they been acted upon by this House and given expeditious attention would have been enacted into law—would have been enacted into law on April 15.

The resolution which I introduced, and which this House would not even permit to be read, would also have provided ample funds for April 15, insofar as Washington was concerned. This resolution that you are introducing can accomplish nothing. What can you gain by this resolution? This House can do nothing more than it has done. I want to say to the members of this House that if you really meant to see to it that the deadline of Auril 15 did not stop employment relief, if you were serious about that, were honest about it and you wanted to make sure that the deadline of April 15 would not have stopped unemployment relief, then you would have followed the precedent set by the Governor of this Commonwealth in the transfer of special funds, and you would have transferred, both by resolution and by acting upon the bills, funds that are presently inactive, so that on April 15 the unemployed should not starve. The responsibility, if on April 15 unemployment relief ceases, rests upon the majority of this House, and the blocking of the resolution from immediate consideration rests upon the Democratic minority in the Senate. This resolution is not going to fool or hoodwink the people in anywise whatsoever. The people know one thing. They know that the Washington administration asked for $5,000,000 for April and May. They know that the Republican Party has sponsored legislation in due and proper time in order that we could give $5,000,000 to Washington so that unemployment relief would not cease.

The people know that on March 26, 1935, the Republican from Delaware, Mr. Turner, called your attention to this fact, and they know that the Democratic party in this House has done nothing to provide for the emergency. They know all those things, and this resolution that we stay in session for the balance of the week is an attempt to fool and bewilder the people. The people think that the responsibility rests on us. The Republicans accept this resolution and will stay here the rest of the week or as long as you want us to stay.

We tell you now that you have been derelict in your duty and you have failed to meet the immediate emergency before you.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from Berks, the majority leader of the House, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, is the House to understand that if this General Assembly has not enacted new tax legislation by April 15 that all contributions to employment relief upon the part of the Commonwealth will cease?

Mr. RUTH. That is the exact order that Mr. Hopkins, the Federal Administrator of Relief, has given. The Federal Administrator did not ask us to rob special funds in order to borrow this money. He simply asked and requested that we pass suitable legislation by April 15, and that unless we have suitable tax measures on our books on April 15, new tax legislation, unless that is done by April 15, the Federal administration relief will stop.

Mr. ANDREWS. Mr. Speaker, I am not seeking to establish the position of Washington, with reference to this emergency. I am seeking to establish the position of the administration with reference to this emergency and I desire to ask specifically, whether in the absence of tax legislation, and even though there is available money in the special funds, whether in such a situation the state of Pennsylvania is or will terminate its assistance to the unemployed on April 15?

Mr. RUTH. Mr. Speaker, I will answer that by saying that the state of Pennsylvania has not assisted the unemployed for a long time. The Federal government has contributed $58,000,000 to Pennsylvania, and the state of Pennsylvania has not contributed one cent. The Commonwealth could not assist them because there was no money here.

Mr. ANDREWS. Mr. Speaker, I have so far failed to obtain a specific answer to the specific question which I asked. The question I asked was, if the State of Pennsylvania has in special funds on April 15, one million, two million, three million, five million, seven million, or whatever the money may be, and the demand for unemployment relief continues, will the state of Pennsylvania turn aside the appeals for relief, or will the state of Pennsylvania contribute to the extent of the available money?

Mr. RUTH. Mr. Speaker, the only answer I can give is what the Federal Administrator in Washington has said, that unless we pass suitable legislation there will be no further money, that is the only answer I can give. I do not know what the state is going to do.

Mr. ANDREWS. Mr. Speaker, I recognize the difficulty under which the majority leader labors in this particular situation. And yet I submit to you with this particular resolution pending, it is up to somebody to tell this legislature what the state of Pennsylvania proposes doing in the event that when April 15 arrives new tax legislation has not been enacted, although the state of Pennsylvania has in special funds available for immediate use a considerable sum of money. That is the vital question. This resolution presents no vital issue. I agree with the minority leader that it gets us nowhere, until we know whether we can draw upon the special funds. There is no need to keep this House in continuous session waiting the eventuality on the other side of the House, and as an individual member of this House, as much interested in the welfare of this state as anybody else can possibly be, I request, as I believe you request, that the majority leader confer with his Excellency, the Governor of the Commonwealth of Pennsylvania, and bring us a specific answer to the question that I have asked the gentleman from Berks.

Mr. ACHTERMAN. Mr. Speaker, I rise to ask the Democratic members of this House to support the resolution for an entirely different reason. I say to the members of the House that the people of the Commonwealth of Pennsylvania realize that an emergency exists and that emergency was created by the attitude of the Republican party, particularly the majority in the Senate. I say that there is a dire reason why we should remain here for the purpose of passing legislation that will correct the conditions existing. I say to the members of the House that the emergency was not created by the majority members of the House of Representatives, but it was created entirely and solely by the attitude of the majority party in the Senate. In that House now there are some bills that will solve the entire problem, and all we need is to have the members of the Senate pass that legislation, and the entire problem will be solved, and the emergency will disappear, and the only reason that the members of this House should remain is for the purpose of listening to any amendments which the Senate may desire to place in those bills. I say that the Republican party is not deceiving a soul in saying that the fault lies with the Democratic party. We have waited weeks on end to hear from them a proposition that might solve the problem of this Commonwealth. We are still waiting to hear something that they propose, some legislation that they sponsor, some concrete proposition that this House can act upon. This last week, if you please, we listened to the floor leader of the Republican party say to us, yes, he had plans but because of a confidence he would not disclose them. He went further and said that he would not tell them until hell froze over. I think I am quoting his exact words. I might say that another reason why we should stay here in the hope that the frigidity of the Senate will become so intense that hell will freeze over, and the floor leader of the Republican party will then be at liberty to explain to this House the plan or proposition which will solve the problems. I say to the members of this House, in fairness to the Republican party, let us hope that the Senate will cause conditions to arise whereby the floor leader of the Republican party can open his mind to this House, and then and only then we may arrive at some common plan whereby a compromise can be arrived at. I say to you, members of the House, the Republican Party today in Pennsylvania is on the spot, to suggest some concrete plan or else agree to the Democratic Legislation as submitted. But at least we have met the needs of the people, and today, if you please, over in the Senate is the place where this emergency should be solved, and the request of the gentleman from Cambria, Mr. Andrews, is out of order. He should take the request over to the Senate and ask them why they haven't done something, why they have not relieved the floor leader of the Republican party to the point where he can make some suggestion and introduce some legislation that may solve the problem.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, if a crisis arises, does the gentleman from Monroe propose feeding the hungry with Senatorial stubbornness or does he propose using money as long as the Commonwealth has money?

Mr. ACHTERMAN. Mr. Speaker, in reply to the gentleman from Cambria, Mr. Andrews, I might state that I believe if we stay here an extra few days the problem will be solved and the people will have food.

Mr. RUTH. Mr. Speaker, I just want to make this statement. I made the statement last week on the floor, as you will find in the record I would like the Republican minority and the gentleman from Cambria, to get this part clear: the Federal Administrator has not asked us to transfer funds; we do not have to transfer funds and take it out of places where we have no right to take it, as we did last fall. The only requirement that he made was that we put the laws on our statute books in good faith, that we raise the money in the future, and even if we pass these tax measures and did not collect the money until 1936, the Federal Government is going to take care of Pennsylvania, but as long as we do not have the laws on our statute books which will raise this money for relief, the Federal Government will not contribute one cent. Whether we borrow money or rob it out of the special funds, that will not solve the problem. It might solve it for a couple of weeks. We spend twenty million dollars a month. If it takes five million dollars a week, seven million five hundred thousand dollars only represents money that will last about ten days. Transferring this money will put this off for ten days and we will be facing the same thing, and no guarantee from any one on the floor of this House or anyone else that the Senate will pass that legislation. Seven and a half million dollars will only put if off ten days longer. We do not need to transfer the money. All we need to do is to put the tax laws on our statute books. We have done that in the House. We have done out part. Nobody will be fooled by the argument of the Republican minority that the majority is on the spot. The majority in the House has done its part and the Senate has failed to do its part. The responsibility rests on the Senate. They have held us up. They are responsible for the crisis.

Mr. WITKIN. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated.

Mr. RUTH. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, I would like to ask the gentleman from Berks if he has been advised by the Federal Administrator that even if Pennsylvania provides the necessary funds, to wit, on the basis of five million dollars per month for the months of April and May that nevertheless Washington would not contribute any sum of money to Pennsylvania.

Mr. RUTH. Mr. Speaker, I have not been so advised and I do not believe that is the case. At the best this will only put this off ten days more. The bills are not for ten million dollars, they are not for five million dollars for April and five million dollars for May; two and one-half million dollars for April and five million dollars for May 6. It simply would put this thing off ten days, that is all it does and we might as well face it now as later.

Mr. WITKIN. Mr. Speaker, then the gentleman from Berks admits that he has received no word from the Federal Administrator that if Pennsylvania, upon the basis of five million dollars per month provides money for April and May, that despite that fact Pennsylvania would not receive any more money from the Federal Government.

Mr. RUTH. Mr. Speaker, I can only answer that by repeating what I have already said perhaps a dozen times, that the Administrator has asked us to put the laws on our statutes, guaranteeing our good faith. He has not asked us to transfer funds or to place the money on the table. He simply said there would be no money coming from Washington unless we have the laws on our statute books. I have said that a dozen times.

Mr. WITKIN. Mr. Speaker, for the sake of argument, let us admit that the Senate of Pennsylvania will not pass these tax laws. Then, Mr. Speaker, I ask the gentleman from Berks whether or not he does not agree with me that the temporary providing for unemployment relief can be accomplished at least for half the month of April and for the full month of May by providing immediately seven and one-half million dollars.

Mr. RUTH. Mr. Speaker, I certainly do not agree with him because you know and I know that it takes twenty million dollars a month. Seven and one-half million dollars is simply enough for ten days.

Mr. WITKIN. Mr. Speaker, I presume that the answer of the gentleman from Berks as to the ten days is predicated upon the fact that it is his belief that the Federal Administrator, despite the fact that Pennsylvania would provide here seven and one-half million dollars for relief, would refuse to contribute any money.

Mr. RUTH. Mr. Speaker, I think I have already answered that. He does not say we shall transfer he says unless we have laws on the statute books.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Berks if he has taken the trouble, or if anyone in the Democratic Administration has taken the trouble, to find out from the Federal Administrator whether or not if this House would provide, if this Legislature will provide for the months of April and May in cash, seven and one-half million dollars, whether or not the Federal Administrator will extend the time until the first of June, for the passage of the tax program.

Mr. RUTH. Mr. Speaker, in answer to the gentleman, I will say that I have not gone to Washington. I got enough when I was there the last time, and I don't know whether anybody else has gone to Washington. But I know Pennsylvania has kidded the Administration long enough. We kidded them last fall when we said we would provide for unemployment relief. We took about fourteen million dollars out of other funds, and the Administration in Washington had to step in before the thing was over and had to carry us along entirely, and I think that I and Mr. Witkin, or anybody else with common sense would be tired of being kidded by the richest state in the United States.

Mr. WITKIN. Mr. Speaker, does the gentleman indicate to this House that the only way he can procure an answer to the question whether or not the Federal Governmen will stop contributing to unemployment relief in Pennsylvania, if we give seven and one-half million dollars, is by going to Washington and not by the use of the telephone, by His Excellency, the Governor of the Commonwealth of Pennsylvania, or by someone in the Administration.

Mr. RUTH. Mr. Speaker, I suppose it could be done by telephone, but that has been done by personal visits in this case. The former Governor of Pennsylvania went to Washington almost every week, and this Governor has been trying to do that.

Mr. BURKE. Mr. Speaker, will the gentleman from Berks, Mr. Ruth, on behalf of the Democratic Party of this House, and on behalf of the vast army of unemployed, take it upon himself to see to it that some one in authority in the Democratic Administration forthwith communicate with the Federal Administraor in Washington to ascertan from him whether or not if Pennsylvania this week produces in cash seven and one-half million dollars as its share of unemployment relief for the period beginning now until the thirty-first day of May, 1935, whether or not under those circumstances Washington will continue to give unemployment relief funds to Pennsylvania while Pennsylvania is continuing work upon this tax program.

Mr. RUTH. Mr. Speaker, I would be very glad to do that, but I believe it is foolish question number one million eight hundred fifty-six thousand and then some because we do know the answer to the question.

Mr. WITKIN. Mr. Speaker, will the gentleman from Berks do it?

Mr. RUTH. Mr. Speaker, certainly.

Mr. WEISS. Mr. Speaker and members of this House, I have great respect for the intelligence of the minority leader and many members of his party, but we all know that these moneys cannot be taken from special funds. We cannot take them, we have no legal right to take moneys allocated for soldiers' bonus under constitutional amendment, and I challenge any member of this House to give me a legal opinion that gives him the right to take those moneys. Furthermore they have no right to take moneys allocated to the fuel fund or the Liquor License Fund for the specific reason that this money has been allocated to the municipalities and they have already budgeted all this money due them. If they will make inquiry in the Department of Revenue they will find that there is only one million dollars available.

On February 12 the Governor issued a message, plain and clear asking the members of this House, both Republicans and Democrats, the House of Representatives and the Senate, to cooperate and enact the tax program. We are

faced now with this problem of relief. We were told then that the United States government had allotted at that time some thirty million dollars and up to the present time they have contributed fifty-eight million dollars, and we have not contributed one penny towards this relief.

I am surprised at the statement made by the gentleman from Cambria, Mr. Andrews, and we know that it is only a foolish jesture on the part of the minority leader in saying let us take this money and use it in order to meet the requirements of Mr. Hopkins and his demand that we have enough money, at least $5,000,000, in order to get the appropriation of $40,000,000 from the federal government. He does not want us to borrow money. He said to us, and I quote him with his very words to the Governor in their conference at Washington on March 25th, "Pennsylvania must show good faith by enacting a tax program to meet the situation." The Governor said to him, "We cannot raise the revenue immediately. It might not come in until January, 1936." "That don't make any difference," he said, "that is equivalent to a promisory note on the part of this Commonwealth that they will enact a tax program."

If you are only getting $20,000,000 which we would derive from the tax on gasoline and amusements and the other emergency measures that would give us $20,000,000 a month and we could pay the United States Government back. Now, I say to the minority leader, go across that Hall and tell those boys to bring out of the pickling committee some of that tax legislation. We can pass it this week and get enough revenue to meet the problems facing us in this emergency and give the necessary rlief in this Commonwealth.

Mr. VanSICKLE. Will the gentleman from Philadelphia, Mr. Witkin, permit himself to be interrogated?

Mr. WITKIN. I will, Mr. Speaker.

Mr. VanSICKLE. Mr. Speaker, am I correct in assuming that Mr. Witkin, representing the minority party in this House expresses their feelings when he says that they are vitally interested in a solution of this tax problem?

Mr. WITKIN. Absolutely.

Mr. VanSICKLE. Does not the gentleman from Philadelphia agree that unless a solution is had to this problem of unemployment relief that it will result in needless suffering of hundreds of thousands of citizens of the state of Pennsylvania.

Mr. WITKIN. Certainly.

Mr. VanSICKLE. Does not the gentleman agree that a transfer of money from funds is no permanent solution of this problem?

Mr. WITKIN. Mr. Speaker, I will answer that question by saying that when a very serious emergency exists and where people are about to starve and where people are about to go off relief, that I am thoroughly in accord with His Excellency, the Governor of Pennsylvania, who on March 4, 935, came to this House and said, members of this Honorable body an emergency exists, because of the existence of the emergency I ask you to transfer funds. I agree with His Excellency, the Governor, and I say to you now today, a greater emergency than that which existed on March 4th, and for that reason if it will stop starvation for forty-five days then we will stop the starvation for forty-five days and hope and pray that at the end of that time we will have solved the problem, and hope and pray that between now and that time somebody in this Commonwealth who refuses to move one step from his position will bend the knee and bow the head just a little and the problem will be solved.

Mr. VanSICKLE. Mr. Speaker, I didn't ask for a political speech. I asked for an answer to a very simple question, and of course—

Mr. WITKIN. You ask the questions and I will give my answers.

Mr. VanSICKLE. May I be permitted to say that the gentleman, I believe, fully realizes when the Governor asked for a transfer of funds there was submitted to this honorable body, if I may so call it, a program which gave to the members of this body as well as the Senate an opportunity of repaying that money while the Republican program has never given an opportunity of repaying the money.

Mr. WITKIN. I just want to ascertain, Mr. Speaker, whether the last statement was a question or whether I am supposed to answer it?

Mr. VanSICKLE. I was interrupted before I came to the question, Mr. Speaker. As Mr. Witkin realizes these facts does he not feel that if any solution is had by any member of this body that that solution should be given for the consideration of this body.

Mr. WITKIN. I don't just quite understand the gentleman's question, when he says "solution." He means solution to what? Will he please repeat that question?

Mr. VanSICKLE. May I elaborate upon the question or rather change it. Does not the gentleman from Philadelphia feel that it is the duty of any members of this House or any member of the Senate who has a solution to present that solution for the consideration of the House?

Mr. WITKIN. Mr. Speaker, my answer is yes, and I want to supplement that answer by saying that I have personal knowledge that the Republican majority in the Senate are giving the question of the Governor's budget the most careful consideration; that they are tracing down the figures; that they are daily and constantly in conference, and I verily believe, and honestly believe and know that before very long they will solve the problem by the passage of proper tax legislation in the proper amount.

Mr. VanSICKLE. Did the gentleman from Philadelphia, Mr. Witkin, state on the floor of this House that there was a solution of this problem and due to the fact that it was given in confidence that that solution would not be revealed until hell froze over?

Mr. WITKIN. No, I didn't. So as to clear that situation, the gentleman from Philadelphia, Mr. Shepard, I believe asked me whether there had been made any proposition or any measures proposed other than the twenty-two points, by anyone in the Republican Party. I answered that question by saying that in order to properly answer I would have to breach a confidence; that I had been in a conference wherein certain matters were discussed, and the matters discussed were tax matters, and that that conference was attended by high officials of this state of both parties, and it was distinctly understood that anything that took place in that conference was confidential and I said that I was not going to reveal any proposals that were made at that conference because I was honor bound not to do so and that I would not do so until hell froze over. I repeat and reaffirm that statement. I didn't make the statement that the gentleman has just said I

made nor did I say that there had been a solution given or presented to the problem at any time.

Mr. VanSICKLE. Does not the gentleman feel that his moral obligation to the hundreds of thousands of Pennsylvanians who are dependent upon relief and unemployment funds is far greater than his word of honor to a few selected men in a group, and that as this body has been elected by the people of Pennsylvania to pass upon their problems that if he has any knowledge whatever of a solution of that problem that that knowledge should be given to this House?

Mr. WITKIN. First of all I will answer the gentleman this way by saying that there is nothing higher than a man's word of honor and that bars nothing. Second, the gentleman is playing upon something that is simply ridiculous. Whether or not I would break my word on what took place at the conference cannot make a particle of difference in this situation. It is just a futile and idle waste of time of this House to discuss it. I have answered the gentleman that I thought that the problem of the unemployed was great. I think it is so great that on Sunday afternoon, together with the gentleman from Philadelphia, Mr. Blumberg, and the gentleman from Delaware, Mr. Turner, we came up here and sat about wondering and laboring to see what was the best means of meeting this emergency. We built up a program and Mr. Blumberg of Philadelphia introduced that program. We presented it to you, five bills. That was done not because of the fact that there was going to be an election next day, but because of the fact that we knew that on April 15 relief would stop unless money was provided. We are not playing politics, you are, because if you were not playing politics then you would take that program—I would say that the laughing by the Democratic members is merely indicative of the fact that all they can do is laugh, they can't answer the argument, and I don't blame them, they laugh when they have no answer to give,—but I say this, if you are sincere and you don't want the people to starve after April 15th, blame the Republican Senate all you want. Let us say that we are bigger and better, if you will, than the Republican Senate, and despite their derilection, if they are derilections and I don't believe they are, we are going to get the money for the next forty-five days and hope by that time the Senate will be better, and perhaps by warnings of war and revolution they may be compelled to give relief to the unemployed in this state. Let us get the money into our treasury so that Washington will be satisfied. If you are so sincere and you are so honest about the unemployed and you are not trying to make political capital of this situation the Blumberg's bills would not be lying in your committee while people are being permitted to starve. That is my answer to you.

Mr. VanSICKLE. I understood from the gentleman's answers to all the questions, despite the oratory, that the plain and simple fact remains that no offer of solution of this problem has been made by the minority party and that they are not at this time offering any substitute program for that offered by the Democratic party, is that correct?

Mr. WITKIN. I will answer that by saying that is not so. The Ways and Means Committee in this House took every revenue raising bill of the Republicans and Democrats that provided different forms of raising revenue—I don't know off hand the number of bills, but if I am correct there were eight or ten—and you took them and you pickled them. They provided other means of raising revenue, but because those bills were not bills that were of the "holier than thou type," the only right plan of raising taxes you killed them. The Democratic Ways and Means Committee killed every piece of taxation that was not included in the "one and only" plan for which you still stand. If you think we Republicans on this side are just plain jackasses to continue introducing legislation into this House when you know you won't report out a single one of them, then you are mistaken. We have done our part and you won't. Let us do what is right for the people. I repeat again and I will repeat it as long as I have a tongue in my mouth, you are playing politics with relief. That is what you are doing and we are not.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## STATEMENT BY MR. BARBER

Mr. BARBER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, for the last few minutes I have been deeply touched, and I know my colleagues on this side of the House, have been deeply touched by the solicitude shown by the gentleman from Philadelphia toward the people who will after Monday be listed among the starving people of Pennsylvania.

I have in mind, members of the House, that three weeks ago, when the message of Administrator Hopkins was read to this House, and when the message of Administrator Hopkins was read to the Senate, that the Republican majority in the Senate, though so much of the starving people of Pennsylvania and of the fact that they might starve that they immediately went out upon the floor of the Senate and defeated one of the largest money raising programs that we have instituted and the largest money raiser that has been passed in this House. I know they were so solicitious of the starving people of Pennsylvania and of the fact that they might starve, that immediately after defeating that largest single measure the Republican majority did not attempt to sponsor any measure that might bring to the state what they have just taken away from it. On the contrary, they decided they would adjourn until the following Monday, and when they came back again, they then took upon themselves to defeat the next item of revenue that would have brought relief to the starving people of Pennsylvania. If that be solicitude, gentlemen, then I hope that we on this side of the House shall never have that sort of solicitude. I hope that we on this side of the House can show those on the other side of the House, and those in the majority in the Senate, what real solicitude means, and not just pass a measure which will carry the people along for a month or two, with the ever present specter of starvation before them at the end of that period, but that we will here now, and that the Republican Senate will here and now guarantee to the people of Pennsylvania, not relief for two weeks, not relief for a month but relief for two year period, and unless the Senate of Pennsylvania and the House of Representatives of Pennsylvania is willing to take upon themselves the duty of carrying on for the people, and representing the people whom they are pledged to represent, then we would be derelict in our

duty. I do know that the majority in this House will never consider itself so derelict but they will go along with a program that will only continue to confront the people of Pennsylvania with the specter of starvation.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker, no amount of denial, no attempt to shift the responsibility to other legislative shoulders, no demagogic appeals that direct attenitonaway from the issue can eradicate the fact that the State-aided hospitals, homes, welfare institutions, public schools and universities have been made desperate by the present crisis in their financial affairs. Their representatives haunt the halls of this House wondering what is to become of the sick and distressed if you persist in your present course.

The fact that the Governor has proposed, and a Democratic House has passed, tax bills will not pay wages nor buy food and supplies necessary for the operation of these institutions, many of which have been waiting more than six months for appropriations which the State promised them.

On March 26th I called the attention of this House to the financial situation confronting the Commonwealth as to the appropriation liabilities to June first, 1935. The Democratic majority, through the action of the Democratic-controlled Ways and Means Committee refused to take the logical step by which a program might have been formulated to meet this problem. Almost three weeks have been lost. Three important weeks, if revenue is to be raised.

As of April first, the needed appropriation liability to June first is $37,357,865. Of this amount $10,520,862 is for subsidies to schools, appropriations to the universities, State-aided medical and surgical hospitals, homes and other State-aided welfare institutions; $10,000,000 for unemployment relief for April and May if the State is to appropriate the amount of $5,000,000 per month said to be required by the Federal Government; and $16,339,397 for other expenses of Government.

When the appropriation lapses have been deducted, the ordinary revenue of the State for the months of April and May should provide sufficient funds to meet all appropriation liabilities with the exception of the said amounts necessary for schools, homes, etc.

Therefore fully to meet the appropriation liabilities it is necessary to raise some eighteen to twenty millions of dollars of additional revenue.

It is apparent how to all that the tax program introduced by the Governor would not, and will not, provide revenue sufficient to meet these obligations to our schools, hospitals and homes, not only to the end of this biennium, but also in the first six months of the next, although the Democratic leadership of the House has continually "parroted" the statement that, if adopted, these problems will melt away in the sunshine of the Democratic tax dollars that would flow from the Governor's program.

Even if all these tax measures were passed, the first six months of the next biennium would present such difficulties in financing the appropriations of the next biennium that it would be almost impossible to meet the deficit of the 1933-1935 biennium as it pertains to hospitals, schools, and homes.

If, as stated by the majority leaders of the House, it is not necessary to raise $10,000,00 for unemployment relief for the months of April and May (because the Federal Government is willing to waive that appropriation if we will but pass the Governor's Tax Program), we will still be face to face with the fact that $10,500,00 is needed for the State-aided hospitals, schools and homes.

In answer to my Resolution (No. 104) introduced on March 26th, the Democratic floor leader advised us that we did not need a Committee to gather data as to the present financial position of the Commonwealth and suggest a plan to raise the necessary revenue to cover the deficit. He said this task might be performed by any of us on our own responsibility. That this was but an idle gesture and an attempt to side-step the real issue was demonstrated on Monday night last, when bills were introduced and an effort was made to secure immediate consideration of measures designed to meet the unemployment relief needs for April and May by the transfer of funds to the amount of $7,500,000.

Why not try to deceive the public with these declarations? This is not a time to play politics. The issue is clear,—

The Commonwealth needs eighteen to twenty millions of dollars to meet its appropriation liabilities to the end of the biennium.

If we take out unemployment relief, the need is for eight to ten million dollars for the educational and welfare institutions.

The Governor's Tax Program will not supply this sum. The sick and distressed cannot be fed on a tax program.

Responsible men will face the issue and determine to find a way to meet it.

The offer of measures by Republicans will meet with no success unless there be cooperation by both parties.

The way to secure the needed monies is by the appointment of a committee of this House composed of both Democrats and Republicans to consider this question, devise a plan and report back by the first of next week.

It may be barely possible to raise the funds before the end of the biennium if we lose no more time. Another week's delay and the opportunity will be lost.

RESOLUTION

COMMITTEE TO FORMULATE REVENUE RAISING PROGRAM

Mr. TURNER. Mr. Speaker, I desire to offer a resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. Will the House give its consent to the immediate consideration of the resolution? Are there objections?

Mr. COHEN. Mr. Speaker, before entering an objection I desire to interrogate the gentleman from Delaware.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. Mr. Speaker, I will.

Mr. COHEN. Mr. Speaker, do I understand from the figures of the gentleman from Delaware that there would be an actual cash appropriation liability of approximately $20,000,000 at the end of the biennium?

Mr. TURNER. Mr. Speaker, that is correct, somewhere between $18,000,000 and $20,000,000, for this reason if I may explain it—

Mr. COHEN. Mr. Speaker, I do not care for the reason.

He has answered the question. I will assume that the figures of the gentleman from Delaware are accurate.

Mr. TURNER. Mr. Speaker, taking into consideration when I say the appropriation liability, $10,000,000 for April and May.

Mr. COHEN. Mr. Speaker, do I understand that twenty million dollars includes ten million dollars for unemployment relief?

Mr. TURNER. Mr. Speaker, that is right.

Mr. COHEN. Mr. Speaker, do I understand from the statement of the gentleman from Delaware that if we were to pass appropriate tax legislation, both by the Senate and the House and have it on our statute books, signed and approved by the Governor, we would then be relieved of ten million dollars of appropriation liability, bringing it down to ten mllion dollars.

Mr. TURNER. Mr. Speaker, I didn't so state. If I gave that impression, I would like to correct it, if I may have the opportunity.

Mr. COHEN. Mr. Speaker, I will withdraw the question. Do I understand that ten million dollars of the twenty million dollars is for unemployment relief?

Mr. TURNER. Mr. Speaker, that is right.

Mr. COHEN. Mr. Speaker, do I understand that the bills introduced by the gentleman from Philadelphia, Mr. Blumberg, authorize the transfer of approximately seven and one-half million dollars to unemployment relief?

Mr. TURNER. Mr. Speaker, that is right.

Mr. COHEN. Mr. Speaker, do I understand that if the transfers in Mr. Blumberg's bills were directed to the hospitals, the state aided institutions and the other appropriation liabilities of the Commonwealth, that that seven and one-half million dollars would then,—not including unemployment relief, but only including appropriation liability, would then reduce that to two and one-half million dollars?

Mr. TURNER. Mr. Speaker, I do not fully understand the question asked by the gentleman from York, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I will ask the question in another manner. If the seven and one-half million dollars provided by the transfer of Mr. Blumberg were transferred to appropriation liability other than unemployment relief ,then outside of appropriation for unemployment relief we would then have remaining an appropriation liability of two and one-half million dollars?

Mr. TURNER. Mr. Speaker, yes sir, about three million dollars.

Mr. COHEN. Mr. Speaker, if the transfers requested by Mr. Blumberg are directed to unemployment relief, is it not a fact that the appropriation liability to state aided hospitals and to other functions of the Commonwealth will thereby suffer.

Mr. TURNER. No sir, Mr. Speaker, because these are special funds, from which these are being transferred.

Mr. COHEN. Mr. Speaker, if the seven and one-half million dollars suggested to be transferred by Mr. Blumberg to unemployment relief are transferred those funds are then not available for transfer to state hospitals.

Mr. TURNER. Mr. Speaker, that is correct.

Mr. COHEN. Mr. Speaker, is it not true that by transferring the money as suggested by Mr. Blumberg to unemployment relief, rather than to state hospitals, state institutions and other appropriation liabilities, we are thereby jeopardizing the possibility of those institutions receiving money during this biennium?

Mr. TURNER. Mr. Speaker, if you take the word, "jeopardize" from the standpoint of whether you would agree to transfer this money from the special funds—

Mr. COHEN. Providing we agree to transfer this special money.

Mr. TURNER. Mr. Speaker, of course if you take the seven and one-half million dollars from the special fund for unemployment relief then you could not take the seven and one-half million dollars for the hospitals, and the homes and so forth.

Mr. COHEN. Mr. Speaker, has the gentleman from Delaware not heard stated, both by the Governor of this Commonwealth and by the floor leader of this House, that if we have enacted and on our statute books the appropriate type of new tax legislation, there will be no necessity to provide in actual cash ten million dollars for unemployment relief during this biennium?

Mr. TURNER. Mr. Speaker, I have heard that statement made so many times by the gentleman from Berks, Mr. Ruth, that I think he must have record of it.

Mr. COHEN. Mr. Speaker, and members of the House, I appreciate the time and effort that the gentleman from Delaware has expended upon this proposition, and in objecting to this resolution I feel that a word of explanation is due to the gentleman from Delaware and to the members of this House.

His analysis is complete and correct, and his analysis as presented to this House, is the best answer that the House could require for the enactment of tax legislation. He shows you by his accurate figures that we have to meet an appropriation liability of twenty million dollars; that we can wipe out ten million dollars of that appropriation liability by enacting the proper type of tax legislation. He further admits that there is available under the Blumberg bill seven and one-half million dollars of the moneys of this Commonwealth which can be transferred to the state hospitals, to the state institutions, and to the other appropriation liabilities of this Commonwealh, and by so doing it will reduce the actual cash deficit of this Commonwealth during the biennium to the mere pittance of three million dollars. Those figures which the gentleman from Delaware has presented to this House clearly indicate the futility of appropriating or transferring moneys in special funds to unemployment relief. The statement of the gentleman from Delaware in effect tells the House this, that if you transfer the moneys as suggested by the gentleman from Philadelphia, Mr. Blumberg, to unemployment relief, our state hospitals will suffer, our educational institutions will suffer and every type of benefit that the state wishes to give some of its agencies will thereby be set back. We cannot jeopardize what moneys we have in the particular funds, when we can meet the problem simply by enacting the proper type of tax legislation. By such an enactment we meet the immediate cash needs of this Commonwealth. By the enactment of the tax legislation we strike out from this current biennium ten million dollars; we save that money; we can appropriate it to institutions, which Mr. Turner has indicated are coming up here and crying and I might say justifiably, upon our shoulders. Here is the problem. Are we going to face actualities or are we going to wait for the proverbial prosperity that is around the corner? Are we going to stand on our two feet here today; are we

going to emulate our forefathers in meeting an emergency, or are we going to say, "No, we do not have the initiative, we do not have the ability, we do not have the ingenuity, in order to solve this problem." All we can do in order to solve these problems is to dip into accumulations made by past Legislatures. All we can do, we as a legislature, the only idea we have is to infringe upon accumulations made by those who sat in these seats before us. All we can do is to act like parisites. All we can do is to live off the body created by somebody else. Are we to say to the people of Pennsylvania, having been in session since January 15,—shall we say to them, "We do not have the nerve, we do not have the ability, we don't have the guts, to create new revenue?" Are we going to say to the people of Pennsylvania since October 1934, when we met in this very same hall and did the very same thing and had the very same problem, that we still do not have the initiative or the guts to solve it? Are we going to tell that to the people of the Commonwealth of Pennsylvania? Or are we going to stand on our two feet and say that we have a problem which must be met, and we are going to meet it, we are going to enact the proper type of tax legislation, we are going to put upon the statute books the type of laws which will save this Commonwealth an outlay of ten million dollars in this biennium? Are we going to say that by so doing we will have available funds to transfer, mark you, gentlemen, that are now to be replaced and are provided for in the budget; we are going to transfer money which we are going to collect over the next two years, not moneys that were taken from special funds, as they were in 1934, without any proper type of legislation to replace them; not moneys that were taken from special funds, and in their place put a blank note, as was stated in this House in October 1934 by the honorable gentleman from Berks who now presides in this House. We are going to take monies from the special funds, if the necessity arises, and apply that money to the hospitals, to the educational institutions, to the activities of the state government that require it, and we do not have to rob the state of one penny for unemployment relief. All we have to do is to resort to some of the initiative and activities of our forefathers and enact upon our books the proper type of legislation.

Mr. Speaker, I therefore object to the immediate consideration of this resolution.

The SPEAKER. The Chair hears objection and unanimous consent is not granted.

STATEMENT BY MR. BLUMBERG

Mr. BLUMBERG. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER. Will the House give its unanimous consent to the gentleman to make a statement.

Mr. HOOPES. Mr. Speaker, I do not object at this time but I serve notice that I am going to object to any further statements after this one.

The SPEAKER. The Chair hears no objection and consent is granted.

Mr. BLUMBERG. Mr. Speaker and members of the House, I desire to extend my thanks for the indulgence of the member from Berks. I do want to say that I did exercise great restraint not to voice my feelings during this debate here on the floor.

As you know, I have been vitally interested in the subject, and I had about decided that I had said enough on Monday night, but it has occured to me that the Chief Executive and the Senate certainly cannot be charged with a monopoly on stubborness. This House, particularly the other side of it, seems to have more than its share.

We have the Chairman of the Appropriations Committee telling us in one breath that he is satisfied to tap special funds for hospitals and institutions, but that he is not satisfied to transfer them for the purpose of continuing unemployment relief in Pennsylvania. Now, I was fully cognizant of that situation, and I placed the preference where I believed it was due, that as between a choice of continuing the institutions, who might borrow the money in order to keep open their doors and the unemployed can receive this money only through Federal grant, providing that the state does it just share as demanded by Washington we transfer that money particularly, solely and exclusively for unemployment relief.

The same program for repaying the money borrowed from special funds existed during the session of 1934; the same law that was in effect then is now in effect, and the same law and the same program for repaying money borrowed from special funds existed when the Governor procured this House to transfer three million two hundred thousand dollars for the blind and for unemployment relief by borrowing from special funds, exists today. We have the good faith of the House and the Senate behind that loan and you continue to have the good faith of the House and the Senate behind any transfer that we might make now.

Now, members, why be stubborn about the situation. It is perfectly true that the only tax program that has been presented rests in the Senate. It may be that it is perfectly true that the Republican party is on the spot, as one gentleman put it, but I want to tell you that this rises above party and that the Democratic party is on the spot as well, if anybody is on the spot.

You have a situation to meet and you can't hide behind that situation by saying the Senate will not do its duty. Members, the gentleman from Erie criticized the Senate for defeating the gasoline tax bill and yet by reference to the Legislative Journal I find that he himself voted against it when it was here on the floor of the House Why hide behind all this camoflauge? There has been nobody who has told us on the floor of this House, that Federal Administrator Hopkins refuses to appropriate money to this state for unemployment relief if we provide our share by transfer. Certainly he has said that he desires each state to show by some program that we will provide for unemployment relief. You and I know that is a physical impossibility by April 15, and the Senate is not going to be stampeded into any hasty action by any word or speech from the Governor, when it refused to be stampeded into hasty action when the Governor personally appeared in the Senate and requested them to pass that program. The Governor appeared before the Senate two weeks ago and spoke to them on the subject and on the following day the Senate failed to pass the gas bill.

By passing this resolution today we accomplish nothing. The Senate is not going to pay any attention to it, unless it is ready to pass a tax bill. Have we any assurance of it? No. But April 15 is next Monday, that is the deadline that you gentlemen on the other side told us exists,

and are we going to let that deadline pass merely because some of you gentlemen say we should not take out of one pocket of the state money that is called special funds and appropriate it to the needy. Are we going to hide behind the excuse of the gentleman from York and give that money to the institutions, thereby reducing our appropriation liability, or are we going to give this money to those who need it and thereby insure Federal grants. So I say to you we have only one program, I said it Monday night. Pending six weeks until the end of this biennium we must provide the just share of the state; we must provide at lease the balance for the month of April of two and one half million dollars, and the full five million dollars for May. We can only provide that money by tapping special funds, a method that was approved by the special session of 1934, and a method that this House approved at the request of the Chief Executive. That is our solution and the only solution, and I tell you, men, you are accomplishing nothing and the responsibility is solely yours if you do not take those five bills out of committee and report them back to this House immediately and pass them by Tuesday of next week.

## REQUEST TO MAKE STATEMENT

Mr. DENT. Mr. Speaker, with the permission of the Speaker and the members of the House—

The SPEAKER. Does the gentleman from Westmoreland desire to make a statement?

Mrs. WILSON. Mr. Speaker, I object.

Mr. DENT. Mr. Speaker, I did not ask to make a statement. I only asked the gracious permission of the members of the House, including the member from —

The SPEAKER. The Chair informs the gentleman from Westmoreland, Mr. Dent, that he must have unanimous consent if he wishes to have the floor at this time. Does the Chair hear objection?

Mrs. WILSON. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

## BILLS INTRODUCED AND REFERRED

By Mr. KELSO. HOUSE BILL No. 2033.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lawrence.

Referred to the Committee on Highways.

By Mr. JAMES W. PATTERSON. HOUSE BILL No. 2034.

An Act to promote public health, safety, morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions, and the construction and supervision of safe and sanitary dwellings and apartments, and for the renting thereof; creating a State Housing Authority as a body corporate and politic; prescribing and defining its powers and duties, including the power to construct, purchase, lease, and operate housing projects and the power to supervise and regulate certain municipal, private and semi-public housing companies and corporations; authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act; authorizing said Authority to issue bonds for the financing of its housing projects, providing such housing projects are self-supporting and self-liquidating, and to enter into agreements with the Government of the United States, or any Federal agency; granting the right of eminent domain; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

By Mr. YOURISHIN. HOUSE BILL No. 2035.

An Act to amend article fourteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school.

Referred to the Committe on Education.

By Mr. HARMUTH. HOUSE BILL No. 2036.

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding section four hundred and twenty-nine, authorizing counties to acquire property for and establish and maintain cemeteries for the interment of veterans, and to excavate and transfer thereto veterans buried elsewhere.

Referred to the Committee on Counties.

By Mr. CONDON. HOUSE BILL No. 2037.

An Act to amend section eighteen of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly."

Referred to the Committee on Municipal Corporations.

By Mr. MALLEN. HOUSE BILL No. 2038.

An Act supplementing the act approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini, one thousand eight hundred and seventy-nine," by providing for the return of tax imposed on premiums received by foreign companies writing certain types of motor vehicle insurance to municipalities for payment into police pension funds.

Referred to the Committee on Ways and Means.

By Mr. ZAPPALA. HOUSE BILL No. 2039.

An Act permitting the playing of polo on Sunday.

Referred to the Committee on Law and Order.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2040.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Mr. SLOAN. HOUSE BILL No. 2041.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways; and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2042.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Mr. ANDREWS. HOUSE BILL No. 2043.

An Act to amend subsection (v) of section one of article two, and section nine of article five of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liablites; prescribing, defining and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad, corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporations concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act." by requiring telephone corporations and persons engaged in the telephone business to make connections and arrangements to permit telephone conversations between subscribers to the service of certain other such corporations and persons, and to operate and conduct a joint through traffic over the lines so connected, and giving the commission jurisdiction over such service and over the rules, regulations, rates, charges, costs and revenues pertaining thereto.

Referred to the Committee on Public Utilities.

By Mr. AUKERMAN. HOUSE BILL No. 2044.

An Act to amend the act approved the twenty-third day of May, one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine), entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions" providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

Referred to the Committee on Highways.

By Mr. PEARSON. HOUSE BILL No. 2045.

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by adding a provision limiting the responsibility of the Commonwealth in the elimination of grade crossings.

Referred to the Committee on Highways.

By Mr. EROE. HOUSE BILL No. 2046.

An Act to amend an act approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws six hundred and eighty-one), entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department; and providing that certified copies of all records, books, papers, documents, and rulings of the department shall be received in evidence," by providing that the Secretary of Highways, in addition to the certification fee of one dollar ($1.00), aso may charge the cost of producing certified copies.

Referred to the Committee on Highways.

By Mr. O'NEILL. HOUSE BILL No. 2047.

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphet Laws three hundred and ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

Referred to the Committee on Highways.

By Mr. GERARD. HOUSE BILL No. 2048.

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; providing the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended, by adding certain new routes.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 2049.

An Act to amend section one of the act approved the fourth day of May, one thousand nine hundred thirty-three (P. L. 277), entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities, boroughs, or incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," to include as State highways portions of the highway outside municipalities under certain conditions.

Referred to the Committee on Highways.

By Mr. SCHROPE. HOUSE BILL No. 2050.

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases,' as amended, extending the provisions of said act to highways in cities," as amended.

Referred to the Committee on Highways.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 2051.

An Act to amend section one as amended and section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships, under certain conditions and restrictions, and appropriating money in the Motor License Fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the Motor License Fund; and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by adding thereto township, borough or incorporated town bridges.

Referred to the Committee on Highways.

By Mr. MOUL. HOUSE BILL No. 2052.

An Act to amend section seven hundred fifty-five of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws relating thereto" by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury approval.

Referred to the Committee on Highways.

By Mr. KELSO. HOUSE BILL No. 2053.

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. HIRSCH. HOUSE BILL No. 2054.

An Act to amend sections one and two of the act approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State Highways.

Referred to the Committee on Highways.

By Mr. HOLSTROM. HOUSE BILL No. 2055.

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and arministrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes of certain departments, boards, and commissions shall be determined," by adding to section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials.

Referred to the Committee on Highways.

By Mr. BROWNFIELD. HOUSE BILL No. 2056.

An Act to amend sections one and three of the act approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred nine), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highways Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place, and benefits for improvements.

Referred to the Committee on Highways.

By Mr. CARSON. HOUSE BILL No. 2057.

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases, has failed to furnish the required protection through insolvency of the insurance carrier, and making an appropriation.

Referred to the Committee on Highways.

By Mr. ALEXANDER. HOUSE BILL No. 2058.

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway, and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

Referred to the Committee on Highways.

By Mr. COAKLEY. HOUSE BILL No. 2059.

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highways Routes under certain conditions.

Referred to the Committee on Highways.

By Mr. DECKER. HOUSE BILL No. 2060.

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes; and providing a method of procedure.

Referred to the Committee on Highways.

By Mr. BRADLEY. HOUSE BILL No. 2061.

An Act relating to trees and other obstructions on State Highway Routes and intersecting roads, providing for the removal thereof and the disposition of the logs or wood from such trees under certain conditions.

Referred to the Committee on Highways.

By Mr. FURMAN. HOUSE BILL No. 2062.

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance, construction, and reconstruction of township streets, roads and bridges, during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven; requiring townships to reduce their tax rates for road and street purposes for said years; and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2063.

An Act aupthorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department, under certain terms and conditions, and making an appropriation.

Referred to the Committee on Highways.

By Mr. COLEMAN. HOUSE BILL No. 2064.

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation.

Referred to the Committee on State Government.

By Messrs. McDERMOTT and HOLSTROM. HOUSE BILL No. 2065.

An Act providing for liens in favor of the Commonwealth and every charitable association, corporation, or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or privtate charity, and furnishing therein care, treatment and maintenance to persons injured in accidents, upon the rights of action, claims or demands of such injured persons against other persons, corporations, partnerships and other unincorporated associations whatsoever, for damages on account of the negligence causing the injuries, and upon the proceeds of the settlement of any such claims and discharge of such liens; and imposing duties upon or demands; providing for the entry, recording, release prothonotaries.

Referred to the Committee on Judiciary General.

By Mr. COLEMAN. HOUSE BILL No. 2066.

An Act to further amend section six of the act approved the third day of June, one thousand nine hundred nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance, and transportation of such police; providing for barracks and substations therefor; and prescribing penalties," by increasing and revising the personnel of the State Police Force.

Referred to the Committee on State Government.

By Messrs. HOLSTROM and McDERMOTT.
HOUSE BILL No. 2067.

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties."

Referred to the Committee on Judiciary General.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 147. (HOUSE BILL No. 2068).

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties.

Referred to the Committee on Pensions and Gratuities.

SENATE BILL No. 85. (HOUSE BILL No. 2069).

An Act making an appropriation to the Board of Managers of the Seamen's Church Institute of Philadelphia Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 110. (House Bill No. 2070).

An Act to amend section eight hundred and twenty-four as added to the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating the display of caution signals by certain disabled vehicles.

Referred to the Committee on Highways.

SENATE BILL No. 134. (HOUSE BILL No. 2071).

An Act making an appropriation to the Home of Industry for Discharged Prisoners of the city of Philadelphia and State of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 135. (HOUSE BILL No. 2072).

An Act making an appropriation to the Western Temporary Home of Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 139. (HOUSE BILL No. 2073).

An Act to amend sections four and seventeen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for refunds of taxes paid on liquid fuels, consumed for purposes other than the operation of motor vehicles on the public highways of this Commonwealth and providing penalties.

Referred to the Committee on Ways and Means.

SENATE BILL No. 184. (HOUSE BILL No. 2074).

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson.

Referred to the Committee on Appropriations.

SENATE BILL No. 186. (HOUSE BILL No. 2075).

An Act making an appropriation to the Friends' Home for Children of the city of Philadelphia Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 187. (HOUSE BILL No. 2076).

An Act making an appropriation to the Board of Trustees of the Philadelphia Commercial Museum Exhibition and Convention Halls, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 222. (HOUSE BILL No. 2077).

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; and abolishing the existing board for the assessment and revision of taxes, the department of assessors in cities of the second class and the city assessor in cities of the third class, in such counties.

Referred to the Committee on Counties.

SENATE BILL No. 227. (HOUSE BILL No. 2078).

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 290. (HOUSE BILL No. 2079).

An Act making an appropriation to the Rush Hospital for Consumption and Allied Diseases of Philadelphia.

Referred to the Committee on Appropriations.

SENATE BILL No. 330. (HOUSE BILL NO 2080).

An Act maing an appropriation to the Women's Hospital of Philadelphia Preston and Parrish Streets Philadelphia Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL NO. 384. (HOUSE BILL No. 2081).

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia

Referred to the Committee on Appropriations.

SENATE BILL No. 385. (HOUSE BILL No. 2082).

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases of Philadelphia

Referred to the Committee on Appropriations.

SENATE BILL No. 387. (HOUSE BILL No. 2083).

An Act making an appropriation to the Mercy Hospital of Philadelphia Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 519. (HOUSE BILL No. 2084).

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field.

Referred to the Committee on Aeronautics.

SENATE BILL No. 560. (HOUSE BILL No. 2085).

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens, one to be known as the general judgment or lien index or docket, and the other to be known as the in rem judgment or lien index or docket.

Referred to the Committee on Judiciary General.

SENATE BILL No. 631. (HOUSE BILL No. 2086).

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act.

Referred to the Committee on Agriculture.

SENATE BILL No. 665. (HOUSE BILL No. 2087).

A further Supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College," and making an appropriation for carrying the same into effect.

Referred to the Committee on Appropriations.

SENATE BILL No. 705. (HOUSE BILL No. 2088).

An Act making an appropriation to the Department of Public Instruction to aid financially distressed school districts.

Referred to the Committee on Appropriations.

SENATE BILL No. 754. (HOUSE BILL No. 2089).

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 755. (HOUSE BILL No. 2090).

An Act making an appropriation to the Temple University Garretson Hospital Philadelphia Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 763. (HOUSE BILL No. 2091).

An Act making an appropriation to the Coaldale State Hospital Coaldale Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 764. (HOUSE BILL No. 2092).

An Act making an appropriation to the Department of Welfare for use of Coaldale State Hospital for payment of an indebtedness incurred by and lapsing a prior appriation made to the Board of Trustees of Coaldale State Hospital

Referred to the Committee on Appropriations.

SENATE BILL No. 765. (HOUSE BILL No. 2093).

An Act making an appropriation to the Elizabeth Steel Magee Hospital Pittsburgh Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 770. (HOUSE BILL No. 2094).

An Act making an appropriation to the Shamokin State Hospital Shamokin Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 771. (HOUSE BILL No. 2095).

An Act authorizing guardians of minors to expend parts of the income of said minors in life insurance policies with leave of the orphans' court and stipulating the rights of such minors in regard thereto upon becoming of age

Referred to the Committee on Judiciary General.

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 720.

An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended sections six hundred fifty-four six hundred and fifty-five and six hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" empowering counties to acquire lands for recreational purposes and to build parkways bridle paths and foot paths

HOUSE BILL No. 1023.

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment of prevention of disease in man or animal by means of vending machines

HOUSE BILL No. 1061.

An Act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances

HOUSE BILL No. 88.

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor

HOUSE BILL No. 441.

An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws six) entitled "An Act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof

HOUSE BILL No. 442.

An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of one thousand nine hundred thirty-three or from Federal intermediate credit banks organized under the Agricultural Credits Act of one thousand nine hundred twenty-three

HOUSE BILL No. 450.

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships

HOUSE BILL No. 454.

An Act appropriating certain accumulations in the Fire Insurance Tax Fund to cities townships and boroughs for payment to firemen's relief pension and retirement funds

HOUSE BILL No. 462.

An Act to validate and confirm certain contracts expenditures or payments heretofore made ratified or approved by councils of cities of the third class and to direct payments thereunder by the fiscal officers of such cities in certain cases

HOUSE BILL No. 552.

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

SENATE BILL No. 71.

An Act to amend section forty-two of, and to add section thirty-five A to, the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250. 1933-1934), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors and imposing penalties," adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors, and changing certain penalties.

SENATE BILL No. 149.

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

LIQUOR LAWS

A resolution from the Founding District of the Workingmen's Beneficial Union of U. S. A., McKees Rocks, Pa., addressed to Mr. Ruffennach, urging passage of legislation permitting clubs to sell liquors at all hours.

Referred to the Committee on Law and Order.

TAXES

A petition from citizens of Beaver County requesting support of legislation removing penalties and interest on delinquent taxes.

Referred to the Committee on Counties.

HIGHWAYS

A petition from citizens of Snyder County addressed to Mr. Surface praying for state maintenance of highways.

Referred to the Committee on Highways.

POOR DIRECTORS

A resolution from
Borough Council of Oakmont, Allegheny County;
Carnegie School Board, Allegheny County;
Snowden Township School District, Allegheny County;
School Directors of Robinson Township, Allegheny County;
School Directors of Castle Shannon, Allegheny County;
Borough of Aspinwall, Allegheny County;
Borough Council of Elizabeth, Allegheny County, protesting the passage of House Bill No. 660 and Senate Bill No. 204, consolidating welfare department of the city of Pittsburgh and poor district of Allegheny County.

Referred to the Committee on Counties.

BLUE LAWS

A resolution from the Brush Valley Brethrens, Sunday School, Armstrong County;
Deauville Baptist Church and Sunday School, New Bethlehem;
Presbyterian Church, Royal Valley, Pa.;
Citizens of Worthington, Pa.;
First Church of the United Brethren in Christ, McKeesport, Pa.;
Moon Run U. P. Sunday School, Allegheny County, Pa., protesting against anti-sabbath legislation.

Referred to the Committee on Law and Order.

SALES TAX

A communication from the Vandergrift Lodge, No. 197, Pa., Amalgamated Association of Iron, Steel and Tin Workers, protesting passage of general sales tax, favoring a gasoline tax.

Referred to the Committee on Ways and Means.

## LEAVES OF ABSENCE

Mr. Ominsky asked and obtained leave of absence for Mr. FINNERTY for the balance of the week on account of serious illness in the family.

Mr. SIMON asked and obtained leave of absence for himself for the balance of the week.

Mr. STONE asked and obtained leave of absence for himself for the balance of the week.

Mr. PANTON asked and obtained leave of absence for himself for the balance of the week.

Mr. RINN asked and obtained leave of absence for himself for the balance of the week.

Mr. SPROUL asked and obtained leave of absence for himself for the balance o fthe week.

Mr. KANE asked and obtained leave of absence for himself for the balance of the week on account of very necessary business.

Mr. Falkenstein asked and obtained leave of absence for Mr. SCANLON for the balance of the week on account of illness.

Mr. WALL asked and obtained leave of absence for himself for the balance of the week.

## REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Boroughs and Townships reported as committed, House Bill No. 1340, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned.

Mr. WEISS, from the Committee on Judiciary General reported as amended, House Bill No. 473, entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of degrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended; further defining the nature and kind of investments of trust funds to be made by fiduciaries.

Mr. O'NEILL, from the Committee on Boroughs and Townships reported as committed, House Bill No. 1615, entitled:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising, and consolidating the law relating thereto; and repealing existing laws," by providing for the assessment of seated lands divided by the boundary line between two townships.

Mr. WESTRICK, from the Committee on Boroughs and Townships, reported as committed, House Bill No. 1814, entitled:

An Act to amend section one thousand and six of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended; dispensing with the advertising of ordinances establishing the grades of streets, highways and alleys.

Mr. JOHN J. BAKER, from the Committee on State Government, reported as committed, House Bill No. 1787, entitled:

An Act to amend section one thousand five hundred three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by transferring from the State Treasurer to the State Workmen's Insurance Board the power and duty of drawing checks on the State Workmen's Insurance Fund.

Mr. KILROY, from the Committee on Public Utilities reported as committed, House Bill No. 2023, entitled:

An Act to amend an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunction, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof, repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," as amended, by designating as public service companies, persons, partnerships, associations and corporations engaged in selling liquid fuels and lubricating oils, and also those engaged in leasing franchises, rights, powers, immunities, privileges or facilities to other public service companies and empowering, the Public Service Commission to regulate the same; and by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies, or affiliated interests, involving loans of money to such public service companies, and of contracts for the acquisition and construction of certain facilities and permanent improvements.

Mr. ZAPPALA, from the Committee on Counties reported as committed, House Bill No. 247, entitled:

An Act to amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto;" giving courts discretion with respect to certain surcharges against county commissioners.

Mr. DECKER, from the Committee on Fisheries reported as committed, House Bill No. 1476, entitled:

An Act to amend section forty of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended; changing the number of trout allowed to be caught in one day.

Mr. DECKER, from the Committee on Public Utilities reported as amended, House Bill No. 950, entitled:

An Act withholding increases in rates by electric light, gas, telephone and water companies until after thirty days' notice thereof has been given to their customers and the same have been approved by the Public Service Commission.

Mr. SHAW, from the Committee on Counties, reported as committed House Bill No. 1623, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding a new section, providing for the payment over by county officers to the county treasurer of certain unclaimed moneys.

Mr. MELCHIORRE, from the Committee on Public Utilities reported as committed, House Bill No. 1897, entitled:

An Act to amend paragraph (b) of section eleven of article three of the act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven, and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies, or affiliated interests, involving loans of money to such public service companies.

Mr. HOOPES, from the Committee on Boroughs and Townships reported as committed, House Bill No. 1426, entitled:

An Act to amend section one thousand seven hundred and nine of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing taxation upon either real property or occupations or both.

Mr. ALLEN, from the Committee on Military Affairs, reported as committed, House Bill No. 1865, entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 172), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School; the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphans Schools," extending the time for the discharge of children from said school.

Mr. WELLIVER, from the Committee on Judiciary Local, reported as committed, House Bill No. 898, entitled:

An Act requiring all persons, associations, copartnerships and corporations, conducting any business, to have displayed at such business place the names of the owners, or the names which the owners are lawfully entitled to use.

Mr. POWERS, from the Committee on Judiciary Local, reported as committed, House Bill No. 67, entitled:

An Act to amend section one of the act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 130), entitled "An act to provide civil rights for all people, regardless of race or color," amplifying and extending the provisions of said act and increasing the penalties for violation thereof.

Mr. BERNHARD, from the Committee on Fisheries, reported as committed, House Bill No. 1806, entitled:

An Act to further amend section two hundred twenty-four of the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued.

Mr. SCHROCK, from the Committee on Fisheries, reported as committed, House Bill No. 1885, entitled:

An Act to amend section two hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by exempting from the provisions thereof persons fishing in the waters of the Delaware River, lying between New York and Pennsylvania; holding a fishing license issued by the State of New York.

Mr. SIMPSON, from the Committee on Boroughs and Townships, reported as committed, House Bill No. 1749, entitled:

An Act to amend sections eight hundred and twelve, and eight hundred and twenty-one of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for a burgess and members of council in consolidated boroughs, and terminating the term of certain of said officers.

## RESOLUTION

### LIQUOR CONTROL LEGISLATION

Mr. MENTZER offered a resolution and asked unanimous consent for its immediate adoption.

The resolution was read by the Clerk for the information of the House as follows:

In the House of Representatives, April 10, 1935.

Whereas, A number of bills have been introduced in the House and Senate dealing with the subject of liquor control; and

Whereas, The Pennsylvania Liquor Control Board has informed the committee investigating the liquor control system that it has under consideration needed amendments to the present laws; and

Whereas, Several bills have passed the Senate and repose in House committees and bills have passed the House and repose in Senate committees, while many others are in committee awaiting committee action; and

Whereas, It is apparent that confusion exists among Members of the several Houses as to the proper measure which should be framed; and

Whereas, It is to the interest of the dispatch of public business and economy that the various bills introduced and other amendments submitted should be studied and needed changes consolidated into as few measures as possible, therefore be it

Resolved (if the Senate concur), That the Speaker appoint three Members of the House and the President pro tempore of the Senate appoint three Members of the Senate who together shall constitute a special committee whose duty it shall be to draft a new bill or select and introduce a bill, either House or Senate, which in its present or an amended form, the committee deems to be a proper measure on the subject of liquor control, and to make report thereof to the Senate and House of Representatives as early as possible.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. MELCHIORRE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

Mr. FLINCHBAUGH in the Chair.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1130, entitled:

An Act prescribing the courts to which successive appeals, by the same or different parties but involving the same questions, shall be taken, regulating the disposition of such appeals, and repealing certain acts and parts of acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1459, entitled:

An Act to further amend sections one and two, and to add sections two A, two B, two C and two D, to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs for and as fresh, that are not fresh eggs, or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," providing standards for fresh eggs and prohibiting illegal sales and misbranding.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 754, entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two clauses (a) and (b) of section one thousand eight hundred and three, and section one thousand eight hundred and six as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Forests and Waters to acquire lands by purchase, gift, condemnation and lease for State forest, park and recreational purposes, and to maintain, develop and re-lease such lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1188, entitled:

An Act to amend section three of the act approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended; requiring that bond be filed by political bodies filing nomination papers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1140, entitled:

An Act to further amend section three hundred five of the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by increasing the requirements to be met by employers desiring to be self-insurers, and providing for better enforcement of the provisions of the act by conferring additional powers upon the Department of Labor and Industry and by prescribing and changing certain presumptions, rules of evidence, and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1724, entitled:

An Act to amend section three of the act approved the second day of May, one thousand nine hundred and thirty-three (P. L. 224), entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants; authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation, except expenses payable by counties; providing for the commitment of defendants to certain institutions where the reports show the same to be advisable; and providing for the payment by individuals, counties, or the Commonwealth of the cost of admission, care and discharge of such defendants," providing for appeals in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1747, entitled:

An Act making the insurer of defendant in an action in torts involving the operation of a motor vehicle a party defendant with the defendant; and providing for the effect of such joinder.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1155, entitled:

An Act imposing upon employers subject to the Workmen's Compensation Law or their workmen's compensation insurance carriers, including the State Workmen's Insurance Fund, expenses and costs incurred by the Commonwealth in administering and enforcing certain laws for the benefit of those injured in industry and for the benefit of the dependents of those killed in industry.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1748, entitled:

An Act to limit the personal liability of owners of real estate for taxes thereon.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 479, entitled:

An Act providing for the imposition, collection and lien of charges for sand, gravel and coal taken, removed or dredged from the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of the boundary of, this Commonwealth, title to which is in the Commonwealth; requiring persons, associations, copartnerships and corporations to secure permits from the Water and Power Resources Board, and to file bonds with the Department of Revenue; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1894, entitled:

An Act to amend section thirteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, providing that at primary elections in boroughs, towns, or townships any elector not enrolled as a member of a political party or whose name is not on the assessors registry list may vote by proving his right thereto in the same manner as at general elections and making affidavit as to his party membership.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1807, entitled:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1260, entitled:

An Act limiting the questions to be determined on new trials in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1932, entitled:

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 758, entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns and townships as a condition of their right to vote, at elections and primaries, requiring the county commissioners of the various counties to act as a registration commission therefor, imposing duties and conferring powers upon such commissioners and their appointees, and upon courts, county officers, election officers, municipal officers, register of vital statistics and boards of school directors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 861, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1808), entitled "An act fixing the time when statutory law hereafter enacted shall become effective."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1699, entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," as amended; by permitting dogs to work on liberated or native wild game animals in field meets, and changing the fees for permits therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1683, entitled:

An Act to amend section six of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "An act regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto;" by exempting hunters and fishers from the licensure provisions of the act under certain circumstances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1949, entitled:

An Act to further amend section one thousand one of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the Board of Game Commissioners to prescribe by rule or regulation when and for what vermin bounties should be paid, and the amounts thereof within certain limits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1590, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1592, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1595, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL RECOMMITTED

Mr. NAGEL. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for further consideration.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1596, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1597, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Ordered, To be laid aside for second reading.

And said bill having been read at length the first time,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1588, entitled:

An Act making an appropriation from the Banking Department to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund .

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1589, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1599, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1606, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1607, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1790, entitled:

An Act transferring money from the Motor License Fund to the General Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1879, entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1840, entitled:

An Act requiring all courts of record and appeal to take judicial notice of public statutes and judicial decisions by courts of record of other states and territories of the United States and the District of Columbia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1657 (Senate Bill No. 70), entitled:

An Act to amend sections one, seven, fifteen and twenty-three, as amended, and sections twenty-four and twenty-six of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by making provisions for voting machines designed to be made secure by the use of two or more seals; changing the requirements as to the printing of return sheets and statements; providing the requirements of, and rules and regulations for, the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets; providing for the printing and distribution of said proof-sheets; providing for their use in canvassing the vote, making them part of the election returns; defining their probative value and effect; and enlarging the powers of return boards.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1297 (Senate Bill No. 99), entitled:

An Act requiring the Department of Revenue to prepare and distribute to counties banks and trust companies lists of corporations joint stock associations limited partnerships banks and trust companies taxable for State purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Wilson G. Sarig) in the Chair.

## REQUEST TO CALL UP SENATE MESSAGE

Mr. WITKIN. Mr. Speaker, I ask unanimous consent of the House to call up from the Speaker's desk the resolution just passed by the Senate—the number thereof I don't know, nor do I believe it has a number, but the resolution dealing with the transfer of four million five hundred thousand dollars for unemployment relief.

The SPEAKER. Will the House give unanimous consent to call up the resolution at this time? Are there objections?

Mr. RUTH. I object, Mr. Speaker.

## MOTION TO SUSPEND RULE 84

Mr. WITKIN. Mr. Speaker, I move that Rule 84 be suspended for the specific purpose of considering at this time the resolution just referred to, to wit, the Senate Resolution transferring or dealing with the transfer of seven million five hundred thousand dollars on five bills presented by the gentleman from Philadelphia. Mr. Blumberg.

On the question,
Will the House agree to the motion?

Mr. RUTH. Mr. Speaker, I rise to object to this motion for the very reason that we have discussed it continuously for the entire week practically and I think that we all know where we stand on it, and I rise to object to the motion.

Mr. WITKIN. Mr. Speaker, I agree with the gentleman from Berks, Mr. Ruth, that we have had ample discussion upon this subject. The matter was thoroughly debated and talked about and for that reason I will have no further remarks to make except to say that I believe it is imperative and compelling that this House carefully consider this resolution. I will ask the members of the House to vote in favor of the motion to suspend the rule in order that the members of the House may be on record as to whether or not they are for or against this resolution.

I will say that a vote against the suspension of the rule is tantamount to a vote against the resolution and will be so construed by the public.

Mr. Speaker, I ask for a roll call.

Mr. BLUMBERG. Mr. Speaker, I second the request for a roll call.

Mr. HOOPES. Mr. Speaker, what will be the effect of calling for the order of the day at this time?

The SPEAKER. The calling for the order of the day is not in order at this time, because the House has already given its unanimous consent to take this resolution from the table.

Mr. HOOPES. Mr. Speaker, did I understand the Chair to say that unanimous consent had been given? I understood that the gentleman from Berks, Mr. Ruth, objected.

The SPEAKER. For the information of the gentleman from Berks, Mr. Hoopes, the Chair wishes to state that the Chair was in error in regard to calling the order of the day. The order of the day can be called for and if it is called for the Chair will have to resume the second reading calendar.

A motion to suspend Rule 14 would have to be included in the motion of the gentleman from Philadelphia, in order that this matter could be considered at this time.

Mr. HOOPES. Mr. Speaker, I do not see any point in having the roll called at this time and I, therefore, ask for the order of the day.

The SPEAKER. The gentleman calls for the order of the day. The order of the day is Bills on Second reading.

## MOTION TO SUSPEND RULES 14 AND 84

Mr. WITKIN. Mr. Speaker, I move that rule 14, together with rule 84, be suspended for the purpose of considring the Senate resolution dealing with the seven million five hundred thousand dollars transfer of special funds for unemployment relief.

On the question,
Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. HOOPES. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, does the gentleman agree with me that the subject matter of this resolution is of importance to the people of Pennsylvania?

Mr. HOOPES. Mr. Speaker, in reply to the gentleman, I agree that nothing is more important than the matter of unemployment relief, but I do not agree that taking a vote upon this particular resolution at this time is of particular importance, in view of the fact that it is a foregone conclusion what the result will be before the roll is called, and it is merely taking the time of the House.

Mr. WITKIN. Mr. Speaker, am I correct, therefore, in assuming the reply of the gentleman is to the effect that the only reason for the fact that he does not think it ought to be considered and a roll call had at this time is because he is of the opinion that the result is already known?

Mr. HOOPES. Mr. Speaker, in reply to the gentleman I would say for the further reason that this matter having been debated for one hour and a half previously and for one hour Monday evening, I think that the views of every member of this House are already on the record and that to repeat them is mere redundancy.

Mr. WITKIN. Mr. Speaker, do I understand that the gentleman does not think that it is important that the people of the Commonwealth know how each man stands upon a resolution that has already passed the Senate and that deals with the question of unemployment relief, irrespective of whether it has been discussed or not.

Mr. HOOPES. Mr. Speaker, you are not to understand anything of the sort. I think I have answered the question fully when I say that I thought every member's views are already on the record by previous roll calls, either on this particular question or one that is so closely related to it that there can be absolutely no doubt of the result of this roll call or of the view of any member of this House on the question.

Mr. WITKIN. Mr. Speaker, so the gentleman reiterates that the sole reason for his objection to the roll call being had at this time is because he believes that the mind of every member is definitely in the same shape as it was yesterday.

Mr. HOOPES. Mr. Speaker, I have heard nothing in the debate which has taken half an hour of our time already this morning to indicate that a single member has changed his views from the way he voted on the same question the last two times.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman if he is not of the opinion that wisdom has been inculcated into the minds of some of the members of this House in view of the returns of the election held in Montgomery County yesterday?

Mr. HOOPES. Mr. Speaker, In further reply to the gentleman's question, I would like to say that having been a member of this House for five years I doubt the possibility of the assumption which he makes.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Berks, whether or not he will agree with me in the future to be consistent in the asking for roll calls upon matters concerning which he has good reason to know will be defeated by this House.

Mr. HOOPES. Mr. Speaker, in reply to the gentleman, in those cases that the members of the House are already on record on a particular question, I will agree to abide by that ruling. Do not, however, wish to place myself in the position where I may not obtain and exercise the right to have roll calls on matters that either have not been decided by the House or that have been in issue within a reasonable time before a roll call is demanded.

The yeas and nays were required by Mr. WITKIN and Mr. BLUMBERG and were as follows:

YEAS—74

| | | | |
|---|---|---|---|
| Altenburg, | Gillette, | Perry, | Stockham, |
| Andrews, | Green, | Peters, | Stott, |
| Atkins, | Greenstein, | Phillips, | Surface, |
| Baker, F. T., | Habbyshaw, | Reynolds, | Tahl, |
| Barnhardt, | Hart, | Rhys, | Terry, |
| Bernhard, | Hermansen, | Roan, | Trout, |
| Blumberg, | Hoffner, | Rooney, | Turner, |
| Boose, | Jackson, | Schrock, | Van Allsburg, |
| Boyd, R., | Jones, | Schwartz, | Wall, |
| Boyer, | Kane, | Shortz, | Wasserman, |
| Brennan, | Kelder, | Shreiner, | Weidemann, |
| Castor, | Longaker, | Simpson, | White, |
| Conner, | McDevitt, | Sloan, | Wickersham, |
| Cordier, | McKinney, | Snyder, F. E., | Witkin, |
| Davies, | Merrell, | Snyder, J. L., | Wood, |
| Duffort, | Moore, | Sowers, | Woodside, |
| Ferko, | Muir, | Sproul, | Yeakel, |
| Forrest, | Nothnagle, | Stewart, | Zimmerman, |
| Gates, | Parks, | | |

NAYS—113

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Lynch, | Ruth, |
| Alexander, | Downey, J. J., | Male, | Sarraf, |
| Allen, | Eberharter, | McCreary, | Schrope, |
| Arnold, | Eroe, | McDermott, | Schwab, |
| Aukerman, | Falkenstein, | McElroy, | Shaw, |
| Baine, | Fitch, | McHenry, | Shepard, |
| Baker, J J., | Flanagan, | Melchiorre, | Shugarts, |
| Barber, | Flinchbaugh, | Mentzer, | Siegel, |
| Bradley, | Furman, | Moomaw, | Simon, |
| Brancato, | Gerard, | Mooney, | Sinwell, |
| Brown, H. S., | Haberlen, | Moran, | Smith, J. A., |
| Brown, J. E., | Hagerty, | Moul, | Smith, W. G., |
| Brownfield, | Haluska, | Murrin, | Stank, |
| Brumbaugh, | Hamilton, R. S., | Nagel, | Stevens, |
| Burke, | Harkins, | O'Keefe, | Stone, |
| Cannon, | Harmuth, | Ominsky, | Sumney, |
| Caputo, | Hartman, | O'Neill, | Tronzo, |
| Carson, | Hetrick, | Panton, | Tumelty, |
| Chervenak, | Hindman, | Patterson, C., | Van Sickle, |
| Coakley, | Hirsch, | Patterson, J. W., | Walker, |
| Cochran, | Holstrom, | Pearson, | Weiss, |
| Cohen, | Kelso, | Pfaff, | Welliver, |
| Coleman, | Kilroy, | Piole, | Welsh, |
| Condon, | Kinney, | Powers, | Westrick, |
| Coolahan, | Klingler, | Reising, | Wilson, |
| Decker, | Kobelak, | Rinn, | Yourishin, |
| Dent, | Long, | Robinson, | Zappala, |
| Diehl, | Lovett, | Ruffennach, | Sarig, |
| Dilley, | | | |

So the question was determined in the negative and the motion was not agreed to.

## SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid on the table.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1689, as follows:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred sixty-eight) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred sixty-eight) entitled "An act relating to the commencement of actions" is hereby amended to read as follows

Section 38 The sheriff or other officer serving any writ of summons shall in all cases state in his return the time both the day and the hour the place and manner in which the service was made which statement shall include the name of the individual on whom the service was made if other than the defendant personally and the relationship which such person bears to the defendant

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 79, as follows:

An Act to amend paragraphs (a) and (b) of section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" increasing the amount of reserve required of stock and mutual casualty insurance companies and exchanges for certain outstanding losses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraphs (a) and (b) of section three hundred and thirteen of the act approved

the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" are hereby amended to read as follows

(a) For all liability suits being defended under policies written more than

I Ten years prior to the date as of which the statement is made [one] three thousand [five hundred] dollars [($1,500)] ($3,000) for each suit

II Five and less than ten years prior to date as of which the statement is made [one] two thousand dollars [($1,000)] ($2,000) for each suit

III Three and less than five years prior to the date as of which the statement is made [eight] one thousand seven hundred [and fifty] dollars [($850)] ($1,700) for each suit

(b) For all liability policies written during the three years immediately preceding the date as of which the statement is made such reserve shall be sixty per centum of the earned liability premiums of each of such three years less all loss and loss expense payments made under liability policies written in the corresponding years but in any event such reserve shall for the first of such three years be not less than [seven] fifteen hundred [and fifty] dollars [($750)] ($1,500) for each outstanding liability suit on said year's policies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. TAHL. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for further amendment.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 766, entitled:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred nineteen) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" providing for appeals from assessments in years other than the triennial year

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the ninth day of July one thousand eight hundred and niney-seven (Pamphlet Laws two hundred nineteen) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" is hereby amended to read as follows

Section 2 That the present board of assessors in any such city or their successors when elected shall make an assessment of all the subjects of taxation now by law or which may hereafter be made subject to taxation for city purposes and they shall take as the basis of such assessment the last preceding assessment made by the board of assessors for such city and shall have power to revise equalize or alter such assessment by increasing or reducing the valuations and to add to such lists of assessments any subjects of taxation subject to taxation as aforesaid omitted therefrom and fix the taxable valuation thereof and it shall be their duty to rectify all errors and if necessary for such purpose require the attendance of citizens before them for examination under oath or affirmation it shall be their duty to establish without delay rules and regulations prescribing the mode of appeal to them from any assessment made by them by any person interested therein and such rules and regulations shall provide not only for appeals from triennial assessments but at any other time previous to the payment of the tax but no such appeal shall be entertained in other than the year of the triennial assessment unless the taxpayer shall give due notice of his intent to appeal to the board of assessors in time so that the appeal may be heard at least three months prior to January first of the year for which the reduction is sought and when such assessors have finally acted upon such assessments and any such appeals an appeal may be taken therefrom to any court of common pleas of the county in which such city is located whose decision shall be final thereon Such appeals shall be taken to such court within thirty days after final action by the assessors as aforesaid

On the question,

Will the House agree to the section?

Mr. ZAPPALA. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 29, by inserting after the word "assessors" the following: "shall"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred nineteen), entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" providing for appeals from assessments in years other than the triennial year

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

## SENATE MESSAGE

### RESOLUTION NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, April 10, 1935.

Whereas, an emergency exists in the fiscal affairs of the Commonwealth which threatens to prejudice the ability of the Commonwealth to obtain funds from the Federal Government for relief purposes and

Whereas, the General Assembly to this date has passed no taxing legislation and

Whereas, the fifteenth day of April has been fixed as the dead line for the furnishing of Federal funds unless

appropriate action is taken by the Legislature demonstrating good faith in this critical situation,

Now, Therefore Be It Resolved, by the House of Representatives (if the Senate concur) that the General Assembly remain in session during the present week for sufficient number of legislative days in which to pass adequate taxing legislation which will indicate to the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Municipal Corporations will meet immediately after this morning's session in room 324.

The Committee on Pensions and Gratuities will meet immediately after this morning's session in room 323.

There will be a five minute meeting of the Anthracite Freight Rate Investigating Committee at the close of this morning's session in the Conference room at the rear of the Hall of the House.

The Committee on Agriculture will meet at 4:00 p. m. today in the usual room.

The Joint Committee on Judiciary General of the Senate and House will hold a public hearing on House Bill No. 688 in the Senate Caucus Room at 2:00 p. m. today.

The Committee on Constitutional Amendments will meet tomorrow at 9:30 a. m. in room 323.

The Committee on Appropriations will hold a public hearing on House Bill No. 212 tomorrow at 2:00 p. m. in the House Caucus Room.

There will be a meeting of all members of the House that are not lawyers in the House Caucus Room, No. 326 immediately after this morning's session. Democrats and Republicans both are invited.

Mr. EBERHARTER. Mr. Speaker, I would like to know, and also for the information of the House, at whose instigation this meeting was called including those members of the House that did not happen to be lawyers; that is, who has called the meeting and who will be the chairman of it.

Mr. DENT. Mr. Speaker, I object to the question.

The SPEAKER. There is nothing to object to. Is there anyone in the hall who is willing to answer the question of the gentleman from Allegheny, Mr. Eberharter?

Mr. EROE. Mr. Speaker, I called the meeting.

The SPEAKER. The Chair wishes to inform the gentleman from Lawrence, Mr. Eroe, that the House Caucus Room will be used this afternoon for the Liquor Control Board Hearing. Providing that the meeting cannot be held in the House Caucus Room, does the gentleman have any further announcements to make in the matter?

Mr. EROE. Mr. Speaker, I guess the only place left for the non-lawyers of this House would be in the cellar. I will, therefor, withdraw my call for the meeting.

## RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:00 p. m. Are there objections? The Chair hears none and declares a recess until 8:00 p. m.

## AFTER RECESS

The House reconvened at 8:00 p. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

## BILLS INTRODUCED AND REFERRED

By Mr. GREENSTEIN. HOUSE BILL No. 2096.

An Act to amend section two, paragraph C of section three hundred thirteen, paragraph C of section four hundred two, sections four hundred eleven, six hundred four, six hundred sixteen, six hundred eighteen, paragraph D of section eight hundred two, and section nine hundred ten, of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," providing for bonds by officers, directors and employes, and for the imposition of membership and withdrawal fees, and regulating dividends and loans on full-paid stock.

Referred to the Committee on Banking.

By Mr. SOWERS. HOUSE BILL No. 2097.

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, executors, administrators, receivers, trustees, removal, closing-out, sale of goods damaged by fire, smoke or water, and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same.

Referred to the Committee on Municipal Corporations.

By Mr. BAINE. HOUSE BILL No. 2098.

An Act to suspend the laws of this Commonwealth authorizing the collection of local taxes by distress and sale of goods and chattels.

Referred to the Committee on Municipal Corporations.

By Mr. JOHN E. BROWN. HOUSE BILL No. 2099.

An Act to amend section one of article fourteen of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by requiring the erection of wash houses under certain conditions at bituminous mines in this Commonwealth.

Referred to the Committee on Mines and Mining.

By Mr. ZIMMERMAN. HOUSE BILL No. 2100.

An Act to regulate and control the same of baby chicks and started chicks by producers, dealers and brokers at auctions, auction sale barns, community sales, whether sold privately or over the counter, or sold by hucksters or peddlers, and imposing a penalty.

Referred to the Committee on Agriculture.

By Mr. JAMES L. SNYDER. HOUSE BILL No. 2101.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the

Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Perry.

Referred to the Committee on Highways.

By Mr. JAMES L. SNYDER. HOUSE BILL No. 2102.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County Perry.

Referred to the Committee on Highways.

By Mr. BARBER. HOUSE BILL No. 2103.

An Act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic, with power to purchase, construct, lease and operate bridges, tunnels, streets, highways, traffic circles, airports, hangers, parkways, recreation grounds and facilities, public parks, swimming pools, lakes, dams, sewers, sewage systems, sewage disposal plants and other projects, excepting housing and water, gas and electric supply; authorizing said Authority to issue bonds for the financing of its projects, providing such projects are self-supporting and self-liquidating, and to enter into agreements with the Government of the United States, or any Federal agency; requiring said Authority to take over the assets and projects of certain existing county and State authorities and commissions and to assume the obligations and contracts of such authorities and commissions; repealing certain existing acts inconsistent herewith; granting the right of eminent domain; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation.

Referred to the Committee on State Government.

By Messrs. BARBER and EROE. HOUSE BILL No. 2104.

An Act to amend section two hundred and twenty-three of, and to add sections two hundred and twenty-six and two hundred and twenty-seven to, the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating and changing the law relating thereto;" providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor, the Department of Public Welfare, and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Messrs. BARBER and EHOE. HOUSE BILL No. 2105.

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commisisons shall be determined," by adding thereto section one thousand two hundred and nine; providing for the preparation and furnishing by the Department of Internal Affairs to counties, (except counties of the first class), cities of the third class, boroughs, towns, townships, certain school districts and poor districts, of suitable blank forms for annual budget making and financial report purposes, and requiring the Department to compile comparative statistics therefrom.

Referred to the Committee on Municipal Corporations.

By Messrs. BARBER and EROE. HOUSE BILL No. 2106.

An Act to amend section five hundred and eleven, and section five hundred and sixty-three, as amended, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalies for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by school districts, and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth, the Department of Public Instruction and the Department of Internal Affairs; and requiring a copy of the budget to be filed with the Department of Internal Affairs.

Referred to the Committee on Municipal Corporations.

By Messrs. BARBER and EROE. HOUSE BILL No. 2107.

An Act to amend sections five hundred forty-seven, eight hundred two, and nine hundred two of, and to add section nine hundred and two A to the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the township, and the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Messrs. BARBER and EROE. HOUSE BILL No. 2108.

An Act to amend section three hundred forty-five as amended, sections three hundred forty-six, three hundred sixty-one, and three hundred sixty-four of, and to add section three hundred seventy, and section three hundred seventy point one to, the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by counties, and the making of an annual budget on form prepared by representatives of the county commissioners, country controllers and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Messrs. BARBER and EROE. HOUSE BILL No. 2109.

An Act to amend sections one thousand and three, one thousand one hundred and seven, one thousand seven hundred and one, and one thousand eight hundred and two of, and to add section one thousand seven hundred and one A to, the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by townships and their agents, and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs; requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs; requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Messrs. BARBER and EROE. HOUSE BILL No. 2110.

An Act to amend sections one thousand and six, and one thousand and thirty-five, as amended, and section one thousand and sixty-two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by boroughs and its agents, and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs; requiring copy of the annual budget to be filed by council with the Department; requiring the auditors or controller to make and file a financial report with the Department; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Mr. HALUSKA. HOUSE BILL No. 2111.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Messrs. WESTRICK and CHERVENAK. HOUSE BILL No. 2112.

An Act to further amend sections two hundred and twenty and two hundred and eighty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by increasing the fee for resident fishing licenses; and providing for the expenditure of the additional revenue derived therefrom.

Referred to the Committee on Fisheries.

By Mr. JOHN J. DOWNEY. HOUSE BILL No. 2113.

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster.

Referred to the Committee on Appropriations.

By Messrs. FRANK P. HAMILTON and SHUGARTS. HOUSE BILL No. 2114.

An Act to establish as a State highway a certain section of public roads in the County of Clearfield, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. FRANK P. HAMILTON, SHUGARTS and WESTRICK. HOUSE BILL No. 2115.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Clearfield.

Referred to the Committee on Highways.

By Mr. PARKS. HOUSE BILL No. 2116.

An Act to amend the act approvde the third day of June, one thousand nine hundred and fifteen (P. L. 777), entitled "A supplement to an act, entitled 'The Workmn's Compensation Act of 1915,' to exempt domestic servants and agricultural workers from the provisions thereof," removing the exemptions set forth in certain cases.

Referred to the Committee on Agriculture.

By Mr. PARKS. HOUSE BILL No. 2117.

An Act to amend section two hundred and fifty-four of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

Referred to the Committee on Fisheries.

By Mr. DAVIES. HOUSE BILL No. 2118.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the county of Lackawanna.

Referred to the Committee on Highways.

By Mr. DAVIES. HOUSE BILL No. 2119.

An Act to establish as a State highway a certain section of public roads in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. BARBER and EROE.

HOUSE BILL No. 2120.

An Act to amend sections one thousand eight hundred four, one thousand eight hundred nine, one thousand eight hundred eleven, and one thousand nine hundred four of, and to add section one thousand eight hundred twelve to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" further providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the city and its agents, and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs; requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs; imposing duties upon the director of accounts and finance; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Mr. HAGERTY. HOUSE BILL No. 2121.

An Act providing for the selection of jurors to serve in the several courts in counties of the first class; providing for the organization of a board for superintending and managing the drawing and selecting of jurors, and prescribing its powers and duties; conferring powers and imposing duties and liabilities on the sheriff; imposing duties on registration commissions; and prescibing penalties.

Referred to the Committee on Cities.

By Mr. COLEMAN. HOUSE BILL No. 2122.

An Act providing for the annual registration with the Department of Labor and Industry of establishments where persons are employed; requiring certain statistical data relating to employment and accidents to be furnished the department; authorizing the department to prescribe an annual registration fee; and imposing a penalty for violation of the act.

Referred to the Committee on Municipal Corporations.

By Mr. SIMPSON. HOUSE BILL No. 2123.

An Act denying the right to a place on the official ballot at all primaries and elections to any political party or body of electors which advocates the overthrow by force or violence of local, State or National government, or which advocates or carries on a program of sedition or treason.

Referred to the Committee on Elections.

By Mr. MELCHIORRE. HOUSE BILL No. 2124.

An Act to amend section twenty-one as amended and section twenty-two of the act aproved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions establishing a State Athletic Commission, making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing for the collection of taxes on tickets of admission; including reduced rate and complimentary tickets; and permitting tickets to be given away or sold at a reduced price.

Referred to the Committee on Ways and Means.

## SENATE MESSAGE

### SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 768. (HOUSE BILL No. 2125).

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation.

Referred to the Committee on Education.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. McCREARY. RESOLUTION No. 119.

In the House of Representatives, April 10, 1935.

Whereas, The power that may be exercised by standing committees of the Legislature has given rise to the term, "The Third House of the Legislature," as applied to the committee room; and

Whereas, The functions of these committees are of utmost importance to properly sift and sort the many bills introduced; and

Whereas, The present method of conducting House committee meetings is very unsatisfactory, confused and insufficient; and

Whereas, The same hours are frequently designated for many important committees to meet, so that legislators are unable to attend meetings which it is most important that they should attend; and

Whereas, The time allowed for committee meetings is much too short for proper consideration of important bills; therefore, be it

Resolved, That beginning Tuesday, April 16th, each Tuesday afternoon, from 2 P. M. until 10 P. M. shall be designated as the official time for holding committee meetings; and that a schedule establishing separate hours for the more important committees be prescribed by the Speaker of the House of Representatives; and that an hour's time be allotted to each committee.

Referred to the Committee on Rules.

By Mr. TURNER. RESOLUTION No. 120.

In the House of Representatives, April 10, 1935.

Whereas, It appears as of April 1st, 1935, that there is a net appropriation liability for the remainder of the present fiscal biennium of $37,357,865, of which amount $10,520,862 is required for educational and welfare purposes, and $10,000,000 for unemployment relief for the months of April and May; and

Whereas, It is apparent that the ordinary revenues of the State Government will be inadequate to meet these apropriations since the outstanding liability, as of April 1st, for the ordinary operation of the State Government was $16,389,397; and

Whereas, The appropriation to many of the State institutions and to the public schools and educational institutions are in arrears; and

Whereas, Unless sufficient revenues are raised during the present biennium to meet this over-appropriation liability the appropriations to these educational and welfare institutions and for unemployment relief will lapse; and

Whereas, It appears that the tax program submitted by the Governor will not provide the revenues, even if enacted, in sufficient time to meet these appropriation liabilities; therefore be it

Resolved, That a committee composed of three Democratic Members and two Republican Members of the House of Representatives be appointed by the Speaker of the House to formulate a program to raise the necessary revenue to meet these over-appropriation liabilities recited in the preamble hereof, and to make report to the House of Representatives by Tuesday, April 16th, accompanied with such drafts of legislation as may be deemed necessary to accomplish the purposes of this resolution.

Referred to the Committee on Ways and Means.

By Mr. MENTZER (Concurrent).

RESOLUTION No. 121.

In the House of Representatives, April 10, 1935.

Whereas, A number of bills have been introduced in the House and Senate dealing with the subject of liquor control; and

Whereas, The Pennsylvania Liquor Control Board has informed the committee investigating the liquor control system that it has under consideration needed amendments to the present laws; and

Whereas, Several bills have passed the Senate and repose in House committees and bills have passed the House and repose in Senate committees, while many others are in committee awaiting committee action; and

Whereas, It is apparent that confusion exists among Members of the several Houses as to the proper measure which should be framed; and

Whereas, It is to the interest of the dispatch of public business and economy that the various bills introduced and other amendments submitted should be studied and needed changes consolidated into as few measures as possible, therefore be it

Resolved (if the Senate concur), That the Speaker appoint three Members of the House and the President pro tempore of the Senate appoint three Members of the Senate who together shall constitute a special committee whose duty it shall be to draft a new bill or select and introduce a bill, either House or Senate, which in its present or an amended form, the committee deems to be a proper measure on the subject of liquor control, and to make report thereof to the Senate and House of Representatives as early as possible.

Referred to Committee on Law and Order.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 18, 1935.

Whereas, There is now pending before the Congress of the United States certain proposed legislation vitally affecting the banking system in this country and

Whereas, Among other provisions of this legislation is a provision authorizing the creation of branch banks which experience has proven is not a wise policy in this country,

Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reject any proposed legislation creating a branch banking system,

Resolved, That a copy of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this Senate.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Referred to the Committee on Banking.

## COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

### POOR DIRECTORS

Resolutions from the School Directors of the Heidelberg School District, Allegheny County; and the Jefferson Township Commissioners of Allegheny County, protesting passage of House Bill No. 660, and Senate Bill No. 204, consolidating the Poor District of Allegheny County and welfare duties of the City of Pittsburgh.

Referred to the Committee on Counties.

## REPORTS FROM COMMITTEES

Mr. TUMELTY, from the Committee on Military Affairs reported as committed, House Bill No. 1944, entitled:

An Act authorizing the taking of oaths and affidavits by certain employees of the Department of Military Affairs for limited purposes.

Mr. WILLIAM G. SMITH, from the Committee on Counties reported as committed, House Bill No. 1566, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1279), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto," by requiring county records to be open to inspection.

Mr. ROAN, from the Committee on Counties reported as committed, House Bill No. 1565, entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," by requiring records of poor districts to be open to inspection.

Mr. NOTHNAGLE, from the Committee on Municipal Corporations, reported as amended, House Bill No. 893, entitled:

An Act providing for the payment of the compensation, medical and hospital expenses of policemen and firemen by cities, boroughs, towns and townships who are injured in or taken sick as a result of the performance of their duty; and providing that absence during such injury or sickness shall not reduce any usual sick leave period.

Mr. NOTHNAGLE, from the Comimttee on Municipal Corporations reported as committed, House Bill No. 1005, entitled:

An Act requiring tax collectors to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business witnin the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania or any city, borough, township or school district in the Commonwealth of Pennsylvania.

Mr. WASSERMAN, from the Committee on Pensions and Gratuities reported as committed, House Bill No. 1613, entitled:

An Act to further amend clauses six and nine of section one, and section three of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," authorizing legislative journal reporters to become members of said retirement system; and opening the system further for original members.

Mr. SCHROCK, from the Committee on Highways reported as amended House Bill No. 1837, entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes.

Mr. ROBINSON, from the Committee on Municipal Corporations reported as committed, House Bill No. 1522, entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment.

Mr. MUIR, from the Committee on Municipal Corporations reported as committed, House Bill No. 1916 (Senate Bill No. 141), entitled:

An Act authorizing the abatement of certain tax penalties and interest on county city except city of the first class borough town township school district except school district of the first class and poor district taxes.

Mr. PETERS, from the Committee on Highways reported as amended, House Bill No. 977, entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships

Mr. FRANK E. SNYDER, from the Committee on Agriculture re-reported as amended, House Bill No. 1721, entitled:

An Act to re-anact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1933-34 Pamphlet Laws, one hundred seventy-four) entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licenees to furnish bonds for the protection of producers, authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; providing new and changing existing penalties; and making an appropriation.

## BILL RE-REFERRED

Mr. NOTHNAGLE, returned from the Committee on Municipal Corporations with the recommendation that it be re-referred to the Committee on Labor, House Bill No. 1875, entitled:

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts, where such minimum wage stipulations are violated, and for the recovery of such penalties.

The SPEAKER. The bill is now re-referred to the Committee on Labor.

## RESOLUTION NO. 73

Mr. STOCKHAM asked and obtained unanimous consent to call up out of order Resolution No. 73, Printer's No. 560.

The Resolution was read by the Clerk as follows:

In the House of Representatives, February 27, 1935.

Whereas, The Federal Government, in order to alleviate unemployment, is developing various useful public works; and

Whereas, There are many water projects which, if developed, would prove beneficial to Pennsylvania and to its citizens, and aid in the development of commerce; and

Whereas, There has been reported, by the Board of Engineers of the United States Army, under House Document No. 308, 69th Congress, a plan for thirty-two reservoirs projected for power and flood control in the Delaware and Lehigh River Valleys; and

Whereas, There has also been reported and recommended by the same Board of Engineers, as contained in House Document No. 24, 73rd Congress, 2nd Sessions, the deepening and the widening of the Delaware and Chesapeake Canal to a ship canal at an estimated cost of $12,500,000; and

Whereas, A Special Board's report, as published in House Document No. 219, 73rd Congress, 2nd Session, details a survey of a ship canal across the State of New Jersey at an estimated N. I. R. A. cost of $210,000,000, a second Panama Canal in importance to the East; and

Whereas, The Lehigh Valley area embraces one of the largest steel manufacturing districts in the country, employing 26,000 people, with $200,000,000 invested in homes and $100,000,000 invested in works; and

Whereas, This same district has a potential investment of upwards of $50,000,000 in cement plants, including moderate progressive replacements, producing in prosperous times 20,000,000 barrels of cement at a production value of $37,000,000; and

Whereas, This same area produces in a normal year 26,000,000 tons of anthracite coal at a production value of $114,400,000, with an estimate of 6,000,000,000 tons of unmined coal appraised at a wealth of $13,000,000,000; and

Whereas, All steel manufacturing plants are seeking water transportation facilities for the more economical handling of their raw materials; and

Whereas, It is reported that the Bethlehem Steel Company has lately invested $20,000,000 in new plants at Buffalo to thus secure such an outlet; and

Whereas, These great industries in the Lehigh Valley and many others in this rich and populous area are hampered by water competitive rates enjoyed by similar industrial plants in other parts of the country, thus denying added returns in earnings to the people of this district, endangering the continuance of the steel industry, restricting the development of the cement industry and excluding our anthracite coal from the New England markets; and

Whereas, The Delaware River water shed, with its numerous industrial cities is served by a vast net work of power lines operated by public utilities able to distribute additional power capable of being generated in this area, at little or no additional cost for distribution; and

Whereas, These plans leave out a most important link in this comprehensive development of this great Valley, namely, the canalization of the Delaware River from Morrisville in Bucks County to Easton in Northampton County to provide water navigation for the industries and cities in the Lehigh River area; particularly to serve the production of cement and coal and to save this great steel industry to this Commonwealth, thus protecting and benefiting 250,000 people depending directly or indirectly upon these industries; and

Whereas, These projects will put thousands of men to work on construction and other thousands in the manufacture and delivery of materials; and

Whereas, Such a comprehensive all-inclusive Public Works Project of the Delaware River Basin will serve a dense industrial area of upward of 20,000,000 Americans and benefit more people than any other plan under way or contemplated in the whole United States; therefore be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President of the United States to consider the advisability and feasibility of including within the Public Works program the following projects:

(a) The construction of a ship canal across the State of New Jersey from the Delaware River to the Raritan River;

(b) The development of the Delaware and Chesapeake Canal into a ship canal;

(c) The canalization of the Delaware River from Morrisville to Easton;

(d) The development in Pennsylvania of works for flood control and water power looking to a practical and equitable arrangement with the public utilities for distribution of power through the area that shall promise the ultimate ammortization of the capital investment; and be it further

Resolved, If the Governor approve this resolution, he be respectfully requested to urge upon the President the construction of such public works; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States by the Secretary of the Commonwealth.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## STATEMENT BY MR. ATKINS

Mr. ATKINS asked and obtained unanimous consent to make the following statement:

Mr. Speaker, I ask your indulgence and attention for a few minutes on a question which is, I feel, of vital importance to all of us and, being non-partisan, is of equal interest to every Member. That question is "When are we going to do something definite in regard to lessening the burden of taxes on real estate?"

In my campaign for election one of my principal pledges was that something definite would be done to relieve, of this overwhelming burden of tax, the home owner, the farm owner—that thrifty citizen of this great Nation upon whom its very foundations are built—that patriot who is willing and anxious to work and to use the fruits of that labor to gain for himself and his family the security that a land owner, a home owner of this great country has always felt.

As we all know, the high rate of taxes on real estate has reversed the situation of this erstwhile enviable citizen, and his is the greatest burden, while daily his little castle is falling under the Sheriff's hammer, and his dreams are shattered.

I have faithfully attended every Session of this House the past fifteen weeks, and can not see that anything has been done that will assure relief to the Real Estate Owner. The introduction last week of the graduated Income Tax for School purposes, was a noble gesture, were it assured that this Bill would be constitutional, but, personally, I object to this measure being used for the purpose of reducing real estate taxes because it is too uncertain that this Bill, if passed, would be able to stand up before the Supreme Court Test. The Attorney General of the Commonwealth, the Honorable Charles J. Margiotti, who drew this measure has repeatedly stated that he very much doubted the constitutionality of a graduated Income Tax under our present constitution. If this were not so, would not this Bill have been included with the other twenty-two Tax measures on the Governor's Program? Many other prominent attorneys agree with the Attorney General, and if the Bill is passed, and then found to be unconstitutional, and, in my opinion, it is unconstitutional, it will simply mean that another two years will pass without any means of relief, and the pledges and promises of a great many of us will remain unfulfilled.

Are we going to fool the overburdened real estate taxpayer by tricking him into believing that his taxes will be reduced through the proposed graduated income tax? Or

shall we substitute a Bill which without doubt can be depended upon to take care of the situation? Or, if no substitute revenue measure can be agreed upon, then a system to provide more equitable assessment of real estate for taxing purposes should be taken up. But something must be done and that right quickly.

In order that a definite program may be worked out, I suggest that the "Steering Committees" of both parties arrange to meet within the next week to discuss this matter, and not only to discuss this question, but the entire taxation program. If the Steering Committees can not get together, then I suggest a caucus of all Members pledged for the reduction of real estate taxes.

The time for hedging has passed and we must act now, or the 1935 Session of the Legislature will be History and many Members will have little to show for their part in it. I feel that, if we can constructively accomplish relief for this real estate tax situation, we will in a measure have justified our being members of this House.

STATEMENT BY MR. RUTH

Mr. RUTH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House for fifteen years I have been reading the Philadelphia Inquirer. It has not effected my political beliefs, but today I believe it had the best editorial that I have read in the fifteen years that I have been getting the paper and I will ask the clerk to read that editorial.

The editorial was read by the Clerk as follows:

PENNSYLVANIA WANTS NO SALES TAX

A sales tax for Pennsylvania, whether at three per cent. or any other rate, should not even be considered. If there are legislative leaders at Harrisburg who are seriously contemplating pushing such a scheme, they would do well to forget it. Politically it would be a blunder. But basically a sales tax is not a question of politics. It is essentially one of economics.

First, it will bear down heavily on the poor. There are estimates that more than two-thirds of employed Pennsylvanians are paid wages or salaries not greater than $1500 a year. They spend this money—are forced to—in order to live. An additional burden would affect them seriously. The tax wouldn't hurt the well-to-do in anything like the measure that it would the poor or comparatively poor. These would be the real sufferers.

Second, there is the bearing that a sales tax would have on business. It would hit every retailer in every town. Even in the interior his sales would decrease. Near the State lines purchasers would cross the borders. Especially would Philadelphia be dealt a devastating blow, for Philadelphia is a border city.

This is no guess work. New York City has indulged in a sales tax, to the detriment of its merchants, and we have only to delve into its experience to ascertain just what would happen here. The stores of New York have felt the extortion severely. Customers in large numbers go across the Hudson, and the revenue that was expected to accrue to the City Treasury is falling far below expectations.

A tax on all retail sales would reduce purchasing power, whereas increased purchasing power is the object which recovery legislation has in view. Business, striving its best to climb the ladder to prosperity, can not stand this extra load. The poor man can not stand it. He would of necessity be obliged to cut his budget to lower figures. The proposal should have no place in the legislation of Pennsylvania. It would retard recovery. The Legislature should abandon all thought of it.

STATEMENT BY MR. WITKIN

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, along side of the editorial that has just been offered to be read by the gentleman from Berks, Mr. Ruth, is a very interesting editorial entitled "Behind a human shield," and I ask the clerk to read it for the benefit of the House.

(The editorial and remarks pertaining thereto were expunged from the record)

QUESTION OF INFORMATION

Mr. COHEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from York will state his question of information.

Mr. COHEN. Mr. Speaker, am I now in order to renew by motion to expunge from the record?

The SPEAKER. The gentleman from York is in order.

EDITORIAL AND REMARKS EXPUNGED FROM JOURNAL

Mr. COHEN. Mr. Speaker, I move that the editorial and the remarks thereunder be expunged from the record.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, being serious for a moment, if there is in this editorial anything that is derogatory to the Governor, I am frank to say that precedent justifies the motion to expunge from the record and I would be the last one to oppose that portion of the motion, but the motion of the gentleman from York is entirely unfair. There are portions of this editorial that do not even refer to the Governor, in other words let us not abuse the freedom of speech on the floor of this House and if the gentleman will amend the motion to include only the portion that is derogatory to be expunged, I am perfectly satisfied, but I do object to expunging from the records those portions of the editorial that do not deal with the integrity or the thoughts of the Governor, and, therefore, say to the membership of this House if you vote to support this motion as it is, you are voting against the right of a member to make a statement or to put in the record that which he has a right to place in the record. Therefore, it seems to me that it is only fair and equitable that the gentleman from York amend his motion only to expunge the derogatory portion of this editorial. I am perfectly willing that the Speaker or any group of persons in this House be the judges thereof. You can pick them all from the Democrats.

Mr. Speaker, I ask for a roll call.

Mr. MORAN. Mr. Speaker and members of the House, I wonder what our constituents would think if they stood on the sidelines and listened to these schoolboy arguments that we are having here tonight?

I believe that there is enough good fertilizer in this House now to take care of all the farms in Dauphin county, and I believe that we ought to make an appropriation or have an opening in the side of the capitol so that the farmers can come up here with their wagons and haul it out.

Mr. Speaker, I wish to further say that I think the House should make an appropriation to buy all the Republican members newspapers so that they can read the editorials rather than have the taxpayers of Pennsylvania pay for editorials being read into the records.

Mr. HOOPES. Mr. Speaker in order to save the time of the House, I ask unanimous consent that this roll be

taken by having all the Democrats as voted "aye" and all the Republicans and Socialists as voting "no" without going through the formality of calling the roll.

The yeas and nays were required by Mr. WITKIN and Mr. WOOD and were as follows:

YEAS—90

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | Lynch, | Powers, |
| Alexander, | Eberharter, | Male, | Reising, |
| Arnold, | Falkenstein, | McDermott, | Robinson, |
| Aukerman, | Fitch, | McElroy, | Ruth, |
| Baine, | Flanagan, | McHenry, | Sarraf, |
| Baker, J J., | Flinchbaugh, | Melchiorre, | Schrope, |
| Brancato, | Furman, | Mentzer, | Schwab, |
| Brownfield, | Gerard, | Moomaw, | Shaw, |
| Brumbaugh, | Haberlen, | Mooney, | Shepard, |
| Burke, | Hagerty, | Moran, | Shugarts, |
| Cannon, | Hamilton, F. P., | Moul, | Simpson, |
| Caputo, | Harkins, | Murrin, | Sinwell, |
| Chervenak, | Harmuth, | Nagel, | Stank, |
| Coakley, | Hetrick, | O'Keefe, | Stevens, |
| Cochran, | Hindman, | Ominsky, | Sumney, |
| Cohen, | Hirsch, | O'Neill, | Tumelty, |
| Coleman, | Holland, | Panton, | Van Sickle, |
| Condon, | Holstrom, | Patterson, C., | Walker, |
| Coolahan, | Kilroy, | Patterson, J. W., | Weiss, |
| Dent, | Kinney, | Pearson, | Welliver, |
| Diehl, | Klingler, | Pfaff, | Welsh, |
| Dilley, | Long, | Piole, | Sarig, |
| Downey, G. E., | Lovett, | | |

NAYS—72

| | | | |
|---|---|---|---|
| Andrews, | Habbyshaw, | Perry, | Surface, |
| Atkins, | Haluska, | Peters, | Terry, |
| Baker, F. T., | Hoffner, | Phillips, | Tronzo, |
| Barnhardt, | Hoopes, | Reynolds, | Trout, |
| Bernhard, | Horst, | Rhys, | Turner, |
| Boose, | Jackson, | Roan, | Van Allsburg, |
| Boyd, R., | Jones, | Schrock, | Wall, |
| Boyer, | Kane, | Schwartz, | Wasserman, |
| Brennan, | Kelder, | Shreiner, | Weidemann, |
| Brown, H. S., | Longaker, | Simon, | Westrick, |
| Cordier, | McCreary, | Sloan, | White, |
| Davies, | McDevitt, | Snyder, F. E., | Wickersham, |
| Duffort, | McKinney, | Snyder, J. L., | Witkin, |
| Ferko, | Merrell, | Sowers, | Wood, |
| Forrest, | Moore, | Sproul, | Woodside, |
| Gates, | Muir, | Stewart, | Yeakel, |
| Gillette, | Nothnagle, | Stockham, | Yourishin, |
| Green, | Parks, | Stott, | Zimmerman, |

So the question was determined in the affirmative and the motion was agreed to.

## BILL ON FINAL PASSAGE

Mr. DIEHL. Mr. Speaker, I desire at this time to call up House Bill No. 1105, Printer's No. 436 on page 13 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. DIEHL,

The House resumed the consideration on final passage of House Bill No. 1105, entitled:

A Supplement to the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof;" providing for the payment of fees for the granting of permits under the provisions of said act; regulating the collection and disposition of such fees; and limiting the time such permits are effective.

On the question,

Shall the bill pass finally?

Mr. DIEHL. Mr. Speaker, this bill was presented at the request of the Department of Forests and Waters and it is intended to raise a part of the revenue to run the department. In 1913 due mainly to the breaking of the dam at Austin, Pennsylvania, with the destruction of thousands of dollars worth of property and the loss of seventy or more lives, the Legislature of Pennsylvania enacted a law providing for the regulation of dams. That act requires a person building a dam to obtain a permit from the Department of Forests and Waters, and it also requires that a certain amount of supervision or inspection be made of that dam while it is under construction. It also requires an annual inspection of all dams in Philadelphia. This inspection and this service by the Department has cost the taxpayers of Pennsylvania a lot of money.

This bill is proposed to raise some of the money required to run that department. It specifically states that one per cent of the estimated cost of the dam up to $100,000 be sent in with the request for the permit, one-half of one per cent of the next nine hundred thousand dollars, one tenth of one per cent on the next four million dollars and one twentieth of one per cent on everything over five million dollars.

This bill is designed to reduce taxes on real estate. The gentleman from Armstrong made a very fine address a while ago on the reduction of taxes on real estate. He will now have an opportunity to help reduce the taxes on real estate. This is not a party bill. It is in the interests of the real estate owners of Pennsylvania, and I ask everyone in this House to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McCreary, | Shreiner, |
| Alexander, | Ferko, | McDermott, | Shugarts, |
| Allen, | Finnerty, | McDevitt, | Siegel, |
| Altenburg, | Fitch, | McElroy, | Simon, |
| Andrews, | Flanagan, | McHenry, | Simpson, |
| Arnold, | Flinchbaugh, | McKinney, | Sinwell, |
| Atkins, | Flynn, | Melchiorre, | Sloan, |
| Aukerman, | Forrest, | Mentzer, | Smith, J. A., |
| Baine, | Furman, | Merrell, | Smith, W. G., |
| Baker, F. T., | Gates, | Moomaw, | Snyder, F. E., |
| Baker, J J., | Gerard, | Mooney, | Snyder, J. L., |
| Barnhardt, | Gillette, | Moore, | Sowers, |
| Bernhard, | Green, | Moran, | Sproul, |
| Blumberg, | Greenstein, | Moul, | Stank, |
| Boose, | Habbyshaw, | Muir, | Stevens, |
| Boyd, R., | Haberlen, | Murrin, | Stewart, |
| Boyer, | Hagerty, | Nagel, | Stockham, |
| Bradley, | Haluska, | Nothnagle, | Stone, |
| Brancato, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Terry, |
| Brumbaugh, | Hefferon, | Patterson, C., | Tronzo, |
| Burke, | Hermansen, | Patterson, J. W., | Trout, |
| Cannon, | Hetrick, | Pearson, | Tumelty, |
| Caputo, | Hindman, | Perry, | Turner, |
| Carr, | Hirsch, | Pfaff, | Van Allsburg, |
| Carson, | Hoffner, | Phillips, | Van Sickle, |
| Castor, | Holstrom, | Piole, | Walker, |
| Chervenak, | Hoopes, | Powers, | Wall, |
| Coakley, | Horst, | Reising, | Wasserman, |
| Cochran, | Jackson, | Reynolds, | Weidemann, |
| Cohen, | Jones, | Rhys, | Weiss, |
| Coleman, | Kane, | Rinn, | Welliver, |
| Condon, | Kelder, | Roan, | Welsh, |
| Conner, | Kelso, | Robinson, | Westrick, |
| Coolahan, | Kilroy, | Root, | White, |
| Cordier, | Kinney, | Ruffennach, | Wickersham, |
| Davies, | Klingler, | Ruth, | Wilson, |

| | | | |
|---|---|---|---|
| Decker, | Kobelak, | Sarraf, | Witkin, |
| Dent, | Linderman, | Schrock, | Wood, |
| Diehl, | Long, | Schrope, | Woodside, |
| Dilley, | Longaker, | Schwab, | Yeakel, |
| Downey, G. E., | Lovett, | Schwartz, | Yourishin, |
| Downey, J. J., | Lynch, | Shaw, | Zappala, |
| Duffort, | Male, | Shepard, | Zimmerman, |
| Eberharter, | Mallen, | Shortz, | Sarig, |
| Eroe, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON FINAL PASSAGE

Mr. COOLAHAN. Mr. Speaker, I desire to call up at this time House Bill No. 1153, Printer's No. 445, on page 13 of today's calendar, bills on final passage postponed.

Agreealy to order,

The bill having been called up from the postponed calendar by Mr. COOLAHAN.

The House resumed the consideration on final passage of House Bill No. 1153, entitled:

An Act to amend section two thousand nine hundred ten as amended and section two thousand nine hundred twenty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants

On the question recurring,

Shall the bill pass finally?

## RECONSIDERATION OF VOTE

Mr. COOLAHAN. Mr. Speaker, I move that the vote by which this bill passed on third reading be reconsidered.

It was agreed to.

On the question recurring

Will the House agree to the bill on third reading?

Mr. COOLAHAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, first line of title, by inserting after the word "To" the word: "further"

Amend title, page 1, first, second and third lines of title, by striking out the word "as" in the first line, the whole of the second line, and the word "twenty-two" in the third line.

Amend Sec. 2, page 2, lines 27, 28 and 29, by striking out the whole of said lines.

Amend Sec. 2, page 3, lines 1 to 20, both inclusive, by striking out the whole of said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## BILL ON FINAL PASSAGE

Mr. MOOMAW. Mr. Speaker, I desire at this time to call up House Bill No. 300, Printer's No. 151, on page 13 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MOOMAW.

The House resumed the consideration on final passage of House Bill No. 300, entitled:

An Act to amend sub heading (e) of article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto as amended authorizing appropriations to veterans organizations for certain purposes.

## RECONSIDERATION OF VOTE

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed on third reading be reconsidered.

The motion was agreed to.

## BILL RECOMMITTED

Mr. MOOMAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Military Affairs for the purpose of further consideration and amendment.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1250, entitled:

An Act To provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue and fixing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That MEANING OF TERMS As used in this act and unless a different meaning appears from the context

(a) The term "intangible" or "intangibles" shall apply to mean and include all mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section thirty-nine hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section thirty-nine hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth

or of the United States or of any other state or government except shares of stock in any bank corporation or limited partnership that may be liable to a tax on its shares or its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all annuities yielding annually over two hundred dollars

(b) The term "intangible" or "intangibles" shall not apply to mean nor include (1) bank notes or notes discounted or negotiated by any bank or banking institution saving institution or trust company (2) nor loans shares of stock or other securities held by bankers or brokers solely for trading purposes (3) nor accounts or debit balances owing by customers of bankers or brokers in the usual courses of business (4) nor interest bearing accounts in any bank or banking institution savings institution or trust company (5) nor any intangibles owned held or issued by building and loan associations or savings institutions having no capital stock Provided That if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying said tax on any of such intangibles as may be held owned by or owing to the said savings institution having no capital stock (6) nor any intangibles owned or held by fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions (7) nor any intangibles owned in their own right by corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes but corporations limited partnerships and joint-stock associations holding intangibles as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed upon all intangibles so held by them as in the case of individuals (8) nor any intangibles hereafter received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth

(c) Intangibles are hereby classified as "current intangibles" and "annual intangibles"

(1) Current intangibles shall include all intangibles that are made issued or executed to mature or to be paid discharged or retired within one year from the date the same are made issued or executed or within one year from the date this act takes effect

(2) Annual intangibles shall include all other intangibles

(d) The term "person" shall include a natural person fiduciary partnership association corporation and any and every multiple group that may have the capacity to own or hold property or the custody thereof

(e) The term "fiduciary" shall mean and include an executor administrator guardian receiver trustee agent attorney-in-fact and any person or association of persons acting in any trust capacity in the control management or operation of any property

(f) The term "stamp" or "stamps" shall have reference to and mean the adhesive stamp provided by the terms of this act to be attached to intangibles

(g) The term "board" shall mean the board of revision of taxes in cities and counties of the first class or the board for the assessment and revision of taxes in counties where such board exists or the board of county commissioners in all other counties

(h) In respect to cities coextensive with counties the term "county" shall include also any such city the term "county treasurer" or "treasurer" shall include also the city treasurer of such city the term "county controller" or "controller" shall include also the city controller of such city the term "county solicitor" shall include also the city solicitor of such city the term "collector of county taxes" "tax collector" or "collector" shall include also the department of receiver of taxes of such city and the term "county commissioners" shall include also the city council of such city and shall not include the county commissioners of any such county

(i) The term "tax" shall include any stamp required to be affixed to any intangible

(j) The term "taxpayer" shall mean any person required to pay any tax or affix any stamp required by the provisions of this act on intangibles

(k) The term "accrue" or "accrual" means the date on which any tax imposed by this act on intangibles becomes due

(l) The term "bank" or "trust company" shall mean any bank of discount and deposit loan and trust and safe deposit company private bank savings bank or trust company organized under any law of this State or any bank organized under any law of the United States

Section 2 PRIVILEGE TAX TRANSACTIONS On and after the first day of January one thousand nine hundred and thirty-six every person residing in or domiciled in any county of this State shall pay a tax to such county and in cities coextensive with counties to such city and county for county or city and county purposes as the case may be and for State purposes at the rate and in the manner provided in this act for the right to exercise any one or more of the following privileges

(a) Signing executing and issuing intangibles

(b) Selling assigning transferring renewing removing consigning mailing shipping trading in and enforcing intagibles

(c) Receiving the income increase issues and profits of intangibles

(d) Having and possessing the right to transmit the same by will and of making gifts thereof and therefrom and of having the right to allow such property to pass to other persons by descent under the intestate laws of this State

(e) For the right to have such intangibles separately classified for taxes levied assessed and collected on account thereof or measured thereby

Such tax at the rate provided in this act shall be measured by intangibles wherever located

(a) Owned by any taxpayer except his intangibles having an actual business situs outside this State

(b) Controlled by any person or fiduciary and having a business situs in this State and in the possession of or under the control or management of any such person or fiduciary

Section 3 RATE OF TAX A tax at the rate of six mills on each dollar of the value thereof is hereby imposed on all intangibles Such tax shall be payable as follows (a) Six cents of each ten dollars or fractional part thereof of the actual value of every current intangible and (b) six cents per annum or fractional part thereof over one year on each ten dollars of the actual value or fractional part thereof of each annual intangible

Section 4 COMPUTATION OF TAX Except as otherwise provided for the purpose of measuring and computing the tax imposed by this act in respect of any intangible and unless and until such intangible has been otherwise assessed and valued as authorized by this act (a),

any intangible having a face value shall prima facie continuously have an actual value equal to not less than the full value thereof and (b) any intangible not having a face value shall have an actual value in the amount determined by the board and the owner thereof shall cause said amount to be determined

Any intangible listed and traded in on any market recognized by the board shall have an actual value for the purpose of this act equal to the value thereof on such market as of the day such tax accrued

Section 5 ASSESSMENT APPLICATION HEARING Before the time the tax for any period is due under the terms of this act and before the payment of such tax the owner of any intangible who shall desire or who shall be required by the terms of this act to have the actual value thereof determined or redetermined for the purposes of computing or measuring the tax imposed in respect thereof may apply to the board for such valuation The board shall fix a time and place when and where the applicant may be heard concerning the actual value of such intangible and shall cause or allow evidence concerning the value of such intangible to be introduced and after such hearing the board shall fix the then actual value of such intangible Any taxpayer of such county may appear at such hearing and offer evidence concerning the actual value of any such intangible The board shall prescribe and promulgate rules for the conduct of such hearings and for determining the value of any such intangible

Section 6 ASSESSMENT APPEAL REFUND Any perperson aggrieved by any order judgment or determination of the board after paying the tax may within thirty days from the entry of such order judgment or determination appeal therefrom to the court of common pleas of the county in which such person resides Such cause shall be tried de novo by the court without a jury on petition filed in such court by the taxpayer so appealing and summons shall issue on such petition to and be served on the board as in other civil actions Either party to such suit may appeal to the Supreme or Superior Court in the same manner as appeals are taken in civil actions Upon the final determination of such suit the court may enter judgment for the refund of any tax paid in excess of that property required by law or may render judgment against the petitioner for any deficiencies in tax found due

Section 7 METHOD OF PAYMENT Except as otherwise provided in this act such tax shall be paid on account of each intangible by attaching thereto a stamp or stamps for the proper amount of such tax on each intangible at the time and in the manner and amount provided or required by the terms of this act

Section 8 CURRENT INTANGIBLES STAMPING DATE On all current intangibles executed after the taking effect of this act the required stamps as provided by the terms of this act shall be attached within ten days from the time of the execution of such intangible If any current intangible shall not be paid or otherwise discharged at the maturity date thereof as shown by such instrument or within one year from the date of its execution then for the purposes of this act it shall become an annual intangible and be stamped each year in the same manner and amount as other annual intangibles are stamped under the terms of this act

Section 9 ANNUAL INTANGIBLES STAMPING DATE On all annual intangibles executed after the taking effect of this act the stamps representing the tax required in respect thereof for one year from the date of the execution of such intangibles shall be attached within ten days from the time of such execution and thereafter stamps in the proper amount shall be attached thereto on or before ten days after each annual anniversary of such annual intangible until the same is paid retired or discharged according to the terms and provisions of such annual intangible or in some manner provided in this act

Section 10 MATURITY OF INTANGIBLES BEFORE AND AFTER EFFECTIVE DATE OF ACT On all intangibles executed after the taking effect of this act maturing on or before ten days from the date of the execution of such intangible the stamps required by this act shall be attached at the time and as a part of such execution On all intangibles executed before the taking effect of this act and maturing within ten days after the taking effect of this act the stamps required by this act shall be attached within such ten day period and on or before the payment or discharge thereof according to the terms of the instrument or in some manner provided in this act

Section 11 INTANGIBLE EXECUTED BUT UNPAID PRIOR TO EFFECTIVE DATE OF ACT For the purpose of computing the tax in respect of any intangible executed before and not paid and discharged on or before the taking effect of this act such intangible shall be deemed to have been executed on the day this act becomes effective for the then unpaid balance thereof either as a current or annual intangible as determined by the time of its maturity On or before ninety days from the taking effect of this act and on or before the intangible is paid or discharged the tax shall be paid in respect of such intangible and stamps shall be attached thereto in the same manner as provided for intangibles executed after the taking effect of this act The anniversary date of any such prior existing intangible shall be determined by the date this act becomes effective

Section 12 INTANGIBLES INCAPABLE OF BEING STAMPED COMPUTATION OF TAX The tax on account of and measured by intangibles not susceptible of being stamped or not evidenced by any instrument in writing shall be determined and paid as hereinafter prescribed Within sixty days after this act becomes effective the owner or custodian of any such intangible shall file with the board a sworn report of the amount description and location of such intangible on forms to be prepared by the board and the board shall determine whether such intangible is current or annual and determine the amount of tax due on account thereof and when the same is payable and thereafter within ten days after the thirty-first day of December of each year such person shall file a sworn report with the board on forms prepared by it showing as of December thirty-first the number kind and amount of such intangibles owned or controlled by him since the taking effect of this act or the end of the period covered by his last report and the length of time he owned each such intangible At the time of making such report the taxpayer shall pay to the county treasurer or the department of receiver of taxes as the case may be the tax due on account thereof in the amount determined by the board

Section 13 REGISTRATION OF INTANGIBLES PAYMENT OF TAX RECEIPT In lieu of affixing stamps to any annual intangible as provided by this act any person owning or having custody or control of any such annual intangible may cause the same to be registered in the office of the board and then pay to the county treasurer or department of receiver of taxes as the case may be the amount of the tax determined by the board to be due and the county treasurer or department of receiver of taxes as the case may be shall issue to such taxpayer a properly executed receipt showing the amount of tax paid and the property on account of which such tax is paid and the period of time for which such payment was made Such receipt may be attached to such intangible and on request of the taxpayer and on presentation of such intangible the county treasurer or department of receiver of taxes as the case may be shall in a manner to be determined by the board indorse on such intangible the period to the end of which the tax on account of such intangible has been paid

Section 14 COLLECTION OF TAX LIEN PENALTY Any tax imposed by this act if not paid when due shall be entered on the tax duplicate of the city borough town or township where such taxpayer resides Any such tax together with all penalties thereon from the accrual of the tax shall thereupon become a lien as of the date of such entry on the property of such taxpayer located in such county Such lien shall continue until discharged by payment of such tax and all penalty thereon and shall be enforced and collected by the collectors of county taxes in the same manner as other delinquent taxes are collected under the provisions of existing law

Section 15 DEFAULT PENALTY Any person failing to pay the tax imposed by this act on or before the accrual thereof shall be liable to pay a penalty for each year or fractional part thereof that such payment is delayed Such penalty shall be four times the amount of the current tax on account of the intangible in respect

of which the tax was imposed All unpaid tax and all penalty thereon shall draw interest at the rate of ten per centum per annum from the time such tax accrues

Section 16 RECORD OF INTANGIBLES FROM RECORDERS AND PROTHONOTARIES FEES The recorder of deeds and prothonotary of each county shall keep a daily record separate and apart from all other records of every intangible entered or assigned of record in his office which daily record shall set forth the following information (1) The date of the intangible (2) the names of the parties thereto (3) the precise residence of the obligee or person to whose use such intangible is marked or to whom interest is payable (4) if a mortgage a brief description of the real estate upon which such mortgage is secured (5) the just sum secured by such intangible (6) the date or several dates when said sum or portion thereof shall become due and payable (7) in the case of bonds or judgments entered in the prothonotary's office whether the same are accompanied with mortgages A like daily record shall be kept of the number of intangibles together with the amounts thereof and the names of the parties thereto which shall have been that day satisfied of record It shall be the further duty of the recorder and prothonotary on the first Monday of each month to file such daily record with the board One certificate appended thereto shall be all that is required

The recorder of deeds shall refuse any intangible or any assignment of any intangible presented to him for record unless the instrument evidencing the same has attached thereto and made a part thereof a certificate signed by the obligee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such obligee assignee or person Such certificate shall be recorded with such intangible or such assignment

The prothonotary before entering any money judgment for plaintiffs other than upon a verdict or order of court shall require delivery to him of a certificate signed by the plaintiff or his attorney or agent setting forth the precise residence address of the plaintiff and upon entering such judgment shall file such certificate at the same number and term as the judgment and shall include in its entry on the judgment docket the address set forth in the certificate

Failure on the part of any prothonotary to perform any of the duties hereby imposed upon prothonotaries shall in no way impair the validity of any judgement or the lien thereof

The recorders of deeds and prothonotaries shall be entitled to receive ten cents for each intangible and for each assignment or satisfaction of an intangible reported to the board Such fees shall be paid by the county treasurer on the presentation of proper vouchers and shall be applied in like manner as other fees received by such recorders and prothonotaries Provided That no fee shall be allowed in any case where the residence of any obligee or assignee is omitted in such report Provided further That the amount allowed any prothonotary or recorder shall not exceed the sum of six hundred dollars per annum

Section 17 TRANSMISSION OF INFORMATION TO OTHER COUNTIES Upon obtaining record of the existence within its county of any intangibles that are owned by a person copartnership association or corporation resident or doing business within this State and not a resident of such county or in the case of a copartnership association or corporation not having its principal office within such county the board shall transmit a certified statement of such record to the board of the proper county wherein said person is domiciled or wherein such copartnership association or corporation does business or maintains its principal office and also to further transmit to such board a certified statement whenever it shall appear from the record that such intangibles are satisfied Such certified statements shall upon their receipt be filed of record by the board

Section 18 ANNUAL RETURNS BY TAXABLES AFFIDAVIT ADMINSTERING OATHS PENALTY The board shall annually at the time when the assessors receive their books furnish the assessors of the several townships boroughs and cities of the respective counties with blanks which shall be prepared and furnished by the State Department of Revenue and for which the county shall pay to the Department of Revenue the actual amount of the cost of preparation and printing Each of said assessors shall furnish a copy of the same to every taxable person co-partnership association and corporation in his respective ward district borough or township or to any officer agent or employe found at the place of business of any such partnership association or corporation in his ward district borough or township Upon such blank each taxable person copartnership association and corporation shall make return annually of the aggregate amount of all intangibles held owned or possessed by such person copartnership or corporation either in his her or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership association or corporation Such return shall be made and sworn or affirmed to by such taxable person or by a member or officer of such copartnership association or corporation Provided That any corporation association or partnership doing business in more than one county shall be liable to make such return only in the county in which its principal office within this Commonwealth is situated

Such affidavit shall be made before the proper assessor or other person authorized to administer oaths and shall set forth that the return is full true and correct to the best of his or her knowledge and belief and shall also show that all taxes imposed by this act on intangibles have been paid and that he has fully complied with all the provisions of this act Such affidavit shall also contain such other information as the board may deem advisable for the proper administration of this act Any person who shall wilfully and corruptly make a false and fraudulent return shall be guilty of perjury and upon his or her conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and undergo an imprisonment by separate and solitary confinement at labor not exceeding seven years and thereupon be forever disqualified from being a witness in any matter or controversy

The several assessors are hereby authorized to administer the oath or affirmation to any person making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made by the assessor Any assessor who shall accept such return from any person or officer required to make the same without requiring the oath or affirmation of such person or officer as herein provided or who shall make any charge for administering such oath or affirmation shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 19 VALUATIONS FOR INDEBTEDNESS PURPOSES For the purpose of determining the assessed value of intangibles as a basis for the constitutional right of any county to incur indebtedness upon the assessed valuation of taxable property during the year one thousand nine hundred and thirty-six the assessments made under the provisions of existing law shall be taken and used but such assessments shall not in any case be used at the basis of valuation for the imposition of the tax during said year During the year one thousand nine hundred and thirty-seven and during each year thereafter the assessed value of intangibles for indebtedness purposes shall be determined by the board by computing the value of all intangibles upon which the tax hereby imposed has been paid during the preceding year using as the basis for such computation the gross amount of the tax on intangibles collected during such year without interest or penalties and the valuation so determined shall be deemed to be the assessed valuation of taxable intangible property under the Constitution and laws of this Commonwealth

Section 20 TAXES DUE FROM ESTATES OF DECEDENTS The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal property of such decedent for the purpose of determining the inheritance tax shall in addition thereto file an affidavit in duplicate setting forth all intangibles included in such inventory or affidavit

The office with whom the same is filed shall forthwith send one of said copies of such affidavit to the board whose duty it shall then be to proceed for the assessment and recovery of the taxes due from such decedent with penalties and interest as above provided and for that purpose to present a claim therefor to the orphans' court of the proper county or to proceed by action or suit at law in any court of competent jurisdiction for such recovery thereof or to take any or all appropriate steps or procedure for the collection of said taxes

Section 21 INTANGIBLES HELD AS COLLATERAL DUTY OF PERSONS HOLDING Every person having or receiving into his possession or custody as collateral or otherwise any intangible on account of which a tax is imposed by this act shall examine such intangible and ascertain that it has been stamped or the tax paid on account thereof No person or officer shall authenticate witness or guarantee any signature to any assignment or transfer of any intangible on account of which a tax is imposed by the provisions of this act unless the stamps or certificates required for the current year appear upon or accompany such intangible All intangibles in possession of any person as collateral or otherwise shall be subject to examination by the board No person holding any such intangible shall be privileged to require the name of the owner the location or description or amount of any intangibles so sought to be examined as a condition precedent to such examination

Section 22 ENFORCEMENT OF ACT RULES AND REGULATIONS The board is hereby charged with the duty of enforcing or causing this act to be enforced and administered and shall prescribe and provide all the necessary forms to be used in connection therewith and may require reports at any time and from any person or officer concerning any matter pertaining to any intangible of any person subject to a tax under the provisions of this act and may examine any person or officer under oath concerning any such intangible and shall make promulgate and enforce such rules of procedure and regulations in any matter connected with the enforcement and administration of this act which may be necessary fully to carry out the provisions thereof Failure to enforce the provisions of this section by the board shall be deemed wilful neglect of duty and punishable by a fine of five hundred dollars ($500) for each such neglect

Section 23 TAX A DEBT ACTION TO RECOVER In addition to all other remedies for the collection of the tax imposed by the provisions of this act such tax as soon as it accrues shall constitute a debt of the person liable for such tax and the board may cause any necessary action to be instituted in the name of the county in any court of competent jurisdiction on relation of the board against such person for the recovery of such tax and all penalties accuring on account of the non-payment thereof Any such suit shall be prosecuted by the county solicitor and in any judgment rendered against the taxpayer in any such suit for any unpaid tax a reasonable attorney fee shall be included for the attorney prosecuting such suit

Section 24 STAMPS PREPARATION CONTRACTS DISTRIBUTION REQUIREMENTS The county commissioners of each county shall within thirty days after the date of final enactment of this act and on or before the first day of July of each year thereafter determine and advise the State Department of Revenue whether such county shall contract for the manufacture of the stamps required by the provisions of this act for use in such county for the ensuing year or whether such county shall purchase such stamps from the Department of Revenue as hereinafter provided the Department of Revenue shall not be required to sell any stamps to any county that has signified its intention to contract for the manufacture of its own stamps or to any county that has failed to signify its intention within the times hereinbefore specified The department may however sell stamps to such counties if the stamps are available without curtailing the supply for the use of the counties that have properly signified their intention to purchase from the department

The county commissioners of any county determining to supply its own stamps and not to purchase the same from the Department of Revenue shall make and execute contracts in behalf of such county for dyes plates and printing necessary for the manufacture of such stamps The board shall have the custody of the stamps dyes plates and other material and things used in the manufacture of such stamps

Contracts for dyes plates printing and other services and supplies necessary for the manufacture and preparation of stamps by the Department of Revenue shall be let and executed in the same manner as contracts for engraving printing and supplies for the use of the various departments of the State government or such work or any part thereof may be done at the various State penal or correctional institutions by the inmates thereof under the conditions prescribed by existing law The Department of Revenue shall have custody of all stamps prepared by it until sold and of all dyes plates and other material and things used in the manufacture of such stamps The cost of procuring such stamps shall in the first instance be paid out of any appropriation to the Department of Revenue available for such purpose The department shall sell such stamps to the various counties requiring the same at such price as will fully reimburse the Commonwealth for all moneys expended in procuring the same but not at a profit

Adhesive stamps for the purpose of paying the tax levied under the provisions of this act shall be prepared by the State Department of Revenue or by the county commissioners as the case may be in such form of such denominations and in such quantities as the department or county commissioners may prescribe The year of the issuance of any stamp provided for herein shall be engraved upon the face thereof and no such stamp shall be used in any year other than the year of issue All stamps prepared by the county commissioners for any individual county shall have the name of such county engraved upon the face thereof All stamps prepared by the Department of Revenue shall have a blank space upon the face thereof upon which the name or a distinctive abbreviation of the name of the county where the stamps are to be used shall be printed stamped or written before such stamps are issued by the department No stamp shall be used upon any intangible except such as are taxable in the county the name of which is indicated on the face of such stamp The board shall make provision for the sale of stamps in the office of the county treasurer at such places and at such times as the board may deem necessary.

Section 25 STAMPS CANCELLATION Wherever an adhesive stamp is used under the provisions of this act the person using or affixing it shall write or stamp thereon the initials of his name and the date when the same is affixed or used and shall mutilate the stamp in such manner that it cannot be used again

Section 26 APPLICATION FOR ASSESSMENT AND COMPUTATION OF TAX On application of any person the board shall determine the amount of tax due on account of any intangible in respect of which the tax provided by this act is imposed and issue to such person such receipt release waiver certificate or acquittance as will show the release of such intangible from any lien on account of such tax

Section 27 SALE OF STAMPS BY COUNTY TREASURER The county treasurer as a part of his official duty and without additional salary or compensation shall receive from the board from time to time the stamps provided to be used under the terms of this act Such treasurer shall be chargeable with the full amount of all stamps delivered to him and shall sell such stamps and collect the money therefor and deposit the same in the proper designated depository to the credit of the county Within thirty days after the end of the calendar year one thousand nine hundred and thirty-six and within thirty days after the end of each calendar year thereafter each county treasurer shall return to the board all stamps in his possession bearing the date of the preceding year and receive proper credit therefor

Section 28 UNUSED STAMPS DISPOSITION At the end of each calendar year any person owning and having any unused stamps of the issue of that year in his possesion may within twenty days from the end of such year and not thereafter surrender such stamps to the county treasurer The treasurer shall receive such stamps

and deliver to such person a like amount of stamps dated and usable in the then current year Each county treasurer shall keep a record in the form and manner provided by the board of all stamps so surrendered and deliver such stamps to the board and receive credit therefor all in accordance with the rules of the board The board may under regulations prescribe therefor by it provide for the reissue of stamps in lieu of the stamps destroyed by fire or unavoidable casualty

Section 29 RECORDING INSTRUMENTS CONDITION No instrument securing the payment of any debt evidenced by any intangible as defined by this act shall be admitted to record in this State until all tax then due as provided by this act has been paid on account of the intangible so secured by such instrument

Section 30 UNSTAMPED INTANGIBLES ENFORCEABILITY No intangible in respect of and by which the tax imposed by this act is measured shall be valid or enforceable nor shall the same be sold assigned transferred renewed removed consigned mailed or shipped unless and until all taxes and penalties accrued on account thereof shall have been paid Any sale renewal or assignment of any such intangibles on account of and by which the taxes imposed by this act are measured have not been paid shall be null and void

Section 31 ACT CONSTRUED The tax hereby imposed shall be in lieu of all other taxes except estate or transfer inheritance taxes which might have been or might be imposed upon intangibles or against the owners or holders thereof by virtue of the provisions of any law of this State enacted prior to the passage of this act No State or local tax except transfer inheritance and estate taxes shall be imposed upon any intangibles on account of which a tax is imposed by the provisions of this act by virtue of the provisions of any other law of this State enacted prior to the passage of this act

Section 32 EXTENSION OF TIME FOR PAYMENT The board or county treasurer with the approval in writing of the board may at any time upon good cause being shown extend the time not to exceed ninety days within which any taxpayer may pay any taxes accrued or accruing under the provisions of this act Such extension may be granted to such taxpayer with or without penalty or interest and during any such extension any taxpayer may enforce sell assign transfer renew remove consign mail or ship any intangible in respect of which such extension was granted The board may grant such extension upon such terms and conditions as it shall deem just and may require the taxpayer to execute a satisfactory bond to secure the payment of any tax found to be due

Section 33 STAMPS UNAVAILABLE EXTENSION In case at any time after the passage of this act stamps have not been prepared and distributed at the time any tax imposed by this act accrues then the taxpayer shall have ten days after such stamps are prepared and distributed as provided by the terms of this act within which to procure and affix any stamps required by the provisions of this act All penalties provided by this act shall be suspended during the time such stamps are not available If during such time any person shall desire to enforce sell assign transfer renew remove consign mail or ship any such intangible the tax required by this act may be paid to the county treasurer and a receipt therefore shall be attached to such intangible

Section 34 POWERS OF BOARD The board shall have the authority of and the powers conferred by the general laws of this State concerning taxation for the administration of this act and such laws hereby are extended to and made a part of this act so far as applicable for the purposes of assessing and collecting taxes imposed by this act and such taxes omitted through mistake inadvertence or fraud

Section 35 FAILURE TO PAY TAX OR CANCEL STAMPS PENALTY Whoever makes signs issues authenticates or accepts or causes to be made signed issued authenticated or accepted any instrument document or paper of any kind or description whatsoever evidencing any intangible or any assignment or transfer thereof without the tax therein being paid or stamps affixed in accordance with the provisions of this act or whoever makes use of any adhesive stamp to denote any tax imposed by this act without canceling or obliterating such stamp as in this act provided is guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty-five dollars nor more than five hundred dollars or be imprisoned not less than thirty days nor more than six months or both for each such offense

Section 36 STAMPS PROHIBITED PRACTICES PENALTY Whoever fraudulently cuts tears or removes from any vellum parchment paper instrument writing or document evidencing any intangible on account of or in respect of which any tax is imposed by this act any adhesive stamp used in compliance with the provisions of this act or whoever fraudulently uses joins fixes or places to with or upon any such evidence of intangible on account or in respect of which any tax is imposed by this act any adhesive stamp which has been cut torn or removed from any other evidence of intangible or whoever fraudulently uses joins fixes or places to with or upon any evidence of intangible any adhesive stamp of insufficient value or any forged counterfeited or altered stamp or whoever wilfully removes or alters the cancelling or defacing marks of or otherwise prepares any adhesive stamp with intent to use or cause the same to be used after it has already been used or knowingly or wilfully buys sells offers for sale or gives away any washed or restored adhesive stamp to any person for use or knowingly and without lawful excuse has in his possession any washed or restored or altered stamp which has been removed from any vellum parchment paper instrument writing or document or whoever knowingly or wilfully prepares buys sells offers for sale or has in his or its possession any counterfeited stamps is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or be imprisoned for not less than one year nor more than five years or both at the discretion of the court

Section 37 ENFORCEMENT OFFICERS DIVULGING INFORMATION PENALTY Whoever being or having been a county official or member of the board of any county or being or having been a clerk employe or agent of any such officer or board divulges except in the performance of his duties or upon order of the board or in any reports required by law as the case may be or when called upon to testify in any court or proceedings any information acquired by him in the exercise of the powers vested in him by any of the provisions of this act or while claiming to exercise such powers in respect to the transactions or business or any person to whom this act is applicable shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars and shall thereafter be disqualified from acting in any official capacity whatsoever in connection with the assessment or collection of taxes

Section 38 REQUIRING PERSON BORROWING TO PAY TAX USURY It is unlawful for any person in loaning money at interest to any person which transaction is taxable as an intangible under the provisions of this act to require the person borrowing the same to pay the tax imposed thereon by this act In all cases where such tax shall have been paid by the borrower the same shall be considered usury and be subject to the laws governing the same

Section 39 PAYMENT OF PART OF COUNTY TAX TO STATE One-third of the gross amount of all taxes collected by each county or city and county shall be paid by the treasurer of such county or city and county into the General Fund of the State Treasury through the Department of Revenue for general State purposes Such payments shall be made on the first days of June and December of each year

Section 40 TAX FOR STATE PURPOSES All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on

which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable in the year one thousand nine hundred and thirty-six and annually thereafter for State purposes at the rate of four mills on each dollar of the nominal value thereof Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the second section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of section two of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in section two of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and any every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank or banking institution savings institution or trust company And providing That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under section two of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under section two of this act

Section 41 VALIDITY If any clause sentence paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act but shall be confined in its operation to the clause sentence paragraph or part thereof which is directly involved in the controversy in which such judgment shall have been rendered It is hereby declared as the legislative intent that this act would have been adopted had such invalid provision not been included therein The tax imposed by virtue of this act shall be levied and collected as in this act provided irrespective of the nature or character of such tax

Section 42 REPEALS The act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments is hereby repealed Provided That its provisions shall continue in force for the purpose of enforcing payment of any tax payable thereunder for the year one thousand nine hundred and thirty-five and for any year or years prior thereto

The act approved the seventeenth day of May one thousand nine hundred and twenty-nine (P. L. 1804), entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" is hereby repealed

All other acts and parts of act inconsistent herewith are hereby repealed

Section 43 EFFECTIVE DATE Except as to sections five six twenty-two twenty-four and twenty-seven which shall become effective immediately upon the final enactment of this act the provisions of this act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. McCREARY. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1734 as follows:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways

and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation or land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment or damages and benefits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "improvement" as used in this act shall mean and include any highways or streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state together with viaducts carying such highways or streets over other highways or streets or over other property and any ramps and approaches and other structures and superstructures in connection therewith

Section 2 Any city of the first class may lay out widen extend or relocate highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and construct the same either at above or below grade together with viaducts carrying such highways and streets over other highways and streets and over other property and such ramps and approaches and such other structures and superstructures in connection therewith as in the discretion of the council of such city shall be necessary or convenient Provided That any such improvement shall in all cases follow substantially the course of the existing streets of such city which are in the most nearly direct continuous line with such bridge or tunnel

Section 3 Any city of the first class undertaking any improvement authorized by the foregoing section may acquire any land and property necessary therefor either by gift purchase or the exercise of the power of eminent domain Such city may also in like manner acquire and take more land and property than is needed for the actual construction of such improvements or any of them but the additional land and property so taken shall not be more than sufficient to form suitable building sites on such highways or streets nor shall such additional land and property be acquired at any point more than three miles distant from the approach to any such bridge or tunnel The title which the city shall acquire to all land and property under the provisions of this section shall be fee simple absolute

Section 4 Additional land and property shall be acquired by the city in connection with an improvement only when the title acquired for the improvement shall be in fee The acquisition of title to additional land and property in connection with an improvement shall be authorized in the same manner and at the same time as the acquisition of title to the land and property required for the improvement is authorized When the acquisition of title to additional land and property in connection with an improvement is authorized title to such additional land and property shall be acquired by the city in the manner and according to the procedure (except in such respects as are herein set forth) provided for the acquisition of title to land and property required for the improvement and in the same proceeding in which title to the land and property required for the improvement is acquired

Section 5 Every ordinance which shall authorize the acquisition of additional land and property in connection with any improvement shall provide that the department of public works shall make a plain and accurate map showing the land and property to be acquired for the improvement and such additional land and property to be acquired in connection with the land and property to be acquired for the improvement When additional land and property is to be taken by condemnation the petition for the appointment of viewers shall separately describe such additional land and property to be so taken and shall state what part of the land and property to be condemned is required for the improvement and what part thereof is to be acquired as additional land and property The acquisition of such additional land and property when duly authorized shall be deemed to be for a public purpose

Section 6 Whenever proceedings are begun by the city under the condemnation law to acquire any land and property or any interest therein in which proceedings additional land and property is to be acquired the court in which such proceedings are pending may at any stage of such proceedings authorize the city to continue in possession of such additional land and property or any part of the same or to take immediate possession thereof or any part thereof in the same manner now authorized by law in connection with the land and property required for such improvement Title to such additional land and property shall vest in the city at the same time and subject to the same conditions as apply to other lands and property acquired for the improvement

Section 7 Whenever an ordinance has been duly adopted for the purpose of any improvement provided for in section one of this act such ordinance may be amended by authorizing the acquisition of land and property additional to that required for the improvement All provisions of law now applying to the payment by the city for land and property taken under the provisions of this act shall apply with reference to the payment for additional land and property taken hereunder

Section 8 After title to the land and property required for the improvement and to the additional land and property shall have vested in the city the additional land and property may be either held and used by the city or sold or leased by it

Such additional land and property may be held and used by the city for any purpose authorized by existing law or the council may authorize the erection thereon of buildings or other structures and the occupation and use thereof by the city for any purpose which the city is authorized to use the same or the leasing or sale thereof either in whole or in part

The council shall provide that such additional land and property and any buildings or other structures erected thereon by the city shall be sold or leased subject to such restrictions covenants or conditions as to location of buildings with reference to the land and property acquired for the improvement or the height of buildings or structures or the character of construction and architecture thereof or such other covenants conditions or restrictions as will preserve or enhance the benefit to the public of the land any property actually needed for the public use provided for in section one of this act and such additional land and property shall be sold or leased subject to such restrictions covenants or conditions as may be prescribed which shall be set forth in the instrument of conveyance or lease

Section 9 In every proceeding in which land and property additional to those required for the improvement are acquired the council shall have power by ordinance to provide that the whole of the expense of any such improvements be assessed upon the property benefited or that the whole or a portion of such expense (which shall be specified in such ordinance) be borne by the city at large and the remainder if any assessed upon the property benefited

Section 10 Where part of any land and property is acquired for an improvement and the remainder or a portion of the remainder thereof in the same ownership is acquired in the same proceeding as additional land and property the portion of the damages due to the acquisition of the land and property required for the improvement shall be determined and stated separately from the entire damage due to each such owner In determining the damage due to the acquisition of that portion of such land and property which is required for the improvement the same rule shall be applied as would govern the determination of damages for the taking of the land and property required for the improvement in case no additional land and property were acquired Where part of any land and property is acquired for the improvement

and the remainder or a portion of the remainder thereof in the same ownership is acquired in the same proceeding as additional land and property the damages due to the acquisition of title to the land and property required for the improvement shall in every case equal the amount which would be awarded to such owner in case only that part of his land and property which is required for the improvement were acquired

The aggregate of damages due to the acquisition of the land and property required for the improvement shall be determined by the court or other tribunal authorized to determine the compensation to be paid to the owners and when so determined be assessed as a part of the damages in the proceeding

Section 11 The provisions of this act shall be construed as supplementing and extending the effect of the provisions of the general law relating to the acquisition of land and property by cities of the first class so as to provide for the acquisition of title to additional land and property in connection with an improvement and nothing in this act contained shall be construed as limiting the effect of the provisions of such general laws in their application to the acquisition of title to land and property required for an improvement when acquired in a proceeding in which additional land and property shall or shall not be acquired except as the provisions of such general laws are in this act expressly so limited in their application

Section 12 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 13 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Zimmerman, |
| Duffort, | Mallen, | Shepard, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1831, entitled:

An Act to further amend section one of the act approved the seventh day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" by requiring executors administrators and certain persons to file with the register of wills a copy of every return filed with the Federal Government for Federal estate tax purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shepard, |
| Alexander, | Eroe, | Mason, | Shortz, |
| Allen, | Falkenstein, | McCreary, | Shreiner, |
| Altenburg, | Ferko, | McDermott, | Shugarts, |
| Andrews, | Finnerty, | McDevitt, | Siegel, |
| Arnold, | Fitch, | McElroy, | Simon, |
| Atkins, | Flanagan, | McHenry, | Simpson, |
| Aukerman, | Flinchbaugh, | McKinney, | Sinwell, |
| Baine, | Flynn, | Melchiorre, | Sloan, |
| Baker, F. T., | Forrest, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Furman, | Merrell, | Smith, W. G., |
| Baldi, | Gates, | Moomaw, | Snyder, F. E., |
| Barber, | Gerard, | Mooney, | Snyder, J. L., |
| Barnhardt, | Gillette, | Moore, | Sowers, |
| Bernhard, | Green, | Moran, | Sproul, |
| Blumberg, | Greenstein, | Moul, | Stank, |
| Boose, | Habbyshaw, | Muir, | Stevens, |
| Boyd, R., | Haberlen, | Murrin, | Stewart, |
| Boyer, | Hagerty, | Nagel, | Stockham, |
| Bradley, | Haluska, | Nothnagle, | Stone, |
| Brancato, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Terry, |
| Brumbaugh, | Hefferon, | Patterson, C., | Tronzo, |
| Burke, | Hermansen, | Patterson, J. W., | Trout, |

| | | | |
|---|---|---|---|
| Cannon, | Hetrick, | Pearson, | Tumelty, |
| Caputo, | Hindman, | Perry, | Turner, |
| Carr, | Hirsch, | Peters, | Van Allsburg, |
| Carson, | Hoffner, | Pfaff, | Van Sickle, |
| Castor, | Holstrom, | Phillips, | Walker, |
| Chervenak, | Hoopes, | Piole, | Wall, |
| Coakley, | Horst, | Powers, | Wasserman, |
| Cochran, | Jackson, | Reising, | Weidemann, |
| Cohen, | Jones, | Reynolds, | Weiss, |
| Coleman, | Kane, | Rhys, | Welliver, |
| Condon, | Kelder, | Rinn, | Welsh, |
| Conner, | Kelso, | Roan, | Westrick, |
| Coolahan, | Kilroy, | Robinson, | White, |
| Cordier, | Kinney, | Rooney, | Wickersham, |
| Davies, | Klingler, | Root, | Wilson, |
| Decker, | Kobelak, | Ruffennach, | Witkin, |
| Dent, | Linderman, | Ruth, | Wood, |
| Diehl, | Long, | Sarraf, | Woodside, |
| Dilley, | Longaker, | Schrock, | Yeakel, |
| Downey, G. E., | Lovett, | Schrope, | Yourishin, |
| Downey, J. J., | Lynch, | Schwab, | Zappala, |
| Duffort, | Male, | Schwartz, | Zimmerman, |
| | | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL ON THIRD READING

Mr. SARRAF. Mr. Speaker, I desire at this time to call up House Bill No. 889, Printer's No. 425, on page 21 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SARRAF.

The House resumed the consideration on third reading of House Bill No. 889, entitled:

An Act to amend sections one and six of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties;" including dining cars under the provisions of this act, and making it unlawful to sleep, or to permit persons to sleep in a room where food is prepared or served.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. May I ask the sponsor to explain the bill?

Mr. SARRAF. Mr. Speaker, I think the bill as drawn up explains itself, but to clarify it for some of the members of the House, the bill is to prohibit anybody from using public eating places for sleeping quarters, including also dining cars.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the sponsor of the bill.

The SPEAKER. Will the sponsor of the bill permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, on page 3 of the bill lines twenty-three and twenty-four it reads, "No person shall sleep or be permitted by a proprietor to sleep in a room where food is prepared or served." Does that apply to meals that are served in a hotel room? Can I get my breakfast in bed under this bill?

Mr. SARRAF. I think that the bill calls for where the public are being served.

Mr. ANDREWS. It does not so read.

Mr. SARRAF. If you will refer to the line and place I may be able to answer the question. I wish the gentleman would refer to the particular line that he is questioning on.

Mr. ANDREWS. Mr. Speaker, lines 23 and 24 on page three of the bill.

Mr. SARRAF. Mr. Speaker, will the gentleman repeat the question?

Mr. ANDREWS. I am asking the sponsor of this bill whether under lines twenty-three and twenty-four it would be possible to serve meals in hotel rooms, or in hospital rooms, if the language of the act were observed?

Mr. SARRAF. I think it would.

Mr. MALE. Mr. Speaker, I desire to interrogate the sponsor of the bill.

The SPEAKER. Will the sponsor of the bill permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. MALE. Mr. Speaker, suppose I am an old bachelor and I am batching in a shanty, and I cannot get a woman to be my wife, am I permitted if I am a bachelor to eat and sleep in the same room?

Mr. SARRAF. I did not hear the gentleman.

Mr. MALE. Suppose a man is a bachelor but cannot get a wife, he is not good looking enough to have a wife, and he is batching, can he batch in a shanty and sleep in the same room?

Mr. SARRAF. Absolutely. This bill has nothing to do with that. This is public eating places.

Mr. MALE. If I own the shanty, I am the proprietor, and your bill says the proprietor. If I have a shanty I am the proprietor.

Mr. SARRAF. If you are a bachelor this bill has nothing to do with you.

Mr. MALE. Will the gentleman answer this question, please?

Mr. SARRAF. Yes.

Mr. MALE. Suppose I have a number of shantys and I rent them out by the month, only one man living in the shanty, how about that? I am the proprietor that lives in the shanty.

Mr. SARRAF. I think that the bill specifically states public eating places.

Mr. MALE. That is what you think; it is not what the bill says. Ladies and gentlemen of the House, I ask you to vote this bill down.

Mr. EBERHARTER. Mr. Speaker and members of the House, there seems to be some misunderstanding as to what this bill does.

This bill will not regulate the serving of meals in hotels or in private homes. This bill in its title says, "for the protection of the public health by regulating the conduct and operation of public eating and drinking places," so, therefore, none of the language in the act could be construed to include private homes or hospitals or any similar institution such as a hospital. The gentleman need have no fear of this act whether he be a bachelor or a married man.

Mr. SPROUL. Mr. Speaker, may I interrogate the sponsor of the bill?

The SPEAKER. Will the sponsor of the bill permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, would not this prevent the serving of a meal in a Pullman car adjacent to a dining care if the person were old or crippled or in any manner incapacitated so that they could not obtain a meal without moving from one car to the other?

Mr. SARRAF. Mr. Speaker, I don't think it prevents anybody from having their food served in another portion of the same train or car.

Mr. SPROUL. There is no provision in this bill, that would allow that, and I think it should be allowed. Why could it not be amended in some manner to allow that?

Mr. SARRAF. Mr. Speaker, I think according to the law it is already that way, and this is just an amendment to the law as it is. Normal conditions are that way.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—68

| | | | |
|---|---|---|---|
| Alexander, | Eberharter, | Moomaw, | Sarraf, |
| Arnold, | Falkenstein, | Mooney, | Shaw, |
| Aukerman, | Fitch, | Moran, | Shepard, |
| Baine, | Forrest, | Moul, | Shugarts, |
| Baker, J. J., | Gerard, | Murrin, | Stank, |
| Brancato, | Hagerty, | Nagel, | Stevens, |
| Brown, H. S., | Hamilton, F. P., | Ominsky, | Stone, |
| Brown, J. E., | Harkins, | Panton, | Sumney, |
| Brownfield, | Harmuth, | Patterson, C., | Tronzo, |
| Brumbaugh, | Holstrom, | Patterson, J. W., | Tumelty, |
| Caputo, | Hoopes, | Pearson, | Walker, |
| Carson, | Kinney, | Pfaff, | Weiss, |
| Cochran, | Klingler, | Piole, | Welsh, |
| Coleman, | Kobelak, | Powers, | Westrick, |
| Condon, | Long, | Robinson, | Wilson, |
| Dent, | McDermott, | Ruffennach, | Yourishin, |
| Dilley, | McElroy, | Ruth, | Zappala, |

NAYS—74

| | | | |
|---|---|---|---|
| Altenburg, | Gates, | McKinney, | Sproul, |
| Andrews, | Gillette, | Moore, | Stewart, |
| Atkins, | Green, | Nothnagle, | Stockham, |
| Baker, F. T., | Habbyshaw, | Perry, | Stott, |
| Baldi, | Haluska, | Peters, | Surface, |
| Barnhardt, | Hart, | Phillips, | Terry, |
| Bernhard, | Hermansen, | Rhys, | Trout, |
| Boyd, R., | Hetrick, | Roan, | Turner, |
| Brennan, | Hirsch, | Schrock, | Wasserman, |
| Chervenak, | Hoffner, | Schrope, | Weidemann, |
| Coakley, | Jones, | Schwab, | Welliver, |
| Conner, | Kelder, | Schwartz, | Wickersham, |
| Cordier, | Kelso, | Shortz, | Witkin, |
| Davies, | Kilroy, | Shreiner, | Wood, |
| Downey, G. E., | Lynch, | Simon, | Woodside, |
| Downey, J. J., | Male, | Sloan, | Yeakel, |
| Duffort, | McCreary, | Snyder, F. E., | Zimmerman, |
| Ferko, | McDevitt, | Snyder, J. L., | Sarig, |
| Furman, | McHenry, | Sowers, | |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1288, entitled

An Act prescribing and limiting the rights and liabilities in cases of death from unlawful violence or negligence where no action has been brought by the party injured during his lifetime

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McCreary, | Shortz, |
| Alexander, | Ferko, | McDermott, | Shreiner, |
| Allen, | Finnerty, | McDevitt, | Shugarts, |
| Altenburg, | Fitch, | McElroy, | Siegel, |
| Andrews, | Flanagan, | McHenry, | Simon, |
| Arnold, | Flinchbaugh, | McKinney, | Simpson, |
| Atkins, | Flynn, | Melchiorre, | Sinwell, |
| Aukerman, | Forrest, | Mentzer, | Sloan, |
| Baine, | Furman, | Merrell, | Smith, J. A., |
| Baker, F. T., | Gates, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gerard, | Mooney, | Snyder, F. E., |
| Baldi, | Gillette, | Moore, | Snyder, J. L., |
| Barber, | Green, | Moran, | Sowers, |
| Barnhardt, | Greenstein, | Moul, | Sproul, |
| Bernhard, | Habbyshaw, | Muir, | Stank, |
| Blumberg, | Haberlen, | Murrin, | Stevens, |
| Boose, | Hagerty, | Nagel, | Stewart, |
| Boyd, R., | Haluska, | Nothnagle, | Stockham, |
| Boyer, | Hamilton, F. P., | O'Keefe, | Stone, |
| Bradley, | Harkins, | Ominsky, | Stott, |
| Brancato, | Harmuth, | O'Neill, | Sumney, |
| Brennan, | Hart, | Panton, | Surface, |
| Brown, H. S., | Hartman, | Parks, | Tahl, |
| Brown, J. E., | Hefferon, | Patterson, C., | Terry, |
| Brownfield, | Hermansen, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hetrick, | Pearson, | Trout, |
| Burke, | Hindman, | Perry, | Tumelty, |
| Cannon, | Hirsch, | Peters, | Turner, |
| Caputo, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Yourishin, |
| Downey, J. J., | Male, | Schwartz, | Zappala, |
| Duffort, | Mallen, | Shaw, | Zimmerman, |
| Eberharter, | Mason, | Shepard, | Sarig, |
| Eroe, | | | |

NAYS—1

Carr,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1836, entitled

An Act authorizing boroughs to construct, reconstruct and repair sidewalks, gutters, curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shortz, |
| Alexander, | Falkenstein, | McCreary, | Shreiner, |
| Allen, | Ferko, | McDermott, | Shugarts, |
| Altenburg, | Finnerty, | McDevitt, | Siegel, |
| Andrews, | Fitch, | McElroy, | Simon, |
| Arnold, | Flanagan, | McHenry, | Simpson, |
| Atkins, | Flinchbaugh, | McKinney, | Sinwell, |
| Aukerman, | Flynn, | Melchiorre, | Sloan, |
| Baine, | Forrest, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown J. E., | Hartman, | Parks, | Terry. |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout. |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso | Roan, | Westrick, |
| Conner, | Kilroy, | Robinson, | White, |
| Coolahan, | Kinney, | Rooney, | Wickersham, |
| Cordier, | Klingler, | Root, | Wilson, |
| Davies, | Kobelak, | Ruffennach, | Witkin, |
| Decker, | Linderman, | Ruth, | Wood, |
| Dent, | Long, | Sarraf, | Woodside, |
| Diehl, | Longaker, | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Zimmerman, |
| Duffort, | Mallen, | Shaw, | Sarig, |
| Eberharter, | | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1645, entitled

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Zimmerman, |
| Duffort, | Mallen, | Shepard, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1567, entitled

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An Act relating to cities of the third class; and amending, revising and consolidating the law relating thereto by requiring city records to be open to inspection.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shortz, |
| Alexander, | Falkenstein, | McCreary, | Shreiner, |
| Allen, | Ferko, | McDermott, | Shugarts, |
| Altenburg, | Finnerty, | McDevitt, | Siegel, |
| Andrews, | Fitch, | McElroy, | Simon, |
| Arnold, | Flanagan, | McHenry, | Simpson, |
| Atkins, | Flinchbaugh, | McKinney, | Sinwell, |
| Aukerman, | Flynn, | Melchiorre, | Sloan, |
| Baine, | Forrest, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |

| | | | |
|---|---|---|---|
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso, | Roan, | Westrick, |
| Conner, | Kilroy, | Robinson, | White, |
| Coolahan, | Kinney, | Rooney, | Wickersham, |
| Cordier, | Klingler, | Root, | Wilson, |
| Davies, | Kobelak, | Ruffennach, | Witkin, |
| Decker, | Linderman, | Ruth, | Wood, |
| Dent, | Long, | Sarraf, | Woodside, |
| Diehl, | Longaker, | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Zimmerman, |
| Duffort, | Mallen, | Shaw, | Sarig, |
| Eberharter, | | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1732, entitled:

An Act to amend section four of article five of the act approved the twenty-fifth day of June one thousand nine hundred and ninteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by authorizing the employment of women as policewomen

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DENT. Will the sponsor of the bill for my enlightment please explain the bill?

Mr. SHEPARD. Mr. Speaker the bill is quite clear. It merely is an enabling act and provides for the employment of women as policewomen in cities of the first class.

Mr. DENT. Mr. Speaker and members of the House, probably they have a condition in Philadelphia that they need police women and maybe they don't, but knowing the conditions as they are in industry today, in every line of endeavor, I can readily see where a bill of this sort will have women walking the beats as policewomen. It may seem foolish at this time to say that, but I know, and the rest of the members of the House know, it is opening up another line of endeavor for women, and we know that they have quite a few lines opened up to them now. In all seriousness, members of the House, the police field is hardly one where you would want a member of the fair sex to be employed. Now, I don't stand up as a protector of the fair sex, but in all fairness the men, you have got to admit, have been supplanted in many fields of endeaver today by women. In fairness to them let us at least have the police jobs open to men. Sorry as I am to make this statemen I ask you to vote down any bill that allows women to be policemen.

Mr. SHEPARD. Mr. Speaker, I am glad that the gentleman from Westmoreland reminded us that he was serious. A bill of this kind certainly presupposes a certain amount of intelligence on the part of the police officials of the city of Philadelphia; the head of the police department. This bill enables him and the department to use women wherever he thinks that they can better serve the needs of good government. In New York and other cities—and in Pittsburgh even—policewomen have been used to very great advantage and have done notable pieces of work. There are certain duties in connection with the detection of crime and the enforcement of the law that can be better performed by women. It does not mean that they are going to march the beats and take the place of men. I don't think intelligent police officials would consent to any such use of women on the police force. This bill is very plain. It is an enabling act. It is not mandatory, it does not say that you must have policewomen. It simply says that the police departments may use policewomen in such capacities as they think women can best serve.

Mr. DENT. Mr. Speaker and members of the House, getting down to serious things as the gentleman from Philadelphia has suggested, we all realize the integrity and the intelligence of our police officials, but we must also come back and take into consideration the day when women first started in industry. Whoever thought that women would get down to building tires, we will say, or making cores, we will say, or going into the glass factories and running machines. I am talking from a serious viewpoint, and you know as well as I do that women should not be used as policewomen in any city where you give the city officials the power to put women on. I do not say that it will be done tomorrow but it may be done the next day. I am serious in this. I know that this bill will put women in the place of men, at least doing light jobs such a straffic cops, because I would not be one to say that the women could not act as a traffic cop. Anybody can call up a fellow and say, "You are violating the rules of traffic," and the women could do that. I mean it. For your own protection and the protection of these men in industry and on the police force look ahead, look into the future and vote no on this bill.

Mr. REYNOLDS. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Shepard, permit himself to be interrogated?

Mr. SHEPARD. Mr. Speaker, I will.

Mr. REYNOLDS. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Shepard, if there is anything in the law that prohibits the city of Philadelphia from employing policewomen now?

Mr. SHEPARD. Mr. Speaker and members of the House, the language of the present act merely refers to policemen and under the present act there is no provision for the employment of policewomen. This bill is simply to give permission to the police department to engage the services of women as regular members of the force, doing such duties as they may see fit—that the department designates.

Mr. REYNOLDS. Mr. Speaker, would the gentleman explain to the House whether or not in view of the fact that we have just passed a law prohibiting the employment of women over forty hours a week, this bill would not place a hardship, on them in case we hire policewomen in the city of Philadelphia.

Mr. SHEPARD. Mr. Speaker, I don't think it would, because of the fact that it won't be necessary for these women as policewomen to work more than forty hours and I don't know just what the salary of policewomen will be, but if it is about thirty-five dollars a week, of course, they may be classed as executives and thus be permitted to work more than forty hours.

Mr. REYNOLDS. Mr. Speaker, may I further interrogate the gentleman from Philadelphia, Mr. Shepard?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. SHEPARD. One more question, Mr. Speaker.

Mr. REYNOLDH. Mr. Speaker, is it not a fact that this bill is designed to make the preachers of the city of Philadelphia immune from the law?

Mr. SHEPARD. Mr. Speaker, if it were, it would be a very good bill.

Mr. SPROUL. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Shepard, permit himself to be interrogated?

Mr. SHEPARD. Mr. Speaker, I will.

Mr. SPROUL. Mr. Speaker in Section 4, on page one of the act, it says, "No person shall be employed," does the act provide that they may employ a policewoman?

Mr. SHEPARD. It does, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, may I ask where, please?

Mr. SHEPARD. Mr. Speaker, in that section, it has the same provisions for men as for women that is in the original act providing for the employment of policemen. This act merely amends that to include policewomen and is the same provision.

Mr. SPROUL. Mr. Speaker, perhaps the gentleman means that another section provides for it, but if you will read section four more thoroughly it says "No person shall be employed as a policewoman or policeman," but does not another section take care of the policeman without mentioning the policewoman?

Mr. SHEPARD. Mr. Speaker, this is an amendment to the original act, which says that no person shall be employed in the Department of Public Safety as a policeman or fireman and then it goes on, but this amendment to the bill, to the present act only includes policewomen—adds the policewoman.

Mr. SPROUL. Mr. Speaker, does the other section include policewoman?

Mr. SHEPARD. No; it does not, Mr. Speaker.

Mr. SPROUL. Then, Mr. Speaker, I think it should be in there. The act is defective.

Mr. SHEPARD. It says at the bottom of page one, "No person shall be employed in the Department of Public Safety as a policeman, policewoman or fireman who is not a citizen of the United States or who has been convicted of crime unless pardoned or who cannot read or write understandingly in the English language or who shall not have resided within the State at least one year preceding his or her appointment."

Mr. SPROUL. Mr. Speaker, I would prefer that the gentleman would ask someone else and see if I am not correct.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. DENT. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—113

| | | | |
|---|---|---|---|
| Achterman, | Fitch, | Melchiorre, | Shepard, |
| Alexander, | Flinchbaugh, | Moomaw, | Shugarts, |
| Allen, | Forrest, | Mooney, | Siegel, |
| Andrews, | Furman, | Moran, | Simon, |
| Arnold, | Green, | Moul, | Simpson, |
| Baine, | Hagerty, | Murrin, | Sinwell, |
| Baker, J. J., | Haluska, | Nagel, | Sloan, |
| Boose, | Hamilton, F. P., | O'Keefe, | Smith, J. A., |
| Boyer, | Harkins, | Ominsky, | Snyder, F. E., |
| Brancato, | Harmuth, | O'Neill, | Snyder, J. L., |
| Brown, H. S., | Hart, | Patterson, C., | Stank, |
| Brown, J. E., | Hetrick, | Patterson, J. W., | Sumney, |
| Brownfield, | Hirsch, | Pearson, | Surface, |
| Brumbaugh, | Holstrom, | Perry, | Tronzo, |
| Burke, | Hoopes, | Pfaff, | Tumelty, |
| Cannon, | Jackson, | Piole, | Van Allsburg, |
| Caputo, | Jones, | Powers, | Wasserman, |
| Carson, | Kelso, | Reising, | Weidemann, |
| Chervenak, | Kinney, | Reynolds, | Weiss, |
| Cochran, | Klingler, | Rinn, | Welliver, |
| Condon, | Kobelak, | Roan, | Welsh, |
| Coolahan, | Long, | Ruffennach, | Westrick, |
| Cordier, | Lovett, | Ruth, | Wilson, |
| Davies, | Lynch, | Sarraf, | Wood, |
| Diehl, | McCreary, | Schrope, | Yourishin, |
| Dilley, | McDermott, | Schwab, | Zappala, |
| Downey, G. E., | McElroy, | Schwartz, | Zimmerman, |
| Eberharter, | McHenry, | Shaw, | Sarig, |
| Falkenstein, | | | |

NAYS—39

| | | | |
|---|---|---|---|
| Altenburg, | Duffort, | McDevitt, | Sowers, |
| Atkins, | Ferko, | McKinney, | Stewart, |
| Aukerman, | Flanagan, | Mentzer, | Stockham, |
| Barnhardt, | Habbyshaw, | Merrell, | Terry, |
| Bernhard, | Haberlen, | Moore, | Trout, |
| Boyd, R., | Hermansen, | Muir, | Turner, |
| Brennan, | Hoffner, | Peters, | Van Sickle, |
| Coakley, | Kelder, | Robinson, | Wickersham, |
| Dent, | Longaker, | Schrock, | Witkin, |
| Downey, J. J., | Male, | Shreiner, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1477, entitled:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions by popular election and for the appointment of their members by the courts of common pleas and prescribing the powers and duties of such commissions the county commissioners and the State Secretary of Agriculture.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. SPROUL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 9, 1935.

Whereas, It is necessary that the Commonwealth of Pennsylvania shall contribute its share of the moneys necessary for unemployment relief for the months of April and May; and

Whereas, It has been reported that the Federal Relief Administrator has required that the Commonwealth of Pennsylvania shall contribute as its share the sum of five million ($5,000,000) dollars per month; and

Whereas, The unemployment relief needs of the Commonwealth of Pennsylvania have been provided for up to and including the fifteenth day of April 1935; and

Whereas, There is not sufficient money in the General Fund to provide for the Commonwealth's contribution for the balance of the month of April and May, 1935; and

Whereas, It is of paramount importance that the poor and needy of Pennsylvania shall not be permitted to go hungry or starve; and

Whereas, There was introduced in the House of Representatives on the 8th day of April, 1935, by the gentleman from Philadelphia, Mr. Blumberg, bills designed to permit the Commonwealth of Pennsylvania to accomplish the above by borrowing the sum of seven million five hundred thousand ($7,500,000) dollars for the use of the General Fund by transfer to the General Fund from the Liquid Fuels' Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, the said sum of seven million five hundred thousand ($7,500,000) dollars for the purpose of meeting the requirements of the Federal Administrator for unemployment relief; now therefore be it

Resolved, (if the House of Representatives concur), That the General Assembly hereby authorizes the Governor and the fiscal officers of the Commonwealth to transfer to the General Fund from the Liquid Fuels' Tax Fund, the Liquor License Fund, the Veterans' Compensation Fund, the State Store Fund, and the Motor License Fund, for deposit in the General Fund, the sum of seven million five hundred thousand ($7,500,000) dollars, and the General Assembly hereby pledges that it will pass appropriate legislation validating the action of the Governor and the fiscal officers in making such transfers and providing such moneys if the legislation enacted for the purpose of making said transfers and providing said moneys shall provide for the repayment of such moneys to the said funds from which the same was taken on or before December 31, 1935.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Appropriations.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1411 (Senate Bill No. 87), entitled:

An Act to further amend clause (a) of section six, and sections ten and eleven of the act approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties, regulating the procedure therein, and providing for the expenses thereof," by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars; by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants; by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate; by changing the effect of appeals from the county court upon judgments of that court; by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury; and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Geraid, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Alisburg, |
| Carr, | Hoffner | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Wellliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kilroy, | Robinson, | Westrick, |
| Conner, | Kinney, | Rooney, | White, |
| Coolahan, | Klingler, | Root, | Wickersham, |
| Cordier, | Kobelak, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Witkin, |
| Decker, | Long, | Sarraf, | Wood, |
| Dent, | Longaker, | Schrock, | Woodside, |
| Diehl, | Lovett, | Schrope, | Yeakel, |
| Dilley, | Lynch, | Schwab, | Yourishin, |
| Downey, G. E., | Male, | Schwartz, | Zappala, |
| Downey, J. J., | Mallen, | Shaw, | Zimmerman, |
| Duffort, | Mason, | Shepard, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1535 (Senate Bill No. 256), entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts or aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendent in any such suit.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shepard, |
| Alexander, | Falkenstein, | McDermott, | Shortz, |
| Allen, | Ferko, | McDevitt, | Shreiner, |
| Altenburg, | Finnerty, | McElroy, | Shugarts, |
| Andrews, | Fitch, | McHenry, | Siegel, |
| Arnold, | Flanagan, | McKinney, | Simon, |
| Atkins, | Flinchbaugh, | Melchiorre, | Simpson, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Bernhard, | Green, | Moul, | Sproul, |
| Blumberg, | Greenstein, | Muir, | Stank, |
| Boose, | Habbyshaw, | Murrin, | Stevens, |
| Boyd, R., | Haberlen, | Nagel, | Stewart, |
| Boyer, | Hagerty, | Nothnagle, | Stockham |
| Bradley, | Haluska, | O'Keefe, | Stone, |
| Brancato, | Hamilton, F. P., | Ominsky, | Sumney, |
| Brennan, | Harkins, | O'Neill, | Surface, |
| Brown, H. S., | Harmuth, | Panton, | Tahl, |
| Brown, J. E., | Hart, | Parks, | Terry, |
| Brownfield, | Hartman, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, J. W., | Trout, |
| Burke, | Hermansen, | Pearson, | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Castor, | Holstrom, | Piole, | Wall, |
| Chervenak, | Hoopes, | Powers, | Wasserman, |
| Coakley, | Horst, | Reising, | Weidemann, |
| Cochran, | Jackson, | Reynolds, | Weiss, |
| Cohen, | Jones, | Rhys, | Welliver, |
| Coleman, | Kane, | Rinn, | Welsh, |
| Condon, | Kelder, | Roan, | Westrick, |
| Conner, | Kilroy, | Robinson, | White, |
| Coolahan, | Kinney, | Rooney, | Wickersham, |
| Cordier, | Klingler, | Root, | Wilson, |
| Davies, | Kobelak, | Ruffennach, | Witkin, |
| Decker, | Linderman, | Ruth, | Wood, |
| Dent, | Long, | Sarraf, | Woodside, |
| Diehl, | Longaker, | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Zimmerman, |
| Duffort, | Mallen, | Shaw, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 982 (Senate Bill No. 41), entitled:

An Act to amend section six of the act approved the eighteenth day of June, one thousand nine hundred and twenty-three (P. L. 840), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," further defining the circumstances under which the remedy provided is available.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Zimmerman, |
| Duffort, | Mallen, | Shepard, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1490 (Senate Bill No. 223), entitled:

An Act to establish jurisdiction in cases of kidnapping and murder perpetrated in kidnapping.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Duffort, | Lynch, | Schwartz, | Zappala, |
| Downey, G. E., | Male, | Shaw, | Zimmerman, |
| Downey, J. J., | Mallen, | Shepard, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1681 (Senate Bill No. 561), entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shortz, |
| Alexander, | Falkenstein, | McCreary, | Shreiner, |
| Allen, | Ferko, | McDermott, | Shugarts, |
| Altenburg, | Finnerty, | McDevitt, | Siegel, |
| Andrews, | Fitch, | McElroy, | Simon, |
| Arnold, | Flanagan, | McHenry, | Simpson, |
| Atkins, | Flinchbaugh, | McKinney, | Sinwell, |
| Aukerman, | Flynn, | Melchiorre, | Sloan, |
| Baine, | Forrest, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brown, H. S., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso, | Roan, | Westrick, |
| Conner, | Kilroy, | Robinson, | White, |
| Coolahan, | Kinney, | Rooney, | Wickersham, |
| Cordier, | Klingler, | Root, | Wilson, |
| Davies, | Kobelak, | Ruffennach, | Witkin, |
| Decker, | Linderman, | Ruth, | Wood, |
| Dent, | Long, | Sarraf, | Woodside, |
| Diehl, | Longaker, | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Zimmerman, |
| Duffort, | Mallen, | Shaw, | Sarig, |
| Eberharter, | | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1175, entitled:

A Supplement to the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Com-

monwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," providing for the return of summons in actions brought before justices of the peace, aldermen and magistrates.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shepard, |
| Alexander, | Falkenstein, | McCreary, | Shortz, |
| Allen, | Ferko, | McDermott, | Shreiner, |
| Altenburg, | Finnerty, | McDevitt, | Shugarts, |
| Andrews, | Fitch, | McElroy, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Atkins, | Flinchbaugh, | McKinney, | Simpson, |
| Aukerman, | Flynn, | Melchiorre, | Sinwell, |
| Baine, | Forrest, | Mentzer, | Sloan, |
| Baker, F. T., | Furman, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gates, | Moomaw, | Smith, W. G., |
| Baldi, | Gerard, | Mooney, | Snyder, F. E., |
| Barber, | Gillette, | Moore, | Snyder, J. L., |
| Barnhardt, | Green, | Moran, | Sowers, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg, | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Jones, | Reynolds, | Weidemann, |
| Cohen, | Kane, | Rhys, | Weiss, |
| Coleman, | Kelder, | Rinn, | Welliver, |
| Condon, | Kelso, | Roan, | Welsh, |
| Conner, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Rooney, | White, |
| Cordier, | Klingler, | Root, | Wickersham, |
| Davies, | Kobelak, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Witkin, |
| Dent, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Schrock, | Woodside, |
| Dilley, | Lovett, | Schrope, | Yeakel, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Zimmerman, |
| Duffort, | Mallen, | Shaw, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1776, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Zimmerman, |
| Duffort, | Mallen, | Shepard, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1143, entitled:

An Act to amend section one of the act approved the twentieth day of December, one thousand nine hundred and thirty-three (P. L. 89, 1933-34), entitled, "An act appropriating the moneys in The State Stores Fund;" making appropriations for the payment of refunds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hermansen, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hetrick, | Pearson, | Trout, |
| Burke, | Hindman, | Perry, | Tumelty, |
| Cannon, | Hirsch, | Peters, | Turner, |
| Caputo, | Hoffner, | Pfaff, | Van Allsburg, |
| Carr, | Holstrom, | Phillips, | Van Sickle, |
| Carson, | Hoopes, | Piole, | Walker, |
| Castor, | Horst, | Powers, | Wall, |
| Chervenak, | Jackson, | Reising, | Wasserman, |
| Coakley, | Jones, | Reynolds, | Weidemann, |
| Cochran, | Kane, | Rhys, | Weiss, |
| Cohen, | Kelder, | Rinn, | Welliver, |
| Coleman, | Kelso, | Roan, | Welsh, |
| Condon, | Kilroy, | Robinson, | Westrick, |
| Conner, | Kinney | Rooney, | White, |
| Coolahan, | Klingler, | Root, | Wickersham, |
| Cordier, | Kobelak, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Witkin, |
| Decker, | Long, | Sarraf, | Wood, |
| Dent, | Longaker, | Schrock, | Woodside, |
| Diehl, | Lovett, | Schrope, | Yeakel, |
| Dilley, | Lynch, | Schwab, | Yourishin, |
| Downey, G. E., | Male, | Schwartz, | Zappala, |
| Downey, J. J., | Mallen, | Shaw, | Zimmerman, |
| Duffort, | Mason, | Shepard, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1069, entitled:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to boroughs towns and townships of one thousand population or more extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | McCreary, | Shepard, |
| Alexander, | Eroe, | McDermott, | Shortz, |
| Allen, | Falkenstein, | McDevitt, | Shugarts, |
| Altenburg, | Ferko, | McElroy, | Siegel, |
| Andrews, | Finnerty, | McHenry, | Simon, |
| Arnold, | Fitch, | McKinney, | Simpson, |
| Atkins, | Flanagan, | Melchiorre, | Sinwell, |
| Aukerman, | Flinchbaugh, | Mentzer, | Sloan, |
| Baine, | Flynn, | Merrell, | Smith, J. A., |
| Baker, J J., | Forrest, | Moomaw, | Smith, W. G., |
| Baldi, | Furman, | Mooney, | Snyder, F. E., |
| Barber, | Gates, | Moore, | Snyder, J. L., |
| Barnhardt, | Gerard, | Moran, | Sowers, |
| Bernhard, | Green, | Moul, | Sproul, |
| Blumberg, | Greenstein, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stockham, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holstrom, | Phillips, | Van Sickle, |
| Castor, | Hoopes, | Piole, | Walker, |
| Chervenak, | Horst, | Powers, | Wall, |
| Coakley, | Jackson, | Reising, | Wasserman, |
| Cochran, | Kane, | Reynolds, | Weidemann, |
| Cohen, | Kelder, | Rhys, | Weiss, |
| Coleman, | Kelso, | Rinn, | Welliver, |
| Condon, | Kilroy, | Roan, | Welsh, |
| Conner, | Kinney, | Robinson, | Westrick, |
| Coolahan, | Klingler, | Rooney, | White, |
| Cordier, | Kobelak, | Root, | Wilson, |
| Davies, | Linderman, | Ruffennach, | Witkin, |
| Decker, | Long, | Ruth, | Wood, |
| Dent, | Longaker, | Sarraf, | Yeakel, |
| Diehl, | Lovett, | Schrope, | Yourishin, |
| Dilley, | Lynch, | Schwab, | Zappala, |
| Downey, G. E., | Male, | Schwartz, | Zimmerman, |
| Downey, J. J., | Mallen, | Shaw, | Sarig, |
| Duffort, | Mason, | | |

NAYS—8

| | | | |
|---|---|---|---|
| Baker, F. T., | Habbyshaw, | Schrock, | Wickersham, |
| Gillette, | Jones, | Shreiner, | Woodside, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 521, entitled:

An Act to amend section two hundred and eight of, and to add section twelve to the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that the Secretary of the Commonwealth shall be the agent of domestic business corporations upon whom process may be served; prescribing the procedure for such service by the sheriff of Dauphin County; and certain duties of the corporations relative thereto.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hermansen, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hetrick, | Pearson, | Trout, |
| Burke, | Hindman, | Perry, | Tumelty, |
| Cannon, | Hirsch, | Peters, | Turner, |
| Caputo, | Hoffner, | Pfaff, | Van Allsburg, |
| Carr, | Holstrom, | Phillips, | Van Sickle, |
| Carson, | Hoopes, | Piole, | Walker, |
| Castor, | Horst, | Powers, | Wall, |
| Chervenak, | Jackson, | Reising, | Wasserman, |
| Coakley, | Jones, | Reynolds, | Weidemann, |
| Cochran, | Kane, | Rhys, | Weiss, |
| Cohen, | Kelder, | Rinn, | Welliver, |
| Coleman, | Kelso, | Roan, | Welsh, |
| Condon, | Kilroy, | Robinson, | Westrick, |
| Conner, | Kinney, | Rooney, | White, |
| Coolahan, | Klingler, | Root, | Wickersham, |
| Cordier, | Kobelak, | Ruffenach, | Wilson, |
| Davies, | Linderman, | Ruth, | Witkin, |
| Decker, | Long, | Sarraf, | Wood, |
| Dent, | Longaker, | Schrock, | Woodside, |
| Diehl, | Lovett, | Schrope, | Yeakel, |
| Dilley, | Lynch, | Schwab, | Yourishin, |
| Downey, G. E., | Male, | Schwartz, | Zappala, |
| Downey, J. J., | Mallen, | Shaw, | Zimmerman |
| Duffort, | Mason, | Shepard, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 808, entitled:

An Act relating to discrimination of prices making certain discrimination in the sale prices of commodities unlawful and making the violation of the provisions of the act a misdemeanor and providing a penalty.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 953, as follows:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two and three of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That thirty days after the approval of this act it shall be unlawful for any person copartnership association or corporation except in accordance with the provisions of this act to appeal to the public for donations or subscriptions in money or in other property or to sell or offer for sale to the public any thing or object whatever to raise money or to secure or attempt to secure money or donations or other property by promoting any public bazaar sale entertainment or exhibition or by any similar means for any charitable benevolent or patriotic purpose or for the purpose of ministering to the material or spiritual needs of human beings either in the United States or elsewhere or of relieving suffering of animals or of inculcating patriotism unless the appeal is authorized by and the money or other property is to be given to a corporation copartnership or association [or individual] holding a valid certificate of registra-

tion from the Department of Welfare issued as herein provided

Section 2 Any written appeal to the public for any such purpose must state the name of the copartnership association or corporation by which [or of the individual by whom] it is authorized that a certificate of registration as herein provided has been duly issued to it [or him] and must be signed by an officer of the corporation or member of the copartnership or association [or by the individual]

Section 3 Any corporation copartnership or association [or individual] desiring to obtain a certificate of registration for any of such purposes shall file with the Department of Welfare on blanks prepared by the department a statement verified by an officer of the corporation copartnership or association [or by the individual] and containing such information as the Department of Welfare may require Other statements shall be filed from time to time under oath containing such information as the department may require

Section 2 Section four of said act as amended by the act approved the eighteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred) is hereby further amended to read as follows

Section 4 If the Department of Welfare deems the corporation copartnership or association [or individual] filing such statement a proper one and not inimical to the public welfare or safety and its appeal or proposed appeals to be for truly charitable benevolent or patriotic purposes or for the purpose of ministering to the material or spiritual needs of human beings in the United States or elsewhere or of relieving suffering of animals or of inculcating patriotism it shall issue to such corporation copartnership [person] or association filing the required statement a certificate of registration for the particular purpose described and for the necessary period but the department shall not issue any certificate of registration to any such [individual] corporation copartnership or association [who or] which pays or agrees to pay to any individual corporation copartnership or association a commission or compensation in excess of fifteen per centum of the amount collected or the sale price of any thing or object or the gross receipts from any public bazaar sale entertainment or exhibition or any similar means for service and the department shall revoke any certificate of registration which may be granted if and when any [individual] corporation copartnership or association shall pay or agree to pay an amount in excess of fifteen per centum as herein provided If the department deems the corporation copartnership or association [or individual] an improper one or the purposes of its appeal improper under the provisions of this act it shall refuse to issue a certificate of registration No registration certificate shall be valid for a longer period than one year from its date of issue The Department of Welfare before granting a certificate as herein provided may hold such hearings as may be deemed necessary to satisfy itself that the [individual] copartnership association or corporation filing a statement is entitled to a certificate of registration in accordance with this act

Section 3 Section five and seven of said act are hereby amended to read as follows

Section 5 If any statement required by the Department of Welfare is not filed the department shall notify the delinquent corporation copartnership or association [or individual] by mailing a notice to its or his last known address and if the statement be not filed within two weeks after the mailing of such notice the department shall cancel its [or his] certificates of registration The department may also cancel any certificate of registration whenever it is satisfied that contributions are used for unworthy purposes or where the [individual] copartnership association or corporation holding a certificate or registration engages in practices deemed sufficient in the discretion of the department to refuse a certificate of registration

Section 7 No person shall solicit or collect any contributions in money or other property for any of the purposes set forth in this act without a written authorization from the corporation copartnership or association for which [or the individual for whom] the contribution is made and the authorization must be shown to any person on request The authorization must be signed by an officer of the corporation or member of the copartnership or association for which [or by the individual for whom] the contribution is collected and must set forth the percentage of collection or other compensation for collection to be paid to the persons so soliciting or collecting contributions

Section 4 Section nine of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred seventy-three) is hereby further amended to read as follows

Section 9 A fee of ten dollars shall be paid to the Department of Welfare by every association copartnership or corporation [or individual] at the time of filing the original statement All fees shall be paid by the department into the State Treasury through the Department of Revenue

Where a certificate of registration is refused the fee provided by this section paid at the time of filing the statement shall be refunded to the party paying the same and for such purposes any moneys in the General Fund are hereby appropriated

Section 5 The provisions of this act shall become effective immediately upon its final enactment Provided That all certificates of registration heretofore issued to any individual shall continue to be effective for the balance of the period for which issued and the provisions of the act hereby amended shall remain in force as to such certificates until they expire

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. Speaker, I would like to have the sponsor of this bill explain its purpose.

Mr. JACKSON. Mr. Speaker, and members of the House, the purpose of the bill is to prevent individuals from going out and begging money, in other words, the purpose is to stop an individual from soliciting money. It must come from some organization. In Philadelphia and all over the whole state, I understand from the Welfare Department, that they have had quite a lot of trouble with persons soliciting money and not turning it into the right source. This bill is to stop that abuse and to see that the money gets to the right source.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Bocse, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |

| | | | |
|---|---|---|---|
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Klingler, | Root, | Wickersham, |
| Cordier, | Kinney, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Zimmerman, |
| Duffort, | Mallen, | Shepard, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1815, as follows :

An Act To amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" is hereby amended to read as follows

Section 5 No proprietor shall furnish any towel or napkin to any patron of a public eating or drinking place unless such towel or napkin be laundered or discarded after each individual use thereof nor shall there be furnished to the patrons of such eating or drinking places any dish glass or other receptacle or utensil used in eating or drinking which has not been thoroughly cleansed with hot water and soap or other suitable cleansing reagent since it was used by another individual or destroyed or discarded after each individual use

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHEPARD. Mr. Speaker, I would like to ask the sponsor of the bill to explain it to the House, please.

Mr. DENT. Mr. Speaker, I would like to explain it, but if any person in this House cannot understand it, I certainly can't explain it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mallen, | Shreiner, |
| Alexander, | Eroe, | Mason, | Shugarts, |
| Allen, | Falkenstein, | McCreary, | Siegel, |
| Altenburg, | Ferko, | McDermott, | Simon, |
| Andrews, | Finnerty, | McDevitt, | Simpson, |
| Arnold, | Fitch, | McHenry, | Sinwell, |
| Atkins, | Flanagan, | McKinney, | Sloan, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Smith, J. A., |
| Baine, | Flynn, | Mentzer, | Smith, W. G., |
| Baker, F. T., | Forrest, | Merrell, | Snyder, F. E., |
| Baker, J J., | Furman, | Moomaw, | Snyder, J. L., |
| Baldi, | Gates, | Mooney, | Sowers, |
| Barber, | Gerard, | Moore, | Sproul, |
| Barnhardt, | Gillette, | Moran, | Stank, |
| Bernhard, | Green, | Moul, | Stevens, |
| Blumberg, | Greenstein, | Muir, | Stewart, |
| Boose, | Habbyshaw, | Murrin, | Stockham, |
| Boyd, R., | Haberlen, | Nagel, | Stone, |
| Boyer, | Hagerty, | Nothnagle, | Stott, |
| Bradley, | Haluska, | O'Keefe, | Sumney, |
| Brancato, | Hamilton, F. P., | O'Neill, | Surface, |
| Brennan, | Harkins, | Panton, | Tahl, |
| Brown, H. S., | Harmuth, | Parks, | Terry, |
| Brown, J. E., | Hart, | Patterson, C., | Tronzo, |
| Brownfield, | Hartman, | Patterson, J. W., | Trout, |
| Brumbaugh, | Hefferon, | Pearson, | Tumelty, |
| Burke, | Hermansen, | Perry, | Turner, |
| Cannon, | Hetrick, | Peters, | Van Allsburg, |
| Caputo, | Hindman, | Pfaff, | Van Sickle, |
| Carr, | Hirsch, | Phillips, | Walker, |
| Carson, | Hoffner, | Piole, | Wall, |
| Castor, | Holstrom | Powers, | Wasserman, |
| Chervenak, | Hoopes, | Reising, | Weidemann, |
| Coakley, | Horst, | Reynolds, | Weiss, |
| Cochran, | Jackson, | Rhys, | Welliver, |
| Cohen, | Jones, | Rinn, | Welsh, |
| Coleman, | Kane, | Roan, | Westrick, |
| Condon, | Kelder, | Robinson, | White, |
| Conner, | Kelso, | Rooney, | Wickersham, |
| Coolahan, | Kilroy, | Root, | Wilson, |
| Cordier, | Kinney, | Ruffennach | Witkin, |
| Davies, | Klingler | Ruth, | Wood, |
| Decker, | Kobelak, | Sarraf, | Woodside, |
| Dent, | Linderman, | Schrock, | Yeakel, |
| Diehl, | Long, | Schrope, | Yourishin, |
| Dilley, | Longaker, | Schwab, | Zappala, |
| Downey, G. E., | Lovett, | Schwartz, | Zimmerman, |
| Downey, J. J., | Lynch, | Shaw, | Sarig, |
| Duffort, | Male, | Shortz, | |

NAYS—3

| | | |
|---|---|---|
| McElroy, | Ominsky, | Shepard, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1838, as follows:

An Act requiring cities of the second second A and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city of the second

second A and third class having a police department shall allow and permit every member of such police department to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebrations and to have an annual vacation of not less than fourteen days without diminution of the salary or compensation fixed by ordinance or resolution of such city

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McCreary, | Shortz, |
| Alexander, | Falkenstein, | McDermott, | Shreiner, |
| Allen, | Ferko, | McDevitt, | Shugarts, |
| Altenburg, | Finnerty, | McElroy, | Siegel, |
| Andrews, | Fitch, | McHenry, | Simon, |
| Arnold, | Flanagan, | McKinney, | Simpson, |
| Atkins, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Forrest, | Merrell, | Smith, J. A., |
| Baker, F. T., | Furman, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gates, | Mooney, | Snyder, F. E., |
| Baldi, | Gerard, | Moore, | Snyder, J. L., |
| Barber, | Gillette, | Moran, | Sowers, |
| Barnhardt, | Green, | Moul, | Sproul, |
| Bernhard, | Greenstein, | Muir, | Stank, |
| Blumberg, | Habbyshaw, | Murrin, | Stevens, |
| Boose, | Haberlen, | Nagel, | Stewart, |
| Boyd, R., | Hagerty, | Nothnagle, | Stockham, |
| Boyer, | Haluska, | O'Keefe, | Stone, |
| Bradley, | Hamilton, F. P., | Ominsky, | Stott, |
| Brancato, | Harkins, | O'Neill, | Sumney, |
| Brennan, | Harmuth, | Panton, | Surface, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brown, J. E., | Hartman, | Patterson, C., | Terry, |
| Brownfield, | Hefferon, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hermansen, | Pearson, | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Castor, | Hoopes, | Powers, | Wall, |
| Chervenak, | Horst, | Reising, | Wasserman, |
| Coakley, | Jackson, | Reynolds, | Weidemann, |
| Cochran, | Jones, | Rhys, | Weiss, |
| Cohen, | Kane, | Rinn, | Welliver, |
| Coleman, | Kelder, | Roan, | Welsh, |
| Condon, | Kelso, | Robinson, | Westrick, |
| Conner, | Kilroy, | Rooney, | White, |
| Coolahan, | Kinney, | Root, | Wickersham, |
| Cordier, | Klingler, | Ruffennach, | Wilson, |
| Davies, | Kobelak, | Ruth, | Witkin, |
| Decker, | Linderman, | Sarraf, | Wood, |
| Dent, | Long, | Schrock, | Woodside, |
| Diehl, | Longaker, | Schrope, | Yeakel, |
| Dilley, | Lovett, | Schwab, | Yourishin, |
| Downey, G. E., | Lynch, | Schwartz, | Zappala, |
| Downey, J. J., | Male, | Shaw, | Zimmerman, |
| Duffort, | Mallen, | Shepard, | Sarig, |
| Eberharter, | Mason, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1906, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirteen (P. L. 843), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employes, and prescribing a penalty for noncompliance therewith," by further defining the duty of employers to make reports of injuries received by their employes; requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so; and clarifying the provisions of the act pertaining to the evidential value of such reports.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. MENTZER. Mr. Speaker, I move that this bill be recommitted to the Committee on Corporations for amendment.

On the question,

Will the House agree to the motion?

Mr. SCHWARTZ. Mr. Speaker, I desire to interrogate the sponsor of the bill as to the amendments.

The SPEAKER. Will the gentleman from Westmoreland Mr. Mentzer, permit himself to be interrogated?

Mr. MENTZER. Mr. Speaker, I will.

Mr. SCHWARTZ. Mr. Speaker, with reference to this bill, page 3, line 15, I merely want to call the gentleman's attention to the word after "such." Is it the intention of the gentleman to have it read "injury" instead of "inury?" If this bill goes back to committee, I would suggest that you correct the spelling, if you mean "injury."

Mr. MENTZER. I will, Mr. Speaker.

On the question,

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1594, entitled:

A Supplement to the act approved the third day of June, one thousand nine hundred thirty-three (Appropriation Act, page 169) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shortz, |
| Alexander, | Eroe, | McCreary, | Shreiner, |
| Allen, | Falkenstein, | McDermott, | Shugarts, |
| Altenburg, | Ferko, | McDevitt, | Siegel, |
| Andrews, | Finnerty, | McElroy, | Simon, |
| Arnold, | Fitch, | McHenry, | Simpson, |
| Atkins, | Flanagan, | McKinney, | Sinwell, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sloan, |
| Baine, | Forrest, | Mentzer, | Smith, J. A., |

| | | | |
|---|---|---|---|
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kelso, | Roan, | Westrick, |
| Conner, | Kilroy, | Robinson, | White, |
| Coolahan, | Kinney, | Rooney, | Wickersham, |
| Cordier, | Klingler, | Root, | Wilson, |
| Davies, | Kobelak, | Ruffennach, | Witkin, |
| Decker, | Linderman, | Ruth, | Wood, |
| Dent, | Long, | Sarraf, | Woodside, |
| Diehl, | Longaker, | Schrock, | Yeakel, |
| Dilley, | Lovett, | Schrope, | Yourishin, |
| Downey, G. E., | Lynch, | Schwab, | Zappala, |
| Downey, J. J., | Male, | Schwartz, | Zimmerman, |
| Duffort, | Mallen, | Shaw, | Sarig, |
| | | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1485 (Senate Bill No. 152), entitled:

An Act authorizing the exoneration of taxes assessed or levied against any property purchased for hospital uses upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Eberharter, | Mason, | Shortz, |
| Alexander, | Eroe, | McCreary, | Shreiner, |
| Allen, | Falkenstein, | McDermott, | Shugarts, |
| Altenburg, | Ferko, | McDevitt, | Siegel, |
| Andrews, | Finnerty, | McElroy, | Simon, |
| Arnold, | Fitch, | McHenry, | Simpson, |
| Atkins, | Flanagan, | McKinney, | Sinwell, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sloan, |
| Baine, | Forrest, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Sproul, |
| Bernhard, | Greenstein, | Moul, | Stank, |
| Blumberg, | Habbyshaw, | Muir, | Stevens, |
| Boose, | Haberlen, | Murrin, | Stewart, |
| Boyd, R., | Hagerty, | Nagel, | Stockham, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Pearson, | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holstrom, | Phillips, | Walker, |
| Castor, | Hoopes, | Piole, | Wall, |
| Chervenak, | Horst, | Powers, | Wasserman, |
| Coakley, | Jackson, | Reising, | Weidemann, |
| Cochran, | Jones, | Reynolds, | Weiss, |
| Cohen, | Kane, | Rhys, | Welliver, |
| Coleman, | Kelder, | Rinn, | Welsh, |
| Condon, | Kilroy, | Robinson, | Westrick, |
| Coolahan, | Kinney, | Root, | White, |
| Conner, | Klingler, | Ruffennach, | Wickersham, |
| Cordier, | Kobelak, | Ruth, | Wilson, |
| Davies, | Linderman, | Sarraf, | Witkin, |
| Decker, | Long, | Schrock, | Wood, |
| Dent, | Longaker, | Schrope, | Woodside, |
| Diehl, | Lovett, | Schwab, | Yeakel, |
| Dilley, | Lynch, | Schwartz, | Yourishin, |
| Downey, G. E., | Male, | Shaw, | Zappala, |
| Downey, J. J., | Mallen, | Shepard, | Zimmerman, |
| Duffort, | | | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

## RESOLUTION

### STATE HIGHWAYS

Mr. DENT asked and obtained unanimous consent to offer a resolution which was read by the Clerk as follows:

In the House of Representatives, April 10, 1935.

Whereas, The painting of white lines on the State highways is a very effective safety measure and is a great aid to motorists in foggy weather and during the night in driving over mountain ranges; therefore be it

Resolved (of the Senate concur), That it is the sense of the General Assembly that white lines should be painted on the center of all State highways over the mountain ranges, and in order to distinguish such lines from those placed on highways as safety measures to warn motorists not to pass vehicles at dangerous spots, that such white lines be broken with blank spaces of approximately ten feet each.

Resolves, That a copy of this resolution be transmitted to the Department of Highways by the Chief Clerk of this House.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. FURMAN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

### STATEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to state to the House that a number of request have been made that no session shall be held tomorrow. The condition on the calendar is such that we have only a few third reading bills, and it is up to the House to decide whether it wants a session

tomorrow or not. The Chair would welcome a motion from some member on the floor in order to test out the sentiment of the House as to whether or not they want a session tomorrow. There are only a few bills on third reading. However, various committees wish to sit. The Committees can work and these bills can be advanced. There are also some hearings to be held.

## TIME OF NEXT MEETING

Mr. MORAN. Mr. Speaker, I move you that we have a session tomorrow morning at 10 o'clock, and that the Committees get together tomorrow and get a lot of those bills out of committees instead of going home.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Mr. BAINE and Mr. MORAN and were as follows:

### YEAS—143

| | | | |
|---|---|---|---|
| Allen, | Habbyshaw, | Nothnagle, | Smith, J. A., |
| Andrews, | Haberlen, | O'Keefe, | Smith, W. G., |
| Arnold, | Hagerty, | Ominsky, | Snyder, F. E., |
| Atkins, | Hamilton, F. P., | O'Neill, | Snyder, J. L., |
| Aukerman, | Harkins, | Panton, | Sowers, |
| Baine, | Hart, | Parks, | Sproul, |
| Baker, F. T., | Hermansen, | Patterson, C., | Stank, |
| Baker, J J., | Hoffner, | Patterson, J. W., | Stevens, |
| Barnhardt, | Holstrom, | Pearson, | Stewart, |
| Bernhard, | Hoopes, | Perry, | Stockham, |
| Boose, | Horst, | Peters, | Stone, |
| Boyd, R., | Jackson, | Pfaff, | Stott, |
| Boyer, | Kelder, | Phillips, | Sumney, |
| Brennan, | Kelso, | Piole, | Surface, |
| Brown, J. E., | Kinney, | Powers, | Tahl, |
| Brownfield, | Kobelak, | Reising, | Terry, |
| Cannon, | Long, | Reynolds, | Tronzo, |
| Carson, | Longaker, | Rhys, | Trout, |
| Chervenak, | Lovett, | Roan, | Tumelty, |
| Coakley, | Lynch, | Robinson, | Van Allsburg, |
| Cochran, | Male, | Rooney, | Van Sickle, |
| Cohen, | McCreary, | Root, | Weiss, |
| Coleman, | McDermott, | Ruffennach, | Welliver, |
| Coolahan, | McDevitt, | Ruth, | Welsh, |
| Cordier, | McElroy, | Sarraf, | Westrick, |
| Davies, | McHenry, | Scanlon, | White, |
| Diehl, | McKinney, | Schrock, | Wickersham, |
| Dilley, | Merrell, | Schrope, | Wilson, |
| Eberharter, | Moomaw, | Schwab, | Witkin, |
| Falkenstein, | Mooney, | Schwartz, | Wood, |
| Ferko, | Moore, | Shepard, | Woodside, |
| Flinchbaugh, | Moran, | Shortz, | Yeakel, |
| Furman, | Moul, | Shreiner, | Yourishin, |
| Gates, | Muir, | Shugarts, | Zimmerman, |
| Gerard, | Murrin, | Siegel, | Sarig, |
| Green, | Nagel, | Sloan, | |

### NAYS—21

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Hetrick, | Shaw, |
| Alexander, | Downey, J. J., | Hindman, | Simon, |
| Brumbaugh, | Duffort, | Hirsch, | Turner, |
| Burke, | Haluska, | Klingler, | Weidemann, |
| Caputo, | Harmuth, | Melchiorre, | Zappala, |
| Condon, | | | |

So the question was determined in the affirmative and the motion was agreed to.

## MOTION FOR HOUSE TO MEET ON FRIDAY

Mr. WITKIN. Mr. Speaker, in order that the business of this House may be expedited, I move that this House remain in session on Friday of this week, and I ask for a roll call.

On the question,
Will the House agree to the motion?

Mr. ANDREWS. Mr. Speaker, I desire to amend the motion by the gentleman from Philadelphia, to include Friday and Saturday.

The SPEAKER. Does the gentleman from Cambria, make that as a motion?

Mr. ANDREWS. Mr. Speaker, I make that as a motion if the gentleman from Philadelphia will accept it as an amendmen to his motion.

Mr. WITKIN. Mr. Speaker, I accept the amendment.

On the question,
Will the House agree to the motion as amended?

Mr. SHEPARD. Mr. Speaker, in all seriousness I think that we ought ot approach this matter with sanity and not to get up a tree on it. Personally I have got to get home and get out my sermon for Sunday. I object to the amendment.

## MOTION TO ADJOURN

Mr. COHEN. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 10 o'clock.

On the question?
Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. FALKENSTEIN and were as follows:

### YEAS—56

| | | | |
|---|---|---|---|
| Achterman, | Dent, | Kobelak, | Simpson, |
| Alexander, | Dilley, | Lovett, | Sinwell, |
| Andrews, | Downey, G. E., | McDermott, | Smith, W. G., |
| Arnold, | Downey, J. J., | McElroy, | Sumney, |
| Baker, J J., | Eberharter, | Mentzer, | Terry, |
| Brown, H. S., | Eroe, | Moomaw, | Tronzo, |
| Brownfield, | Falkenstein, | Panton, | Tumelty, |
| Carr, | Fitch, | Rhys, | Weiss, |
| Chervenak, | Furman, | Robinson, | Welliver, |
| Coakley, | Gerard, | Ruth, | Welsh, |
| Cochran, | Green, | Schrope, | Westrick, |
| Cohen, | Harkins, | Shepard, | Wilson, |
| Coleman, | Harmuth, | Shortz, | Yourishin, |
| Coolahan, | Holstrom, | | |

### NAYS—79

| | | | |
|---|---|---|---|
| Allen, | Gates, | Merrell, | Sloan, |
| Altenburg, | Gillette, | Moore, | Smith, J. A., |
| Atkins, | Habbyshaw, | Muir, | Snyder, F. E., |
| Baine, | Haluska, | Nothnagle, | Snyder, J. L., |
| Baker, F. T., | Hamilton, F. P., | O'Keefe, | Sowers, |
| Barnhardt, | Hart, | Ominsky, | Stank, |
| Bernhard, | Hermansen, | Parks, | Stewart, |
| Boose, | Hindman, | Patterson, J. W., | Stockham, |
| Boyd, R., | Hirsch, | Perry, | Surface, |
| Boyer, | Hoopes, | Peters, | Turner, |
| Brennan, | Kelder, | Phillips, | Van Allsburg, |
| Brumbaugh, | Kelso, | Powers, | Wasserman, |
| Cannon, | Kinney, | Reynolds, | Weidemann, |
| Caputo, | Long, | Roan, | Wickersham, |
| Condon, | Male, | Ruffennach, | Witkin, |
| Cordier, | McCreary, | Schwartz, | Wood, |
| Davies, | McDevitt, | Shaw, | Yeakel, |
| Diehl, | McHenry, | Shreiner, | Zappala, |
| Duffort, | McKinney, | Shugarts, | Zimmerman, |
| Ferko, | Melchiorre, | | |

So the question was determined in the negative and the motion was agreed to.

## MOTION TO ADJOURN

Mr. SUMNEY. Mr. Speaker, I move you that this House, under the existing circumstances, and due to the fact that they won't get down to business, do now adjourn until nine o'clock Monday evening April 15.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Mr. MORAN and Mr. ANDREWS and were as follows:

YEAS—2

| | |
|---|---|
| Hermansen, | Schwartz, |

NAYS—146

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McHenry, | Shortz, |
| Allen, | Fitch, | McKinney, | Shreiner, |
| Altenburg, | Flanagan, | Melchiorre, | Siegel, |
| Andrews, | Furman, | Mentzer, | Simon, |
| Arnold, | Gates, | Merrell, | Simpson, |
| Atkins, | Gerard, | Moomaw, | Sinwell, |
| Baine, | Gillette, | Mooney, | Sloan, |
| Baker, F. T., | Green, | Moore, | Smith, J. A., |
| Baker, J. J., | Habbyshaw, | Moran, | Snyder, J. L., |
| Barnhardt, | Haberlen, | Moul, | Sowers, |
| Bernhard, | Hagerty, | Muir, | Sproul, |
| Boose, | Haluska, | Murrin, | Stank, |
| Boyd, R., | Hamilton, F. P., | Nothnagle, | Stewart, |
| Boyer, | Hamilton, R. S., | O'Keefe, | Stockham, |
| Brancato, | Harkins, | Ominsky, | Stone, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Parks, | Tahl, |
| Brownfield, | Hindman, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hindman, | Patterson, J. W., | Tumelty, |
| Burke, | Hirsch, | Pearson, | Turner, |
| Caputo, | Hoffner, | Perry, | Van Allsburg, |
| Carson, | Holstrom, | Peters, | Van Sickle, |
| Coakley, | Hoopes, | Pfaff, | Walker, |
| Cochran, | Jackson, | Phillips, | Wasserman, |
| Cohen, | Jones, | Piole, | Weidemann, |
| Coleman, | Kelder, | Powers, | Weiss, |
| Condon, | Kelso, | Reising, | Welliver, |
| Coolahan, | Kinney, | Reynolds, | Wickersham, |
| Cordier, | Klingler, | Rhys, | Wilson, |
| Davies, | Kobelak, | Roan, | Witkin, |
| Dent, | Long, | Ruffennach, | Wood, |
| Diehl, | Longaker, | Ruth, | Woodside, |
| Downey, G. E., | Lovett, | Sarraf, | Yourishin, |
| Downey, J. J., | McCreary, | Schrock, | Zappala, |
| Duffort, | McDermott, | Schrope, | Zimmerman, |
| Eberharter, | McDevitt, | Shaw, | Sarig, |
| Falkenstein, | McElroy, | Shepard, | |

So the question was determined in the negative and the motion was agreed to.

## ADJOURNMENT

Mr. RUTH. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 9.45 o'clock.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. SOWERS.

The roll was called by the Clerk.

Mr. WITKIN. Mr. Speaker, I ask for a verification of the roll.

(During the verification of the roll).

## POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, will state his point of order.

Mr. WITKIN. Mr. Speaker, I understand that the gentleman from Monroe, Mr. Acherman, said he desired to be recorded as voting "present". He cannot so do under the rule.

The SPEAKER. As I understand, the gentleman only said he was present. Will the gentleman from Monroe please repeat his remarks?

Mr. ACHTERMAN. Mr. Speaker, I merely stated that I was present and did not vote.

The SPEAKER. The Chair so understood it.

Mr. WITKIN. Mr. Speaker, I ask that the gentleman vote.

The SPEAKER. The Chair will read for the information of the House, Rule 71, as follows:

"Every member shall be present within the Hall of the House during its sittings, unless excused by the House, or necessarily prevented, and shall vote on each question put, unless he has direct personal or pecuniary interest in the determination of such question. If a member refuses to vote, unless he be excused by the House, or unless he be interested, such refusal shall be deemed a contempt."

Mr. ACHTERMAN. Mr. Speaker, I will then be recorded as voting "no".

The roll was verified and was as follows:

YEAS—104

| | | | |
|---|---|---|---|
| Alexander, | Falkenstein, | McDermott, | Robinson, |
| Allen, | Finnerty, | McDevitt, | Ruffennach, |
| Andrews, | Fitch, | McElroy, | Ruth, |
| Arnold, | Flanagan, | McHenry, | Sarraf, |
| Atkins, | Flinchbaugh, | Melchiorre, | Shaw, |
| Baker, J. J., | Furman, | Mentzer, | Shepard, |
| Brown, H. S., | Gerard, | Moomaw, | Shugarts, |
| Brown, J. E., | Haberlen, | Mooney, | Siegel, |
| Brownfield, | Hagerty, | Moran, | Simon, |
| Brumbaugh, | Haluska, | Moul, | Smith, J. A., |
| Burke, | Hamilton, F. P., | Murrin, | Smith, W. G., |
| Cannon, | Harkins, | Nagel, | Stank, |
| Caputo, | Harmuth, | O'Keefe, | Sumney, |
| Carson, | Hart, | Ominsky, | Surface, |
| Chervenak, | Hartman, | O'Neill, | Tronzo, |
| Coakley, | Hindman, | Panton, | Tumelty, |
| Cochran, | Hirsch, | Patterson, C., | Van Allsburg, |
| Cohen, | Holstrom, | Patterson, J. W., | Walker, |
| Coleman, | Jackson, | Pearson, | Weiss, |
| Condon, | Kelso, | Pfaff, | Welliver, |
| Coolahan, | Kinney, | Piole, | Welsh, |
| Diehl, | Long, | Powers, | Westrick, |
| Dilley, | Lovett, | Reising, | White, |
| Downey, G. E., | Male, | Reynolds, | Zappala, |
| Downey, J. J., | McCreary, | Rhys, | Sarig, |
| Eberharter, | | | |

NAYS—52

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | Muir, | Stewart, |
| Altenburg, | Gates, | Perry, | Stockham, |
| Baker, F. T., | Gillette, | Peters, | Stott, |
| Barnhardt, | Habbyshaw, | Roan, | Turner, |
| Bernhard, | Hermansen, | Root, | Van Sickle, |
| Boose, | Hoffner, | Schrock, | Wasserman, |
| Boyd, R., | Hoopes, | Schwartz, | Weidemann, |
| Boyer, | Horst, | Shortz, | Wilson, |
| Brennan, | Jones, | Shreiner, | Witkin, |
| Carr, | Kelder, | Simpson, | Wood, |
| Cordier, | McKinney, | Sloan, | Woodside, |
| Davies, | Merrell, | Snyder, F. E., | Yeakel, |
| Duffort, | Moore, | Snyder, J. L., | Zimmerman, |

So the question was determined in the affirmative and the motion was agreed to, and (at 11:32 P. M.) the House adjourned until Thursday, April 11, 1935, at 9:45 A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., THURSDAY, APRIL 11, 1935 No. 44

## HOUSE OF REPRESENTATIVES

THURSDAY, April 11, 1935.

The House met at 9:45 a. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

### PRAYER

The Reverend Marshall Shepard ,a member of the House, offered the following prayer:

O God, our Heavenly Father, we thank Thee for Thy care and Thy keeping through the watches of the past night. We thank Thee for this day and for the opportunities for service that it brings to us.

As we meet here today, we pray Thee that Thou would enable us to have that spirit of tolerance, forbearance that was exemplified in the life of the one whose natal day we shall celebrate today. May we re-dedicate our lives to the spirit of Thaddeus Stevens and may we give all that we have in the service of the people of this Commonwealth regardless of race, creed or color.

And now, Heavenly Father, may the spirit of good, righteousness, peace, and truth cover Thy earth as the waters cover the sea, that man everywhere may come to know Thee, Whom to know is life eternal. In His name and for His sake. Amen.

### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MALE, the further reading was dispensed with and the Journal approved.

The SPEAKER. At this time the Chair calls to the desk the gentleman from Fayette, Mr. Brownfield who will act as master of ceremonies during the short program in honor of the memory of that great commoner and that great citizen of Pennsylvania, Thaddeus Stevens.

Mr. BROWNFIELD in the Chair

The CHAIRMAN. Ladies and gentlemen of the House, it is a pleasure at this time to introduce Dr. Leslie Pinkey Hill, President of Cheney State Teachers College and school for colored young people planning to become teachers of this state. Dr. Hill is a graduate of Harvard Phi Beta Kappa and has with him this morning a chorus who will sing at this time.

Dr. HILL. Honorable members of the House, ladies and gentlemen, we are here this morning, because we want to bear testimony to our friend, Thaddeus Stevens, the great commoner, for our share in the benefits that flow from the free schools of our Commonwealth.

We want to thank our representatives who have made possible our coming here that we might contribute our little bit towards the celebration of this great event in the lives of our people, the saving of the free school system in the Commonwealth of Pennsylvania. But of course, you want to know that we are here from this College of Cheney with an additional thought in mind. Thaddeus Stevens gave the finest energy of his long and fruitful life, we gratefully remember, to the freedom and the advancement of the Negro.

Having been poor himself he believed in the poor, and he gave to the Negro the fullest measure of his confidence at the time when there were very few in our nation to share it, and he never wavered in the bestowal of that confidence in our race, and I think I am not exaggerating when I say that every Negro in Pennsylvania today and throughout the length and breadth of our nation feels that he has abundant reason for bowing his head in gratitude to God for this great benefactor. I know that his spirit in the heavens above must be rejoicing to see in this Assembly where he wrought his mighty work five of those men whose cause he championed when they could not champion their cause themselves, five of those men here right where he wrought his mighty work, justifying the faith which he gave to our race of helping to carry forward the great work which he inaugurated here.

I think that great spirit of his in the heavens is also happy when it beholds these young men and women from the college of Cheney which our generous Commonwealth still supports in order that the children of the poor may have a chance for the better things.

I am saying this merely as an introductory explanation of the profound sense of gratitude and obligation that every colored American has for this man who spoke for us when we could not speak and who never wavered in his allegiance to us.

The chorus will render an old English song "Art Thou Poor Yet Thou Hast the Golden Slumbers" a fine old song in praise of the honest poor, the spirit of which is that if a man is poor and is healthy and has a good conscience he is rich, but he may be rich and without a good conscience he is poor. That was the theme of Thaddeus Stevens. Then we are going to follow that with a Negro spiritual "Who Will Be a Witness?" that is to say as was the man we honor.

Singing by the Chorus.

The CHAIRMAN. Dr. Hill, I am sure that I can speak for the membership of the House and visitors when I say to you that we welcome you here this morning. We enjoyed the singing immensely. The gentleman from Lebanon, Mr. Horst, will give a short biography of Thaddeus Stevens.

Mr. HORST. Mr. Chairman, one hundred years ago today the Pennsylvania Free School Law of 1834 was saved

from repeal in this House of Representatives solely by the stirring appeal of one of its members, Mr. Thaddeus Stevens of Adams County, in a speech that today is still recognized as one of the most outstanding masterpieces of oratory ever to be recorded in the activities of the General Assemblies of this Commonwealth.

Prior to 1834 various acts were passed by the General Assembly providing for free education for "poor children only," or "to teach the poor gratis." The outcome of this legislation was that parents refused to declare themselves "paupers" even to gain an education for their children. Consequently large numbers of children were denied any opportunity to attend schools. In the year 1832 it was estimated that of 400,000 children between 5 and 15 years of age, in this State, more than 250,000 were not in school. Only 17,500 children were entitled to free schooling in the entire State.

One of the chief objectives of Governor George Wolf when elected in 1832 was a free school law that would provide education for all. Through his efforts and those of Senator Samuel Buch of Philadelphia, the Free School Law of 1834 was passed and signed by Governor Wolf on April 1 of that year.

But the public did not like this free school law. Opposition to it came from many quarters. Free schools meant new taxes. Church people wanted to conduct their own schools. Those of German origin feared that free schools would eventually eliminate their mother tongue. Others declared that education of the masses was dangerous. As a result few communities actually took advantage of the new school law.

The opposition to the Free School System took on political importance in the election of the following year. That election resulted in having a great majority of members of both the House and the Senate committed to a repeal of the Common Schools Law of 1834.

When the General Assembly convened in 1835, the fight against the bill continued without abatement. Not unlike today, petitions, hundreds of them poured in upon legislators. 32,000 signers sought repeal. Only 2500 sought retention and strengthening of the act.

Early in April, 1835, the Senate passed the repeal measure and sent it to the House. It was taken for granted that the House would take similar action. But proponents of repeal reckoned without the effectiveness of Thaddeus Stevens. Stevens, the son of a poor Vermont shoemaker, whose mother's influence and early teaching had instilled in him a burning desire to have education made available to all on a basis of equality, represented Adams County in the Assembly. He was out of the city with a committee on investigation when the bill was called up in the Legislature. Following the Senate action he hurried back. He was told that defending the bill was of little use. That did not discourage Mr. Stevens. When the bill came up for final passage, Mr. Stevens rose to his feet and in a speech that made history in this Keystone State, he turned the tide of sentiment in the House. The bill to abolish the free school system in Pennsylvania was defeated 57 to 30. An eminent writer of our State's history of education has said: "Competent judges of all parties who witnessed the fight agree that had Representatvies Stevens not stood like a rock furnishing shelter and imparting strength to the free school combatants, and bidding defiance to the fiercest of those who would have struck them down, the law of 1834 would have been swept from the statute book and the day of universal education in Pennsylvania might have been indefinitely postponed."

Today we hail Governor George Wolf as the "Father of Free Public Schools in Pennsylvania." To Thaddeus Stevens we pay the tribute of being the "Saviour of our common schools."

The CHAIRMAN. Mr. Westrick will deliver the speech Thaddeus Stevens delivered one hundred years ago today in this hall.

Mr. WESTRICK. Mr. Chairman. "I favor the establishment of free public schools. I will briefly give you the reason why I shall oppose the repeal of the school law. This law was passed at the last session of the Legislature with unexampled unanimity, but one member of this House voting against it. It has not yet come into operation, and none of its effects have yet been tested by experience in Pennsylvania. The passage of such a law is enjoined by the Constitution and has been recommended by every Governor since its adoption. Much to his credit, it has been warmly urged by the present Executive in all his annual messages delivered at the opening of the Legislature. To repeal it now, before its practical effects have been discovered, would argue that it contained some glaring and pernicious defect, and that the last Legislature acted under some strong and fatal delusion, which blinded every man of them to the interests of the Commonwealth. I will attempt to show that the law is salutary, useful and important and that consequently the last Legislature acted wisely in passing, and the present would act unwisely in repealing it; that, instead of being oppressive to the people, it will lighten their burdens, while it elevates them in the scale of human intellect."

"If an elective republic is to endure for any great length of time, every elector must have sufficient information, not only to accumulate wealth and take care of his pecuniary concerns, but to direct wisely the Legislature, the Ambassadors, and the Executive of the nation; for some part of all these things, some agency in approving or disapproving of them, falls to every freeman. If, then, the permanency of our government depends upon such knowledge, it is the duty of government to see that the means of information be diffused to every citizen. This is a sufficient answer to those who deam education a private and not a public duty—who argue that they are willing to educate their own children, but not their neighbor's children."

"While but few are found ignorant and shameless enough to deny the advantages of general education, many are alarmed at its supposed burdensome operation. A little judicious reflection, or a single year's experience, would show that education, under the free-school system, will cost more than one-half less, and afford better and more permanent instruction, than the present disgraceful plan pursued by Pennsylvania."

"Pennsylvania has half a million of children, who either do go or ought to go to school six months in the year. If they do go, at two dollars per quarter, their schooling costs two millions of dollars per annum: If they do not go when they are able, their parents deserve to be held in disgrace. Where they are unable, if the State does not furnish the means, she is criminally negligent. But by the free school law, that same amount of education which would now cost two millions of dollars, could be supplied at less than one-third of this amount. The amendment

which is now proposed as a substitute for the school law of last session is, in my opinion, of a most hateful and degrading character. Sir, hereditary distinctions of rank are sufficiently odious but which is founded on poverty is infinitely more so. Such a law should be entitled 'An act for branding and marking the poor, so that they may be known from the rich and proud.' "

"Many complain of the school tax, not so much on account of its amount, as because it is for the benefit of others and not themselves. This is a mistake. It is for their own benefit, inasmuch as it perpetuates the government and ensures the due administration of the law under which they live, and by which their lives and property are protected. Why do they not urge the same objection against all other taxes? The industrious, thrifty, rich farmer pays a heavy county tax to support criminal courts, build jails, and pay sheriffs and jail-keepers, and yet probably he never has had and never will have any direct personal use for either. He never gets the worth of his money by being tried for a crime before the court, allowed the privilege of the jail on conviction, or receiving an equivalent from the sheriff on his hangmen officers: He cheerfully pays the tax which is necessary to support and punish convicts, but loudly complains of that which goes to prevent his fellow-being from becoming a criminal, and to abviate the necessity of those humiliating institutions."

"Why, sir, are the colleges and literary institutions of Pennsylvania now, and ever have been, in a languishing and sickly condition? Why, with a fertile soil and genial climate, has she, in proportion to her population, scarcely one-third as many collegiate students as cold, barren New England? The answer is obvious: She has no free schools. Until she shall have, you may in vain endow college after college they will never be filled, or filled only by students from other States. In New England free schools plant the seeds and the desire of knowledge in every mind, without regard to the wealth of the parent or the texture of the pupil's garments."

"We are told that this law is unpopular, and that the people of the State desire its repeal. Has it not always been so with every new reform in the condition of man? Old habits and old prejudices are hard to be removed from the mind. Every new improvement which has been gradually leading man from the savage through the civilized up to a highly cultivated State, has required the most strenuous and often perilous exertions of the wise and the good. But, sir, much of its unpopularity is chargeable upon the vile arts of unprincipled demagogues. Instead of attempting to remove the honest misapprehensions of the people, they cater to their prejudices, and take advantage of them, to gain low, dirty, temporary, local triumphs. I do not charge this on any particular party. Unfortunately, almost the only spot on which all parties meet in union, is this ground of common infamy."

"I have seen the present chief magistrate of this Commonweaolth violently assailed as the projector and father of this law. I am not the eulogist of that gentleman; he has been guilty of many deep political sins. But he deserves the undying gratitude of the people for the steady, untiring zeal which he has manifested in favor of common schools. I will not say his exertions in that cause have covered all, but they have atoned for many of his errors. I trust that the people of this State will never be called upon to choose between a supporter and an opposer of free schools. But if it should come to that, if that should be made the turning point on which we are to cast our suffrages, if the opponent of education were my most intimate personal and political friend, and the free school candidate my most obnoxious enemy, I should deem it my duty, as a patriot, at this moment of our intellectual crisis, to forget all other considerations, and I should place myself unhesitatingly and cordially, in the ranks of him whose banner streams in light."

"Will this Legislature—will the wise guardians of the dearest interests of a great Commonwealth—consent to surrender the high advantages and brilliant prospects which this law promises, because it is desired by worthy gentlemen, who, in a moment of causeless panic and popular delusion, sailed into power on a Tartarean flood?—a flood of ignorance, darker and to the intelligent mind more dreadful, than that accursed Stygian pool, at which mortals and immortals tremble! Sir, it seems to me that the liberal and enlightened proceedings of the last legislature have aroused the Demon of Ignorance from his slumber; and maddened at the threatened loss of his murky empire, his discordant howlings are heard in every part of our land."

"Those who would repeal this law because it is obnoxious to a portion of the people, would seem to found their justification on a desire of popularity. That is not an unworthy object, when they seek an enduring fame which is constructed of imperishable materials. But have these gentlemen looked back and consulted the history of their race, to learn on what foundation and on what materials that popularity is built which outlives its possessor—which is not buried in the same grave that covers his mortal remains? Sir, I believe that kind of fame may be acquired by deep learning, or even the love of it, by mild philanthropy or unconquerable courage. And it seems to me, that in the present state of feeling in Pennsylvania, those who will heartily and successfully support the cause of general education can acquire at least some portion of the honor of all these qualities combined; while those who oppose it will be remembered without pleasure and will soon pass away with the things that perish."

"If you wish to acquire popularity, how often have you been admonished to build not your monuments of brass or marble, but to make them of ever-living mind."

"Who would not rather do one living deed than to leave his ashes forever enshrinded in ever-burnished gold? Sir, I trust that when we come to act on this question, we shall take lofty ground—look beyond the narrow space which now circumscribes our vision—beyond the passing, fleeting point of time on which we stand—and so cast our votes that the blessing of education shall be conferred on every son of Pennsylvania—shall be carried home to the poorest child of the poorest inhabitant of the meanest hut of your mountains, so that even he may be prepared to act well his part in this land of freedom, and lay on earth a broad and solid foundation for that enduring knowledge which goes on increasing through eternity."

The CHAIRMAN. "At the session of 1834-5 a most determined effort was made to repeal the law, both political parties, fearing to incur a crushing weight of odium should they say a word in its favor, combined to wipe the unpopular law from the statute book. To all minds, its fate seemed to be sealed forever. The vote, which was to roll Pennsylvania backward toward the dark ages, was

about to be taken, when Thaddeus Stevers, then comparatively unknown, rose to speak against the repeal. It was perhaps his greatest effort. With a resistless torrent of eloquence, never surpassed, if ever equalled, he swept every objection out of sight and buried the opposition beneath it by the waves of his fiery eloquence forever and ever. When he closed, "the tree of knowledge was placed within the reach of every child in Pennsylvania for all coming time. Thaddeus Stevens still lives, like Saul, head and shoulders, intellectually, above all other men in the great Republic."

This memorable address of Thaddeus Stevens marked the greatest single effort of his entire legislative career. It was the solitary attempt at oratory in his long and eventful life.

According to historians, those who listened were awed by his courage, and stunned by the terrible sincerity of his grave endeavor. Thomas Frederick Woodley, a Pennsylvanian who recently has had published in this city a stirring biography of the Old Commoner, tells us that scarcely a man in this Chamber but realized Stevens was battling grimly for a righteous cause; fighting unselfishly for an opportunity for the generations to come; fighting to have the State see to it that because a child were born poor, poverty could not bar his way to a fair education.

Every listener knew that Stevens had thrown his political fate in the balance, willingly, even eagerly, in the knowledge that his plea for free Schools was tremendously unpopular. The weight of his speech is convincingly shown by the fact that the Senate, most of whose members heard him, very shortly afterward rescinded their action and joined the House in supporting his substituted amendment and enlarged the school law of the year before.

Woodley says "his majestic appeal jolted Pennsylvania back to her good senses" and brought credit from the bitter opposition newspapers, one of which felt "assured that a more beautiful effort at oratory was never listened to within the walls of this or any other legislative hall."

I want to call special attention to the closing words of Stevens' magnificent appeal, when he said:

"I trust that we—so cast our votes that the blessing of education shall be conferred on every son of Pennsylvania—shall be carried home to the poorest child of the poorest inhabitant of the meanest hut of our mountains, so that even he may be prepared to act well his part in this land of freemen, and lay on earth a solid foundation for that enduring knowledge which goes on increasing through increasing eternity."

Ladies and gentlemen—Pennsylvania has fulfilled Thaddeus Stevens' fondest hopes. Pennsylvania has "followed through" in a manner which has placed this Commonwealth in the front ranks of public education efforts in the Nation. Pennsylvania truthfully carries the blessing of education "to the poorest child of the poorest inhabitant of the meanest hut of our mountains."

One hundred years ago this day, this hour, this very minute, this House of Representatives was in turmoil as Stevens, the crippled son of rugged Vermont, prepared to launch his most enduring and lasting effort for the sons and daughters of his adopted state. It was an effort that opened a career which his biographers assert placed him well forward in the ranks of the first dozen Americans who have made a large imprint on their country's history. It was an effort that saved our Commonwealth from the disgrace of continued backwardness, founded "a system of common schols which disenthralled that State from its ignorance and brought it by knowledge to the stature and power of a gigantic Commonwealth."

It was not until twenty years had passed that anything like a uniform system was provided and attention was given to the preparation of teachers.

In another score of years there came the Constitution of 1873.

So every Pennsylvania child enjoys a constitutional right to an education.

Public school property in Pennsylvania today represents a valuation of more than half a billion dollars. The army of two million pupils attend classes in twelve thousand buildings where they are instructed by 62,000 teachers, the finest in the Nation. Ninety-nine of every hundred of Pennsylvania public school teachers has had two or more years of specialized preparation for teaching, and every third teacher is a college graduate.

To the children of the new century, to the rich and to the poor, to girls as well as boys, to native and to strangers within our gates, to all alike comes the invitation to share wisdom. Our Public Schools are for all the children of all the people. It is possible now for the child of humblest birth to learn more about the earth than Columbus ever knew, more of the laws of nature than Newton discovered, more astronomy than Galilo, more chemistry than the alchemists. In 1836 many Representatives failed to be reelected because they had voted to continue the free school act, in 1936 it would be impossible for any of us to be elected if we declared ourselves hostile to our system of public instruction.

And so, ladies and gentlemen, Pennsylvania's today can go proudly to the modestly marked grave in the small cemetery at Lancaster and say:

"Thaddeus Stevens, Pennsylvania has 'followed through' ".

The SPEAKER (Wilson G Sarig) in the Chair.

The SPEAKER. On behalf of the House the Chair wishes to thank the gentlemen from Fayette, Mr. Brownfield, Dr. Hill, Dr. Rule, Mr. Horst and Mr. Westrick, and all those connected with the program for the splendid program which they have rendered this morning. Especially does the Chair thank the chorus of Cheney School for coming here and giving us this excellent music.

## BILLS INTRODUCED AND REFERRED

By Mr. PFAFF. HOUSE BILL No. 2126.

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies; and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proprotionately, by the public service companies in-

terested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such order, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring open bidding on certain contracts of public service companies having the power of eminent domain.

Referred to the Committee on Public Utilities.

By Mr. ANDREWS. HOUSE BILL No. 2127.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and powers under his supervision.

Referred to the Committee on Banking.

By Mr. SIMON. HOUSE BILL No. 2128.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Referred to the Committee on Banking.

By Mr. MALE. HOUSE BILL No. 2129.

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

Referred to the Committee on Banking.

By Mr. SIMON. HOUSE BILL No. 2130.

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", as amended, to authorize and empower boroughs to construct or acquire water-works and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens thereon, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Referred to the Committee on Boroughs and Townships.

By Mr. DUFFORT. HOUSE BILL No. 2131.

An Act to amend section eight of the act approved the 10th day of May, 1927 (Pamphlet Laws four hundred and forty-two) entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a board of magistrates; providing for a chief magistrate; prescribing their powers and duties; providing for clerks; establishing a central administrative office; imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts, including payment of all salaries, fixing salaries and restrict-

ing magistrates to duties of office; and repealing certain prior acts", by reducing the age limits of magistrates and requiring them to have been admitted to practice in the Supreme Court.

Referred to the Committee on Cities.

By Mr. TURNER. HOUSE BILL No. 2132.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, includ-the conversion of National banks into State banks. and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotareis, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Referred to the Committee on Banking.

By Mr. BLUMBERG. HOUSE BILL No. 2133.

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

Referred to the Committee on Banking.

By Mr. PEARSON. HOUSE BILL No. 2134.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring pwers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Referred to the Committee on Banking.

By Mr. AUKERMAN. HOUSE BILL No. 2135.

An Act to amend section one of an act approved the thirty-first day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred eighty-eight), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," as amended; establishing Saturday half holidays as regards the transaction of banking business.

Referred to the Committee on Banking.

By Mr. SCHWAB. HOUSE BILL No. 2136.

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

Referred to the Committee on Banking.

By Mr. CORDIER. HOUSE BILL No. 2137.

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (Pamphlet Laws, nine), entitled "An act relating to banks, trust companies, savings banks and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

Referred to the Committee on Banking.

By Mr. MENTZER. HOUSE BILL No. 2138.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Referred to the Committee on Banking.

By Mr. BAINE. HOUSE BILL No. 2139.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, or existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

Referred to the Committee on Banking.

By Mr. HETRICK. HOUSE BILL No. 2140.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing in their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities; persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Juniata.

Referred to the Committee on Highways.

By Mr. HETRICK. HOUSE BILL No. 2141.

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, changing the qualifications of county and district superintendents, assistant county and district superintendents, and associate superintendents.

Referred to the Committee on Education.

By Mr. HETRICK. HOUSE BILL No. 2142.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of th emaintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the Counties of Juniata and Huntingdon.

Referred to the Committee on Highways.

By Mr. EROE. HOUSE BILL No. 2143.

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," requiring cities to make certain payments into the police pension fund.

Referred to the Committee on Cities.

By Mr. ANDREWS. HOUSE BILL No. 2144.

An Act to further amend subdivision (p) of article three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by extending the provisions for county employes' retirement systems to counties of the third and fourth class.

Referred to the Committee on Counties.

By Mr. RUTH. HOUSE BILL No. 2145.

An Act to repeal section six of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred three), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor."

Referred to the Committee on Judiciary General.

By Mr. TRONZO. HOUSE BILL No. 2146.

An Act to establish as a State highways a certain section of public road in the County of Luzerne, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. TRONZO. HOUSE BILL No. 2147.

An Act prohibiting schools, colleges and universities receiving public funds from requiring military training.

Referred to the Committee on Education.

By Messrs. FRANK P. HAMILTON and SHUGARTS. HOUSE BILL No. 2148.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations aid corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Clearfield.

Referred to the Committee on Highways.

By Mr. BERNHARD. HOUSE BILL No. 2149.

An Act to establish as a State highway a certain section of public road in the County of Carbon, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. ANDREWS. HOUSE BILL No. 2150.

An Act to amend section one thousand six hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith"; further regulating the daily school hours according to standard time.

Referred to the Committee on Education.

By Mr. HOFFNER. HOUSE BILL No. 2151.

An Act relating to the sale, furnishing, delivery, weighing and importation of unmanufactured horse manure for agricultural purposes, including mushroom growing, floriculture, and other intensive forms of agriculture; establishing standards thereof; providing for inspections and test, and the issuing and effect of certificates, by the Department of Agricultural and by inspectors licensed by it; conferring powers and imposing duties on the Department of Agriculture; prescribing penalties; and requiring the payment of fines and other moneys collected into the State Treasury.

Referred to the Committee on Agriculture.

By Mr. RUTH. HOUSE BILL No. 2152.

An Act to further amend section seven of the act approved the twenty-sixth day of April, one thousand eight hundred fifty-five (Pamphlet Laws, three hundred twenty-eight), entitled "An act relating to Corporations and to Estates held for Corporate, Religious and Charitable uses," by changing the method of holding the title to and controlling real and personal property heretofore bequeathed, devised or conveyed for the use of any church, congregation or religious society.

Referred to the Committee on Judiciary General.

By Mr. HOOPES. HOUSE BILL No. 2153.

An Act relating to unemployment relief; making an appropriation to the State Emergency Relief Board for direct and work relief, and prescribing the powers and duties of the board with reference thereto.

Referred to the Committee on Appropriations.

By Mr. HALUSKA. HOUSE BILL No. 2154.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. HALUSKA. HOUSE BILL No. 2155.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. HALUSKA. HOUSE BILL No. 2156.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 2157.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures ,located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 2158.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. DENT (Concurrent) RESOLUTION No. 122.

In the House of Representatives, April 10, 1935.

Whereas, The painting of white lines on the State highways is a very effective safety measure and is a great aid to motorists in foggy weather and during the night in driving over mountain ranges; therefore be it

Resolved (if the Senate concur), That it is the sense of the General Assembly that white lines should be painted on the center of all State highways over the mountain ranges, and in order to distinguish such lines from those placed on highways as safety measures to warn motorists not to pass vehicles at dangerous spots, that such white lines be broken with blank spaces of approximately ten feet each.

Resolved, That a copy of this resolution be transmitted to the Department of Highways by the Chief Clerk of this House.

Referred to Committee on Highways.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following petitions and communications which were read by the clerk.

### LICENSING OF CHIROPRACTORS

Petitions from citizens of Venango County, urging possage of House Bill No. 494, licensing of chiropractors in Pennsylvania.

Referred to the Committee on Education.

### POOR DIRECTORS

A resolution from the School Board of South Fayette Township, Allegheny County, protesting passage of House Bills 660 and 1519 and Senate Bill No. 204, consolidating poor district of Allegheny County with welfare administration of the City of Pittsburgh.

Referred to the Committee on Counties.

## LEAVES OF ABSENCE

Mr. Furman asked and obtained leave of absence for Mr. SCHWAB.

Mr. Eberharter asked and obtained leave of absence for Mr. SCHWARTZ.

Mr. Shugarts asked and obtained leave of absence for Mr. DECKER.

Mr. Reynolds asked and obtained leave of absence for Mr. CONNER on account of death in the family.

Mr. Tumelty asked and obtained leave of absence for Mr. PIOLE.

Mr. Yourishin asked and obtained leave of absence for Mr. BARBER.

## REPORTS FROM COMMITTEE

Mr. HOMER S. BROWN, from the Committee on Constitutional Amendments reported as committed, House Bill No. 183, entitled:

A Joint Resolution proposing an amendment to section eighteen, article three, of the Constitution of the Commonwealth of Pennsylvania.

Mr. McELROY, from the Committee on Constitutional Amendments reported as committed, House Bill No. 184, entitled:

A Joint Resolution proposing an amendment to section seven, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Mr. NAGEL, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 1521, entitled:

An Act imposing certain requirements on hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare.

Mr. McDERMOTT, from the Committee on Constitutional Amendments reported as committed, House Bill No. 153, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. NOTHNAGLE, from the Committee on Legislative Apportionment, reported as committed, House Bill No. 317, entitled:

An Act providing that where a tract of land has been or shall hereafter be annexed to a city, borough or township, and is a part of an election district therein, it shall be a part of the same State-senatorial, congressional and legislative district as the said election district.

Mr. DIEHL, from the Committee on Constitutional Amendments reported as committed, House Bill No. 1655, (Senate Bill No. 29), entitled:

A Joint Resolution proposing an amendment to article fourteen of the constitution of the Commonwealth of Pennsylvania by adding section eight.

## RESOLUTIONS

### RECALLING HOUSE BILL NO. 88 FROM THE GOVERNOR

Mr. HART offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 11, 1935.

Resolved, (if the Senate concur), That House Bill No. 88, Printer's No. 318, entitled "An act providing for the organization and equipment of two colored battalions of infantry, and making an appropriation therefor," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

### ANNIVERSARY OF BIRTH OF THOMAS JEFFERSON

Mr. McDERMOTT offered the folowing resolution which was twice read, considered and adopted:

In the House of Representatives, April 11, 1935.

Saturday of this week will mark the one hundred and ninety-second anniversary of the birth, in the colony of Virginia, of Thomas Jefferson.

By blood and training a patrician, the one-time owner of nearly 10.000 acres of Virginia plantation land, he nevertheless, of all the galaxy of great men who collaberated in the founding of our nation, most clearly visioned and upheld the principles of true democracy.

During his service of more than nine years in the Virginian house of burgesses, his two terms as war governor of that embattled state, his service in the Continental Congress, his service as draftsman of the Declaration of Independence, his service as Secretary of State, Vice-President, and finally twice President of a new nation, he stoutly maintained those advanced principles, by many thought to be radical, until they were firmly embedded in our system of government; therefore, be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, by the adoption of this resolution, desire to call to the attention of themselves and the general public the qualities of the man, who, in times of great stress, was not afraid to go forward with new policies and new ideas, regardless of over-conservative opposition, who made honesty and knowledge his only tests in his associations with his fellowman, who knew absolutely no social distinctions in his willingness to perform services for the deserving, who, being born to affluence, was not afraid to risk the sacrifice of that preferred position for the good of the many; and, be it further

Resolved, That the members of this body feel that a study of the life and practices of Thomas Jefferson will be of inestimable benefit to those in public life today.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1340, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto," empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned.

And said bill have been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 473, entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred and forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of degrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

And said bill having been read at length the rst time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1615 entitled

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred and fifty-three) entitled "An act relating to taxation designating the subjects properly and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of these municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1814 entitled

An Act to amend section one thousand and six of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred and nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended dispensing with the advertising of ordinances establishing the grades of streets highways and alleys

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1787 entitled

An Act to amend section one thousand five hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by transferring from the State Treasurer to the State Workmen's Insurance Board the power and duty of drawing checks on the State Workmen's Insurance Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2023 entitled

An Act to amend and act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining and limiting their powers and regulating their incorporaton and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and it officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damages resulting from such construction alteration relocation or obolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested

the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges the railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the proviso of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended by designating as public service companies persons partnerships associations and corporations engaged in selling liquid fuels and lubricating oils and also those engaged in leasing franchises rights powers immunities privileges or facilities to other public servce companes and empowering the Public Service Commission to regulate the same and by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies or affiliated interests involving loans of money to such public service companies and of contracts for the acquisition and construction of certain facilities and permanent improvements

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 247, entitled:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1476, entitled:

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 950, entitled:

An Act witholding increases in rates by electric light gas telephone and water companies until after thirty days' notice thereof has been given to their customers and the same have been approvd by the Public Service Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1623, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding a new section providing for the payment over by county officers to the county treasurer of certain unclaimed moneys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1897, entitled:

An Act to amend paragraph (b) of section eleven of article three of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the pro-

visions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies or affiliated interests involving loans of money to such public service companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1426, entitled:

An Act to amend section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing taxation upon either real property or occupations or both.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1865, entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the erection of the Pennsylvania Soldiers' Orphans Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphans Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers' Orphans Industrial School and the said Soldiers' Orphans School" extending the time for the discharge of children from said school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 898, entitled:

An Act requiring all persons associations copartnerships and corporations conducting any business to have displayed at such business place the names of the owners or the names which the owners are lawfully entitled to use.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 67, entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred and thirty) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1806, entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An Act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

And said bill having been read at length the first time, Ordered To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1885, entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1749, entitled:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1944, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1566, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-nine) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1565, entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" by requiring records of poor districts to be open to inspection.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 893, entitled:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities boroughs towns and townships who are injured in or taken sick as a result of the performance of their duty and providing that absence during such injury or sickness shal not reduce any usual sick leave period

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1005, entitled:

An Act requiring tax collectors to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1613, entitled:

An Act to further amend clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing legislative journal reporters to become members of said retirement system and opening the system further for original members

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1837, entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreably to order,

The House proceeded to the first reading and consideration of House Bill No. 1522, entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same mammer as tax claims without the necessity of proceeding to judgment

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1916 (Senate Bill No. 141), entitled:

An Act authorizing the statement of certain tax penalties and interest on county city except city of the first class borough town township school district except school district of the first class and poor district taxes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 914, as follows:

An Act to supplement an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by providing for release on parole on recommendation of the board of inspectors of any county prison house of correction or workhouse and for the conditions and limitations thereon and authorizing the appointment of parole officers by boards of prison inspectors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly and it is hereby enacted by the authority of the same That if it shall appear to the Board of Inspectors of any county prison or House of Correction or Workhouse in which a convict is imprisoned upon an application by a convict for release on parole that there is a reasonable probability that such applicant will live and remain at liberty without violating the law then said Board shall recommend to the sentencing Judge that such convict be released on parole subject to rules and regulations as may be prescribed by the Board of Prison Inspectors of the County concerned until the expiration of the maximum limit of the sentence imposed on such convict and shall send to the sentencing Judge a report of such convict which report shall contain the following namely The full name of the convict together with any alias which such convict may be known to have and the name of the County where such conviction was had the name of the Judge who sentenced the convict with the sentence and the date thereof the date of reception of the convict a recommendation as to commutation together with the date for release from the County Prison or House of Correction or Workhouse if allowed

Section 2 If any convict released on parole as provided for in this act shall during the period of parole be convicted of any crime punishable by imprisonment under the Laws of this Commonwealth such convict shall in addition to the penalty imposed for crime committed during the said period and after expiration of same be compelled by detainer and remand as for an escape to serve in the County Prison or House of Correction or Workhouse to which said convict had been originally committed the remainder of the term (without commutation) which such convict would have been compelled to serve but for the commutation authorizing said parole and if not in conflict with the terms and conditions of the same as granted by the Board of Prison Inspectors

Section 3 In any case where a Board of Prison Inspectors does not recommend the release on parole of a convict at the termination of the minimum term for which such convict may have been sentenced such Board shall report in writing to the sentencing Judge its reasons in detail for not having made such recommendation

Section 4 The Board of Prison Inspectors shall appoint one or more officers to be known as parole officers for its County Prisons and House of Correction and Workhouse who shall carefully look after the welfare of all persons who have been paroled from said County Prison or House of Correction or Workhouse and report to the said Board of Prison Inspectors upon the conduct of such persons at such time and in such manner as may be required by the said Board Provided that no convict shall ever be under the charge management or supervision of a parole officer of the opposite sex The salaries of the said parole officers together with the expenses actually incurred by them in the discharge of their duties shall be paid out of the appropriations of the said County Prison House of Correction or Workhouse with which they are connected

Section 5 Whenever it shall appear to the Board of Prison Inspectors that a person who has been sentenced under this act and released on parole by commutation containing a condition that the convict shall be subject to this act has violated the terms of his or her parole they may issue their mandate reciting the date of commutation for the arrest and recommitment of such convict for breach of parole to the County Prison or House of Correction or Workhouse of original commitment and upon being so returned for said breach of parole said convict shall be imprisoned in said County Prison or House of Correction or Workhouse for a period equal to the unexpired maximum term of such prisoner as originally sentenced unless sooner released on parole

Section 6 Nothing in this act shall apply to dependent neglected incorrigible or delinquent children

Section 7 Authority is hereby conferred upon the Board of Judges to establish all the rules and regulations necessary to carry this act into effect Provided That no rule or regulation shall be established or adopted relating to the discharge of a convict on parole who has just served the minimum sentence for his or her first offense that will compel or necessitate him or her filing any bond for the fulfillment of the requirements of his discharge upon parole other than his or her own recognizance Provided That nothing herein contained shall be construed to derogate from the power of the Judge of the Courts of Quarter Sessions and the Courts of Oyer and Terminer or other Courts of Record having jurisdiction of the several judical districts of the Commonwealth after due inquiry to release on parole any convict confined in the County Jail House of Correction or Workhouse of their respective districts as provided in section one of an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-nine) entitled "An act extending the powers of Judges of the Courts of Quarter Sessions and of Oyer and Terminer in relation to releasing prisoners in jails and workhouse on parole" its amendments and supplements

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 976, entitled:

An Act To amend article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" making provisions for declaring vacant the office of councilman for refusal or neglect to qualify attend meetings or to act in his official capacity

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto after section nine hundred and three the following new sections to read as follows

Section 904 RIGHT OF COUNCIL TO DECLARE SEAT OF COUNCILMAN VACANT FOR FAILURE TO QUALIFY If any person elected or appointed as member of council who has been notified of his election or appointment shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of his term of office the remaining members of the

borough council may declare his office as member of council vacant

Section 905 RIGHT OF COUNCIL TO DECLARE SEAT OF COUNCILMAN VACANT FOR FAILURE TO ATTEND MEETINGS If any person having qualified as members of council shall neglect or refuse to attend wto successive regular meetings unless detained by sickness or prevented by necessary absence from the borough or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council the remaining members of the bor-council may declare his office as member of council vacant

On the question,

Will the House agree to the section?

Mr. WEIDEMANN. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 7, by adding after the word "office" the following: "unless prevented by sickness"

Amend sec. 1, page 2, line 17, by striking out the word "bor-council", and inserting in lieu thereof the words: "borough council"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title section was read as follows:

An Act to amend article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" making provision for declaring vacant the office of councilman for refusal or neglect to qualify attend meetings or to act in his official capacity

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1130, as follows:

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any appeal shall be cognizable by and taken to the Supreme Court all other appeals involving the same questions thereafter taken by any persons whatsoever from the same judgment order or decree or from a judgment order or decree entered in the same case or in a case which was consolidated with it for purposes of trial or argument shall also be taken to the Supreme Court

Section 2 Whenever any appeal shall be taken to the Superior Court and thereafter but before such appeal has been argued in that court another appeal involving the same questions and cognizable by the Supreme Court is taken by any person whatsoever to the Supreme Court from the same judgment order or decree or from a judgment order or decree entered in the same case or in a case which was consolidated with it for purposes of trial or argument the Superior Court may certify such appeal to the Supreme Court for hearing and disposition

Section 3 The act approved the thirteenth day of June one thousand nine hundred and eleven (Pamphlet Laws eight hundred eighty-nine) entitled "An act to direct appeals to the Supreme Court from any decree of distribution wherein the fund for distribution whenever any appeal from such decree involving the same question shall be cognizable by and taken to the same court" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having bean read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1459 as follows:

An Act to further amend sections one and two and to add sections two A two B two C two D to the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred) entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" providing standards for fresh eggs and prohibiting illegal sales and misbranding

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred) entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" which were amended by the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-one) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person firm or corporate body by himself herself or themselves or by his her or their agents or servants to sell expose for sale advertise for sale or have in his her or their possession with intent to sell any eggs as "fresh eggs" "strictly fresh eggs" "hennery eggs" "new laid eggs" or other words or descriptions of similar import that are not fresh eggs

No egg shall be deemed to be fresh which does not meet [the standards of quality] or is not above the minimum requirements of fresh eggs as shall be established by the Department of Agriculture

Section 2 Eggs shall be deemed to be misbranded under this act if they are in any way branded labeled marked stamped as being fresh eggs "new laid eggs" "hennery eggs" "strictly fresh eggs" or by a similar term when they are in fact not fresh eggs and do not conform to or are not above the minimum requirements provided by this act The misbranding of eggs shall be deemed a violation of this act

Section 2 That said act is hereby amended by adding thereto the following new sections

Section 2A The minimum requirements for fresh eggs is as follows

a The air cell must be not more than two-eights of an inch in depth localized regular

b The yolk may be visible but not plainly visible or mobile

c The white must be firm and clear

d The germ must not show any visible development

Section 2B In the case of wholesale lots a tolerance of ten per centum net shall be allowed in shell eggs fixed by this act if eight per centum of the eggs within the tolerance have an air cell three-eighths of an inch or less in depth and in which is permitted slightly visible germ development plainly visible mobile yolk and slightly watery whites The remaining two per centum may include all other defects In the case of retail sales at least ten eggs in each dozen shall conform to the minimum requirements for fresh eggs and not more than two eggs in each dozen shall fall within the tolerance as above provided in the case of wholesale lots

Section 2C In all cases the final determination of the correct quality of shell eggs shall be made by candling or by other approved methods prescribed by the Secretary of Agriculture

Section 2D Shell eggs which fail to meet or are not above minimum requirements provided for by this act shall be sold simply as eggs except if the shells have been treated with oil or in any other manner then the package or container shall be clearly and conspiciously marked in a legible manner "shell treated" or "shell protected" if sold as fresh eggs even if conforming to the requirements provided for in this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 754, as follows:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two clauses (a) and (b) of section one thousand eight hundred and three and section one thousand eight hundred and six as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Forests and Waters to acquire lands by purchase gift condemnation and lease for State forest park and recreational purposes and to maintain develop and re-lease such lands

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (a) and (c) of section one thousand eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended to read as follows

(a) With the approval of the State Forest Commission to acquire in the name of the Commonwealth by purchase gift lease or condemnation and hold as State forests subject to the conditions of any such lease and subject to such reservations if any of mineral rights stumpage rights rights of way or other encumbrances as the department and the State Forest Commission deem to be consistent with such holding any lands which in the judgment of the department the Commonwealth should hold manage control protect maintain utilize and regulate as State forests Provided That the purchase price of any such lands shall not exceed ten dollars per acre and that the amount expended for the acquisition of lands for State forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period

(c) To hold manage control protect maintain utilize develop and regulate the occupancy and use of all lands heretofore or hereafter acquired owned leased and maintained as State forests together with the resources thereof

Section 2 That clauses (a) and (b) of section one thousand eight hundred and three of said act are hereby amended to read as follows

(a) To lease for a period not exceeding ten years on such terms and conditions as it may consider reasonable to any citizen church organization or school board of Pennsylvania such portion of any State forest whether owned or leased by the Commonwealth as the department may deem suitable as a site for a temporary building to be used by such citizen church organization or school board for health and recreation or as a site for a church or school purposes

(b) To lease for not more than ten years small areas in State forests whether owned or leased by the Commonwealth deemed by it to be better suited for the growing of other crops than for the growing of forest trees If more than one person shall apply for the same tract the lease shall be advertised for sale in three local county papers if there be so many once a week for three weeks and may then be awarded to the highest responsible bidder but the department may nevertheless reject any or all bids Upon the termination of any such lease the lessee may remove buildings and fences placed thereon at his own expense or the same may be purchased by the lessor as a part of the permanent improvement of the tract upon such terms as may be agreed upon by the department and the lessee

Section 3 That section one thousand eight hundred and six of said act as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred fifty) is hereby further amended to read as follows

Section 1806 Parks The Department of Forests and Waters shall have the power and its duty shall be

(a) To supervise maintain improve regulate police and preserve all parks belonging to the Commonwealth except the Pennsylvania State Park at Erie Washington Crossing Park Valley Forge Park and Fort Washington Park

(b) For the purpose of promoting healthful outdoor recreation and education and making available for such use natural areas of unusual scenic beauty especially such as provide impressive views water falls gorges creeks

caves or other unique and interesting features to acquire in the name of the Commonwealth by purchase [or] gift lease or condemnation any lands which in the judgment of the department should be held controlled protected maintained and utilized as State park lands Such lands may be purchased or accepted subject to the conditions of any such lease and subject to such reservations if any of mineral rights rights of way or other encumbrances as the department may deem not inconsistent with such holdings Provided however That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes nor shall the purchase cost exceed fifty dollars per acre

(c) To establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of State parks as it may deem necessary to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which State parks are created

(d) To see that conveniences and facilities for the transportation shelter comfort and education of people shall be so designed and constructed as to retain so far as may be the naturalistic appearance of State park areas surroundings and approaches and conceal the hand of man as ordinarly visible in urban industrial and commercial activities

(e) To lease for a period not to exceed ten years on such terms as may be considered reasonable to any citizen or organization of this Commonwealth a portion of any State park whether owned or leased by the Commonwealth as may be suitable as a site for temporary buildings to be used for health recreational or educational purposes or for parking areas or concessions for the convenience and comfort of the public

(f) To study counsel and advise in reference to gifts of lands or money for park purposes

(g) To counsel and advise in reference to the development of park lands by concessionaires with facilities and equipment for the accommodation and education of the public

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1188, entitled:

An Act To amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended requiring that bond be filed by political bodies filing nomination papers

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as last amended by the act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-five) is hereby further amended to read as follows

Section 3 Nominations of candidates for any public office may also be made by nomination papers signed by qualified electors for the State or of the electoral district or division thereof for which the State or of the electorial district or division thereof for which the nomination is made and filed in the proper office as provided in section five of this Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth and no other form than the ones so prescribed shall be used for such purposes Where the nomination is for any office to be filled by the voters of the State at large the number of qualified electors of the State signing such nomination paper shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for In the case of all other nominations the number of qualified electors of the electoral district or division signing such nomination paper shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made Each elector signing a nomination paper shall add to his signature his place of residence and occupation and no person may subscribe to more than one nomination for each office to be filled The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof which affidavit shall accompany the nomination paper and with such nomination papers shall also be filed a good and sufficient bond in the amount of two thousand five hundred dollars ($2,500) conditioned upon such political body polling at least two per centum of the entire vote cast for such office or offices for which such political body shall have filed nomination papers and in the event of said political body failing to poll the above required percentage of votes then that said bond shall be forfeited to the Commonwealth Provided That if five of the electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy subject to the limitations of this act regarding the selection of names that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body And provided further That if five electors composing any political body as hereinbefore provided shall file an affidavit as aforesaid setting forth that they have adopted a certain political name or appellation to designate their policy for the purpose of making nominations for ward officers or officers to be elected in any ward such affidavit shall give to such body of electors the exclusive right to use the said name or appelation for the nomination of any candidates for any precinct or other subdivision of such ward for the election for which such nominations are made

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 7, by striking out the word "for" and inserting in lieu thereof: "of."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-

three (Pamphlet Laws four hundred ninteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' 'as amended requiring that bond be filed by political bodies filing nomination papers.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1140, as follows:

An Act to further amend section three hundred five of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by increasing the requirements to be met by employers desiring to be self-insurers and providing for better enforcement of the provisions of the act by conferring additional powers upon the Department of Labor and Industry and by prescribing and changing certain presumptions rules of evidence and penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section three hundred five of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by the act approved the twenty-sixth day of April one thousand nine hundred twenty-nine (Pamphlet Laws eight hundred twenty-nine) is hereby further amended to read as follows

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the [Bureau] department from such insurance An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the [Bureau] department showing his financial ability to pay such compensation whereupon the [Bureau] department if satisfied of the applicant's financial ability shall [by written order make] upon the payment of a fee of one hundred dollars ($100) issue to the applicant a permit authorizing such exemption Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period. Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of one hundred dollars ($100) The [Bureau] department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appear] is no longer able to pay compensation or has failed to pay compensation claims promptly as provided in this act or has occasioned unnecessary delay in the hearing or trial of the compensation claims of his employers or has by his failure to obey the provisions of this act or the rules or regulations of the department materially hindered the proper administration of this act the department shall revoke its [order] permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in a mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicuous place in and about his place of business a notice whether or not he has elected to be bound by this act Such notice shall be upon a form prescribed and furnished by the department and among other things shall if the employer has elected to be bound by this act set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If an employer liable under this act to pay compensation shall fail to secure the payment of compensation for his employes and their dependents as provided in this section the injured employe or his legal representative in case death results from the injury may at his option elect to claim compensation under this act or to maintain an action in the courts for damages on account of such injury In such action it shall not be necessary to plead or prove freedom from contributory negligence nor may the defendant plead as a defense that the injury was caused by the negligence of a fellow employe nor that the employe assumed the risk of his employment nor that the injury was due to the contributory negligence of the employe

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining a notice showing whether or not he has elected to be bound by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five ($25) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any application filed under this section shall furnish the department with a false or fraudulent statement such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure or false or fraudulent statement [shall] be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than [five] three hundred dollars [($500)] ($300) and costs of prosecution and upon failure to pay such fine and costs shall be sentenced to undergo [or] imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation shall constitute a separate offense. It shall be the duty of the [Bureau] department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute proceedings for violations thereof

The term "employer" as used in any clause of this section prescribing and imposing a fine or imprisonment or both as applied to associations shall mean the partners or members or local managers thereof and as applied to corporations the officers or local managers thereof

All fees and fines collected received or recovered under the provisions of this section shall be paid [by the clerk of the court] to the [bureau] department and by it paid into the State Treasury through the Department of Revenue

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining under this section shall be prima facie evidence of the facts therein stated

The department by appropriate proceedings also shall have the power to enjoin any employer from transacting business unless and until such employer shall have complied with this section

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section 2 This act shall become effective upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in ommittee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1724, entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial julges to require psychiatrists employed by the Department of Welfare or county or State hospitals to examine certain such defendants without additional compensaion except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same o be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" is hereby amended to read as follows:

Section 3 If the report of the examination by the psychiarist shows that the defendant though not insane is so mentally ill or mentally deficient as to make it advisable for the welfare of the defendant or the protection of the community that he or she be committed to some institution other than he couny prison workhouse or a penitentiary the trial judge shall have power by virtue of this act to commit such defendant to any State or county institution provided for the reception care treatment and maintenance of such cases or similar mental cases in lieu of a sentence to a county prison workhouse or penitentiary where required by a relevant act of Assembly or by law and to direct the detaining of the defendant in such institution until further order of the court The trial judge at the time of such commitment make an order upon the defendant or such person or persons responsible for the support of the defendant or upon the county or the Commonwealth as may be proper in such case for the cost of admission care and discharge of such defendant.

From any order of commitment heretofore or hereafter made by the court to any State or county institution provided for the reception care treatment and maintenance of mental patients an appeal shall lie in the same manner and with like effect as if sentence to a prison workhouse or penitentiary had been imposed in the case. Such appeal may be taken by either the defendant or the attorney for the defendant.

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment:

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 16, by striking out the word "psychiarist" and inserting in lieu thereof: "psychiatrist".

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended.

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment.

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiarists employed by the Department of Welfare or county or without additional compensation except expenses pay-State mental hospitals to examine certain such defendants able by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1747 as follows:

An Act making the insurer of defendant in an action in torts involving the operation of a motor vehicle a party defendant with the defendant and providing for the effect of such joinder

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any action for damages caused by the alleged negligent operation management or control of a motor vehicle any insurer of motor vehicles which has an interest in the outcome of such controversy or which by its policy of insurance assumes or reserves the right to control the prosecution defense or settlement of the claim or action of the plaintiff or any of the parties to such claim or action or which by its policy agrees to prosecute or defend the action brought by the plaintiff or any of the parties of such action or agrees to engage counsel to prosecute or defend said action or agrees to pay the costs of such litigation is by this section made a proper party defendant in any action brought by plaintiff on account of any claim against the insured

Section 2 When any insurer shall be made a party defendant pursuant to this section and it shall appear at any time before or during the trial that there is or may be a cross issue between the insurer and the insured or any issue between any other party and the insurer involving the question whether the insurer would be liable if the judgment should be rendered against the insured the court may upon motion of any defendant in any such action cause the person who may be liable upon such cross issue to be made a party defendant to said action and all the issues involved in said controversy determined in the trial of said action Nothing herein contained shall be construed as prohibiting the trial court from

directing and conducting first a trial as to whether or not the insured is liable to the plaintiff or other party and directing a separate trial on the issues involving the question whether under its policy the insurer is liable for the payment in whole or in part of any judgment against or the amount of such liability

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1155, as follows:

An Act imposing upon employers subject to the Workmen's Compensation Law or their workmen's compensation insurance carriers including the State Workmen's Insurance Fund expenses and costs incurred by the Commonwealth in administering and enforcing certain laws for the benefit of those injured in industry and for the benefit of the dependents of those killed in industry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all of the expenses and costs of the Department of Labor and Industry the Workmen's Compensation Board and the various workmen's compensation referees of this Commonwealth incurred in connection with the administration and enforcement of the Workmen's Compensation Act of one thousand nine hundred and fifteen approved the third day of June one thousand nine hundred fifteen (P. L. 777) and the act approved the eighteenth day of July one thousand nine hundred nineteen (P. L. 1045) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accomodations and making an appropriation" and paid out of the General Fund of the State Treasury shall be charged to and paid by all employers subject to the provisions of the aforesaid Workmen's Compensation Act of one thousand nine hundred and fifteen or if they are insured by their workmen's compensation insurance carriers including the State Workmen's Insurance Fund in such equitable amounts at such times and in such manner as the Department of Labor and Industry shall by general rule or regulation prescribe

The Department of Labor and Industry shall give written notice to each employer or his insurance carrier as the case may be of any amount lawfully charged against him under the provisions of this act Each employer or his insurance carrier shall pay the amount of each assessment to the department within thirty days after such notice If payment is not made by such employer or his insurance carrier within such thirty-day period the Department of Labor and Industry through the Department of Justice may institute an appropriate action at law for the amount lawfully assessed against such employer or insurance carrier together with any additional costs incurred by either department by virtue of such failure to pay

The moneys in the State Workmen's Insurance Fund are hereby specifically appropriated for the purpose of paying assessments charged to it under this act

All assessments and costs received collected or recovered under this act shall be paid by the Department of Labor and Industry into the General Fund of the State Treasury through the Department of Revenue

Section 2 This act shall become effective upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1748, as follows:

An Act To limit the personal liability of owners of real estate for taxes thereon

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the personal liability of any person for taxes on real estate shall extend to such taxes only as were imposed on such real estate during the time such person was the recorded owner thereof and where titled to real estate changes such personal liability for the taxes imposed during the taxing year of a political subdivision when such change of ownership occurred shall be apportioned among the several recorded owners according to the time during such year each recorded owner held title to such real estate as shown by the records in the office of the recorder of deeds

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 479 as follows:

An Act providing for the imposition collection and lien of charges for sand gravel and coal taken removed or dredged from the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth title to which is in the Commonwealth requiring persons associations copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" means a partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Board" means the Water and Power Resources Board of this Commonwealth

"Department" means the Department of Revenue of this Commonwealth

"Material" means sand gravel or coal

"Permittee" is a person as hereinafter defined holding a stream deposit permit under this act

"Person" means a natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 STREAM DEPOSIT PERMITS PENALTY On and after the effective date of this act it shall be unlawful for any person to take remove or dredge or cause to take remove or dredge or cause to be taken removed or dredged any material from the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth except those as to which title is not in the Commonwealth

unless and until such person shall have first secured and have in his possession a stream deposit permit issued by the Board specifying

(a) The material authorized to be taken removed or dredged

(b) The stream lake or other body of water from which such material may be taken removed or dredged

(c) The location of the place or places in or along such stream lake or other body of water where such material may be taken removed or dredged

(d) The duration of the permit

(e) The charge for the material to be taken removed or dredged under such permit and

(f) Such other conditions and stipulations as the Board may require

Permits once issued shall be effective until their date of termination unless revoked by the Board or surrendered by the permittee The Board shall have full power to revoke the permit of any permittee who shall fail to comply fully with the provisions of this act or the provisions conditions and stipuations contained in a stream deposit permit.

Any person who continues or hereafter begins to take remove or dredge material from the beds of streams lakes and other bodies of water without securing and having in his possession a stream deposit permit and without filing with the Department the bond required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two thousand dollars ($2,000) or undergo imprisonment for not more than two years or both in the discretion of the court

Section 3 BOND Every person before receiving a stream deposit permit authorizing him to engage in the taking removing and dredging of any material from the beds of streams lakes and other bodies of water except those as to which title is not in the Commonwealth shall file with the Department an acceptable bond payable to the Commonwealth of Pennsylvania in such amount as shall be fixed by the Department Every such bond shall have as surety a duly authorized surety company to be approved by the Department and shall be conditioned that the principal in the bond will faithfully comply with the provisions of this act and pay the charges penalties and interest imposed by or under the provisions of this act The Department may require any permittee to furnish such additional acceptable surety bond as shall be deemed necessary to secure at all times the payment by the permittee to the Commonwealth of all charges penalties and interest due under the provisions of this act The Department shall permit any permittee to substitute a new bond for the one then on file if such new bond is acceptable to the Department For the purpose of determining whether an existing bond or bonds are sufficient the Department may at any time by written notice require any permittee to furnish a financial statement in such form as it may prescribe Upon failure of any permittee to furnish a financial statement within thirty days of such written notice the Department may request the Board to forthwith suspend or revoke the permit or permits issued to him and shall collect all charges penalties and interest due by him

Any surety on a bond furnished by a permittee as provided herein shall be released and discharged from any and all liability to the Commonwealth accuring on such bond after the expiration of sixty days from the date upon which such surety shall have lodged with the Department a written request to be released and discharged but this provision shall not operate to relieve release or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period The Department shall promptly upon receiving any such request notify the permittee who furnished the bond and unless the permittee shall on or before the expiration of the sixty-day period file with the Department a new bond with corporate surety approved by and acceptable to the Department the Department shall request the Board to forthwith cancel the permittee's permit or permits Whenever a new bond shall be furnished by a permitee as aforesaid the Department shall cancel and surrender the old bond of the permittee as soon as it and the Department of Justice shall be satisfied that all liability under the old bond has been fully discharged

Section 4 CHARGES FOR MATERIALS PAYMENT Any person taking removing or dredging or causing the taking removing or dredging of any material from the beds of streams lakes and other bodies of water accept those as to which title is not in the Commonwealth shall be charged for such material at a rate per ton or fractional part thereof to be fixed by the Board which in any case shall not be less than five cents ($.05) nor more than ten cents ($.10) per ton or fractional part thereof of All charges hereunder shall be due and payable to the Commonwealth at quarterly intervals on the first day of January April July and October for the three months immediately preceding and payment shall be made to the Department within one month of the date when the charges become due

Section 5 REPORT AND PAYMENT OF CHARGES INTEREST AND PENALTY For the purpose of ascertaining the amount payable under this act it shall be the duty of every permittee within thirty days after any charge becomes due and payable to transmit to the Deparment upon a form prescribed prepared and furnished by the Department a report under oath or affirmation of the amount of material taken removed or dredged by him during the preceding quarter under permits issued pursuant to this act Such report shall also show such further information as the Department shall prescribe. A permittee having more than one place of business within this Commonwealth shall combine in each report the total quantity taken at each such separate place of business

Every permittee at the time of making any such report shall compute and pay to the Department the amount due the Commonwealth for the material taken removed or dredged by him during the preceding quarter less a two per centum discount if the report is filed and said amount pair on time The amount of all charges imposed under the provisions of this act which shall remain unpaid for more than thirty days after the time the charges become due and payable shall bear interest at the rate of one per centum per month or fractional part of a month until the charges have been paid

If any permittee shall neglect or refuse to make any report and payment of any charge as herein required an additional ten per centum of the amount of the charge shall be added by the Department and collected as hereinafter provided and in addition thereto the stream deposit permit of such person may upon request of the Department be suspended or revoked by the Board

Section 6 DETERMINATION AND REDETERMINATION OF CHARGES PENALTIES AND INTEREST DUE (s) If the Department is not satisfied with the report and payment of any charge made by the permittee under the provisions of this act it is hereby authorized and empowered to make a determination of the charge due by such permittee based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the Department shall send by registered mail a copy thereof to such permittee Within thirty days after the date of any such determination such permittee may file with the Department a petition for redetermination of such charge Every petition for redetermination shall state specifically the reasons which the permittee believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the Department within sixty days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the Department

(c) Within thirty days after notice by the Department of the action taken on any petition for redetermination filed with it the permittee against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed here under shall state specifically the reason upon which the petition relied and shall be

in such form as the Board of Finance and Revenue shall prescribe. The petition shall be supported by affidavit that it is not made for the purpose to delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within sixty days after they have been received and in the event of the failure of said Board to dispose of any such petition within sixty days the action taken by the Department upon the petition for redetermination shall be deemed sustained. The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the charge due upon such basis as it shall deem proper according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the Department and to the petitioner

(d) The Department or any person aggrieved by the decision of the Board of Finance and Revenue or by the Boards failure to act upon his petition for review within sixty days may within thirty days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any permittee shall neglect or refuse to make any report and payment of any charge required by this act the Department shall estimate the charge due by such permittee and determine the amount due by him including penalties and interest thereon as prescribed herein from which determination there shall be no right of review or appeal Upon any such neglect or refusal the stream deposit permit or permits issued by the Board may upon request from the Department be suspended or revoked by the Board and required to be surrendered to said Board

Section 7 EXAMINATION OF RECORDS AND EQUIPMENT The Department or any agent appointed in writing by it is hereby authorized to examine the books papers records and any equipment of the permittee pertaining to the business permitted by this act to verify the accuracy of any report or paper made under the provisions of this act or to ascertain whether or not any charge imposed under the provisions of this act has been paid but any information gained by the Department as the result of the reports investigations or verifications herein required to be made shall be confidential and any persons divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment of not more than one year or both in the discretion of the court

Section 8 RETENTION OF RECORDS BY PERMITTEES PENALTY Each permittee shall maintain and keep for a period of two years such record or records of the business made permissible by this act with invoices bills of lading and other pertinent papers as may be required by the Department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 9 LIEN OF CHARGES PENALTIES AND INTEREST (a) All charges herein imposed and unpaid penalties and interest due by any person shall be a lien upon the franchises and property both real and personal of such person from the date said charges are due and payable as provided in this act and shall have priority over any subsequent lien or encumberance whatsoever except the lien of State taxes having priority by law and except also that such charges penalties and interest shall have priority over a mortgage only if the statements thereof are filed of record as provided in clause (b) hereof prior to the recording of the mortgage

(b) Statements of all charges herein imposed due and unpaid with penalties and interest thereon certified by the Secretary of Revenue or his representative may at any time be transmitted to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

(c) No sheriff receiver trustee assignee master or other officer shall sell the property or franchises of any person who is a permittee as herein defined without first filing with the Department a statement containing the following information

(1) The name or names of the plaintiff or party at whose instance or upon whose account the sale is made

(2) The name of the person whose property or franchise is to be sold

(3) The time and place of sale

(4) The nature of the property and the location of the same

(d) It shall be the duty of the Department after receiving notice as aforesaid to furnish to the sheriff receiver trustee assignee master or other officer having charge of the sale a certified copy or copies of all charges penalties and interest on file in the Department as liens against such person and in the case of no such liens a certificate showing that fact which certified copy or copies or certificate shall be publicly read by such officer at and immediately before the sale of the property or franchise of such person

(e) It shall be the duty of the Department to furnish to any person applying therefor upon payment of the fee prescribed by the Department a certificate showing the amount of all liens for charges penalties and interest that may be of record in the Department against any person under the provisions of this act

Section 10 COLLECTION OF UNPAID CHARGES PENALTIES AND INTEREST Whenever any charges penalties and interest imposed by this act are not paid within thirty days after the date of their determination if no petition for redetermination has been filed or from the date of redetermination if no petition for review has been filed within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the Board's time for acting upon such petition if no appeal has been made and in all cases of judicial sales assignments or bankruptcies the Department shall call upon the Department of Justice to collect the same

On all claims for charges penalties and interest hereunder which are collected after the institution of suit by the Department of Justice or any attorney employed by it there shall be paid by and recovered from the person for the use of the Commonwealth an Attorney General's commission of five per centum upon the amount of recovery not exceeding ten thousand dollars ($10,000) and three per centum upon the amount of the recovery in excess of ten thousand dollars ($10,000) and the payment of the Attorney General's commission shall not affect liability for any penalty or interest payable under this act The amount of the Attorney General's commission shall in all cases be added to the amount of the claim against the person and shall be a lien against his property in like manner as he amoun of the claim

Section 11 DISPOSITION OF CHARGES AND OTHER MONEYS All charges fees interest penalties commissions and any other moneys received collected or recovered under this act shall be paid by or through the Department into the State Treasury and credited to the [General] Fund

Section 12 REFUNDS The Board of Finance and Revenue may refund to persons charges penalties and interest paid by them as the result of an error of law or of fact or of both law and fact Claims for refund shall be made under the procedure prescribed by the Fiscal Code

All refunds of moneys allowed hereunder shall be paid out of appropriations made for such purposes from the General Fund

Section 13 EFFECTIVE DATE This act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1894, entitled:

An Act to amend section thirteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended providing that at primary elections in boroughs towns or townships any elector not enrolled as a member of a political party or whose name is not on the assessors registry list may vote by proving his right thereto in the same manner as at general elections and making affidavit as to his party membership

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as last amended by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 635) is hereby further amended to read as follows

Section 13 No official ballots shall be taken or detached from its stub in any book of ballots except by an election officer when a person desiring to vote has been found to be a qualified elector entitled to vote as hereinafter stated and not more than one ballot shall be removed at any one one time or given to any voter except when a voter inadvertently spoils a ballot and immediately returns it to the election officers for cancellation in which case he may be given another Any person removing any ballot from any book of official ballots except in the manner aforesaid shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment for not more than one year or both at the discretion of the court for each offense

Qualifications of electors entitled to vote at a primary shall be the same as the qualifications of the electors entitled to vote at elections [with] within the election district where the primary is held [except that with respect to the payment of taxes it shall be sufficient if an elector shall have paid within two years before the next succeeding election a State or county tax which shall have been assessed at least two months before the said election and paid on or before the day of the primary and in cases where personal registration is required on or before the registration day on which the elector registers] Provided however That no elector who is not registered and enrolled as a member of a designated political party in accordance with the law requiring such registration and enrollment now or hereafter in force shall be permitted to vote the ballot of such party or any other party ballot at any primary except in the following cases [where an] (a) Any elector of a borough town or township who is twenty-one years of age and under twenty-two whose name does not appear on the registry of voters and who has all the other qualifications to vote [except as to the payment of taxes In such cases the elector] may declare his party preference and prove his right to vote in the same manner as he would be called upon to do at a general election (b) Any elector of a borough town or township whose name does not appear on the registry of voters may prove his right to vote in the same manner as he would be called upon to do at a general election and his party membership in the same manner as herein provided for persons challenged regarding their party membership (c) any elector of a borough town or township whose name is on the registry of voters but not enrolled as a member of any particular party may declare his party and prove his membership therein in the same manner as herein provided for persons challenged regarding their party membership Whereupon [he] in each of such cases the elector shall be entitled to vote the ballot of such party Each elector may be challenged and if challenged shall prove the aforesaid qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are or hereafter may be required by law to prove their qualifications or identity on election day except that in cases as in cities of the first second and third classes where personal registration is required all challenges respecting party membership must be made at the time of such registration and in such cases the designation of the political party of the elector on the register shall be conclusive evidence of such membership at the succeeding primary or primaries In other cases where personal registration is not required as in districts other than said cities if an elector although enrolled as a member of any particular party is challenged regarding such membership he shall be required to make oath or affirmation that at the last preceding election at which he voted he voted for a majority of the candidates of said party and upon executing such affidavit he shall be entitled to receive and vote the ballot of such party but if he is unable or unwilling to make such affidavit he shall be denied the right to receive such ballot but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason of having asked for a ballot of the party with which he is enrolled

If such last preceding election at which such elector voted was a general election at which Presidential electors were voted for he shall in determining the number of candidates for which he voted there at count the group of Presidential electors as two candidates

On the question.

Will the House agree to the section?

Mr. DENT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 29, by striking out the word "however"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

An Act to amend section thirteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Phamphlet Laws seven hundred nineteen) entitled "An act regulatig certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of th same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended providing that at primary elections in boroughs towns or townships any elector not enrolled as a member of a political party or whose name is not on the assessors registry list may vote by proving his right thereto in the same manner as at general elections and making affidavit as to his party membership.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1807, as follows:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 444) is hereby further amended to read as follows

Section 308 County Treasurer to Keep Record and Make Report Each county treasurer of this Commonwealth shall keep in a book to be supplied by the Department of Revenue a correct and complete record of all resident and nonresident hunter's licenses issued by him Such book shall be in the form of an alphabetical index Each county treasurer shall enter therein at the close of each week the name and place of residence of each individual to whom a license shall have been issued during that week and to forward [weekly] monthly to the Department of Revenue on blanks furnished to him a complete list of licenses granted with names and addresses of licensees and such other information and data as the Department of Revenue may require Said index shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth to any representative of the Department of Revenue or to any representative of the Department of the Auditor General

Section 2 This act shall become effective on the first day of the month succeeding the date of its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1260, as follows:

Limiting the questions to be determined on new trials in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when in any action a new trial shall be granted to a party solely upon the ground of inadequacy or excessiveness of a verdict or finding the sole question to be determined upon such new trial shall be the amount of damages and the question of liability as between the parties shall be deemed to have been finally determined by the prior verdict or finding

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1590, as follows:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred six thousand two hundred eighty dollars ($306,280) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of one hundred ninety-seven thousand six hundred dollars ($197,600) and to the credit of the Contingent Reserve Account the sum of one hundred eight thousand six hundred eighty dollars ($108,680)

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1592, as follows:

An Act making an appropriation of moneys in the Motor License fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pnnsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor

License Fund to the Board of Finance and Revenue for the two fiscal years commencing June first one thousand nine hundred and thirty-five for the payment of the compensation to the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on highway bonds and for other services required to be performed by the said Loan and Transfer Agent Payments from such appropriation shall be made at such time in such amounts and upon such basis as may be provided by law or agreed upon between the Board of Finance and Revenue and the said Loan and Transfer Agent.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1596, as follows:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight thousand nine hundred ninety dollars $8,990) or as much thereof as may be necessary is hereby specifically appropriated out of the Fish Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of five thousand eight hundred dollars ($5,800) and to the credit of the Contingent Reserve Account the sum of three thousand one hundred ninety dollars ($3,190)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1597, as follows:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand three hundred five dollars ($20,305) or as much thereof as may be necessary is hereby specifically appropriated out of the Game Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of thirteen thousand one hundred dollars ($13,100) and to the credit of the Contingent Reserve Account the sum of seven thousand two hundred five dollars ($7,205)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1588, as follows:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty-four thousand one hundred dollars ($34,100) or as much thereof as may be necessary is hereby specifically appropriated out of the Banking Department Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred and thirty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of twenty-two thousand dollars ($22,000) and to the credit of the Contingent Reserve Account the sum of twelve thousand one hundred dollars ($12,100)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1589, as follows:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven thousand four hundred forty dollars ($7,440) or as much thereof as may be necessary is hereby specifically appropriated out of the Manufacturing Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of four thousand eight hundred dollars ($4,800) and to the credit of the Contingent Reserve Ac-

count the sum of two thousand six hundred forty dollars ($2,640)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1599, as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twelve million seven hundred twenty-two thousand seven hundred nineteen dollars and fifty-five cents ($12,722,719.55) is hereby specifically appropriated from the Motor License Fund to the Board of Finance and Revenue for payment into the Sinking Fund to meet interest and sinking fund requirements on the State debt for the two fiscal years commencing June first one thousand nine hundred and thirty-five The amount hereinbefore appropriated shall be transferred by the Auditor General and the State Trasurer upon requisition of the Board of Finance and Revenue from the Motor License Fund to the Sinking Fund on or before the dates and in the amounts set forth in the following schedule.

| | | Requirements | |
|---|---|---|---|
| Date of Payment | Principal | Interest | Total |
| July 1, 1935 .... | $ 688,352.69 | $ 477,680.00 | $1,166,032.69 |
| August 2, 1935 .. | 214,736.61 | 292,200.00 | 506,936.61 |
| September 1, 1935 | 661,548.29 | 308,440.00 | 969,988.29 |
| October 1, 1935 . | 313,818.29 | 160,000.00 | 473,818.29 |
| December 1, 1935 | 216,958.90 | 546,000.00 | 762,958.90 |
| January 1, 1936 | 24,820.00 | 477,680.00 | 502,500.00 |
| February 2, 1936 | ..... | 292,200.00 | 292,200.00 |
| March 1, 1936 .. | 11,560.00 | 308,440.00 | 320,000.00 |
| April 1, 1936 ... | 687,591.66 | 160,000.00 | 847,591.66 |
| June 1, 1936 ... | ..... | 546,000.00 | 546,000.00 |
| July 1, 1936 .... | 688,352,69 | 477,680.00 | 1,166,032.69 |
| August 2, 1936 . | 214,736.61 | 292,200.00 | 506,936.61 |
| September 1, 1936 | 661,548.29 | 308,440.00 | 969,988.29 |
| October 1, 1936 . | 313,818.29 | 160,000.00 | 473,818.29 |
| December 1, 1936 | 216,958.90 | 546,000.00 | 762,958.90 |
| January 1, 1937 . | 24,820.00 | 477,680.00 | 502,500.00 |
| February 2, 1937 | ..... | 292,200.00 | 292,200.00 |
| March 1, 1937 .. | 11,560.00 | 268,440.00 | 280,000.00 |
| April 1, 1937 ... | 687,591.66 | 186,666.67 | 874,258.33 |
| June 1, 1937 .... | ..... | 506,000.00 | 506,000.00 |
| TOTAL .... | $5,638,772.88 | $7,083,946.67 | $12,722,719.55 |

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1606, as follows:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-one thousand eight hundred fifty-five dollars ($21,855) or as much thereof as may be necessary is hereby specifically appropriated out of the State Workmen's Insurance Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Nubber Two the sum of fourteen thousand one hundred dollars ($14,100) and to the credit of the Contingent Reserve Account the sum of seven thousand seven hundred fifty-five dollars ($7,755)

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1607, as follows:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty thousand dollars ($60,000) or as much thereof as may be necessary is hereby specifically appropriated from the Motor License Fund to the Department of Property and Supplies for the two fiscal years commencing the first day of June one thousand nine hundred thirty-five for the payment of the salaries wages or other compensation of such bureau or division chiefs experts engineers accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers and other assistants and employes for the payment of postage traveling expenses telephone toll charges telegrams newspaper advertising and notices for the payment of the cost of advertising schedules of supplies proposals for executing any contract work readvertising any schedules or proposals when necessary for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of all other materials supplies and equipment and for the payment of such other expenses as may be necessary for the proper conduct of the work of the department in acting as purchasing agent for the Department of Highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1790, as follows:

An Act transferring money from the Motor License Fund to the General Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of ten million dollars

($10,000,000.00) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor

Section 2 The purpose of the transfers authorized by this act is to make available for appropriation from the General Fund the revenues estimated to accrue to the Motor License Fund during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five as a result of the increased registration fees on certain types of motor vehicles and the mileage tax on certain foreign motor vehicles using Pennsylvania highways which were imposed by the current session of the General Assembly

Section 3 The transfers authorized by this act shall be in addition to any other transfers heretofore authorized to be made from the Motor License Fund to the General Fund

Section 4 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1879, as follows:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That gifts or donations of moneys heretofore or hereafter made to the Commonwealth for unemployment relief purposes shall be deposited in the General Fund and credited to the current appropriation to the State Emergency Relief Board for unemployment relief and shall be available and are hereby appropriated to the State Emergency Relief Board for the same purposes for which such current appropriation is available

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1840, as follows:

An Act requiring all courts of record and appeal to take judicial notice of public statutes and judicial decisions by courts of record of other States and territories of the United States and the District of Columbia

Whereas At the common law courts of record and appeal are not required to take judicial notice of public statutes and judicial decisions of other states and territories of the United States and same must be proved at the trial of any cause where they may be involved and

Whereas The determination of the existence and construction of such public statutes and judicial decisions as a fact rests with the trial judge and not with the jury selected in such proceedings and

Whereas In proceedings involving no issues of fact other than the determination of the existence and interpretation of the public laws and decisions of the courts of record of the United States District of Columbia and other states and territories of the United States it is desirable to expedite disposition of such issues without the delays incident to the trials of ordinary issues of fact therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where th sole issue of fact is the determination of the law of the United States or of the District of Columbia or of any other state or territory of the United States all courts of record whether of original or appellate jurisdiction shall take judicial notice of the existence of public statutes enacted by the legislative bodies of in and for the United States of America the District of Columbia and any other state or territory of the United States and shall also take judicial notice of the interpretation thereof by the several courts of the United States and by the respective courts of record of the respective other states other territories and District of Columbia and shall also take judicial notice of the printed decisions rendered by the courts of record of the United States the District of Columbia and all other states and territories of the United States

Section 2 The courts shall take judicial notice of the matters enumerated under section one hereof in the same manner and with the same effect as they shall or may take judicial notice of the public statutes of the Commonwealth of Pennsylvania and interpretation by the courts of record of the Commonwealth of Pennsylvania and the printed decisions of the courts of record of the Commonwealth of Pennsylvania

Section 3 The intent and purpose of this act is that where the sole issue of fact is the determination of the law of the United States or the law of the District of Columbia or of any other state or territory of the United States of America in any proceeding wherein trial or appeal is now or hereafter pending proof of the laws and their interpretation and decisions by courts of record of the United States District of Columbia and the respective other states and territories of the United States shall not be necessary

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1657 (Senate Bill No. 70), entitled:

An Act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1297 (Senate Bill No. 99), entitled:

An Act requiring the Department of Revenue to prepare and distribute to counties banks and trust companies lists of corporations joint stock associations limited partnerships banks and trust companies taxable for State purposes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 977, as follows:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" is hereby amended to read as follows

Section 3 Of the amount appropriated to the Department of Highways for use upon the streets and roads in cities of the third class boroughs incorporated towns and townships of the first class there shall be expended or allocated by the Department of Highways in or to each of such political subdivisions at the option of the proper authorities of each subdivision expressed in writing to the Department of Highways for the repair and maintenance of streets and roads therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided for use in the political subdivisions of which it is a class as the miles of streets or roads under its jurisdiction within its municipal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the municpal limits of all the political subdivisions of which it is a class as above provided

Of the amount appropriated to the Department of Highways for use upon streets and roads in townships of the second class there shall be [expended] allocated by the Department of Highways [in each of] among such townships of the second class for expenditure by such townships for the construction repair and maintenance of streets roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided for use in townships of the second class and not encumbered as of April 1, 1935 exclusive of the sum of two million three hundred sixty-five thousand dollars ($2,365,000) transfered to the General Fund for relief purposes as the miles of streets or roads under its jurisdiction within its municipal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the municipal limits of all townships of the second class provided however that the sum of two million three hundred sixty-five thousand dollars ($2,365,000) hereinbefore excluded shall be allocated by the Department of Highways among the townships of the second class in the manner hereinbefore provided in this section after the funds transferred to the General Funds from the Motor License Fund shall have been returned to the Motor License Fund The amount appropriated to be allocated to the townships of the second class as hereinbefore provided shall be paid by the Department of Highways to the townships entitled thereto in three equal installments on the fifteenth days of June September and December of the year one thousand nine hundred thirty-five but shall be paid only to such townships as shall at the time of fixing the tax levy for the year one thousand nine hundred thirty-five reduce the said tax levy for road and street purposes by an amount approximately equivalent to the amount to be paid under the provisions of this Act as compared with the amount levied for road and street purposes for the year one thousand nine hundred and thirty-two except that proper provision shall be made by the townships for interest sinking fund and debt repayment charges provided further that in townshps of the second class which levy no taxes and in which agreements have been made and approved by the Courts for the maintenance and construction of all township roads during the year one thousand nine hundred thirty-five by one or more taxpayers in accordance with the Second-class Township Code the Courts may upon petition of such taxpayers permit the change or modification of such agreements to provide that the funds received by such townships under the provisions of this Act shall be turned over by the township to such taxpayers for expenditures in the maintenance and construction of roads and bridges in the same manner as other funds of the taxpayers have heretofore been used but with the requirement that such expenditures shall be accounted for at the end of the year to the Supervisors subject to the approval of the Court

Section 2 Where any board of supervisors of any township of the second class has during the year one thousand nine hundred and thirty-five delayed making its tax levy beyond the last day allowed by law for the levy of its road tax awaiting action by the legislature in order to ascertain what aid if any such township was entitled to receive then such township supervisors shall have power to levy such tax anytime until May fifteenth one thousand nine hundred and thirty-five and any such action by a board of township supervisors in levying its tax on or before May fifteenth one thousand nine hundred and thirty-five is hereby ratified confirmed and made valid

Any township which made its levy prior to the effective date of this act and which has not made a reduction in its tax levy as required by section five of the act to which this is an amendment shall revoke this levy and make a new levy at a lesser rate to comply with said section five and such new levy shall be made on or before May fifteenth one thousand nine hundred and thirty-five

Section 3 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1721, entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdictoin powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations providing new and changing existing penalties and making an appropriation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" are hereby reenacted and amended as follows

An Act Relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof authorizing the board with the approval of the Governor to fix prices to be paid or charged for milk and the products thereof providing for the licensing of milk dealers and the payment of fees thereof requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation

Whereas Unhealthful unfair unjust destructive demoralizing and economic trade practices have been and are now carried on in the production sale and distribution of milk and milk products in this Commonwealth whereby the dairy industry in the Commonwealth and the constant supply of pure milk to inhabitants of the Commonwealth are imperiled and

Whereas Such conditions constitute a menace to the health welfare and reasonable comfort of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well-being of the inhabitants of this Commonwealth to promote the public welfare and to preserve the strength and vigor of the race by declaring that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania is a business affecting the public health and affected with a public interest and

Whereas The production and distribution of milk is a paramount industry upon which the prosperity of the Commonwealth in large measure depends and

Whereas The present acute economic emergency being a part the consequence of a severe and increasing disparity between the prices of milk and other commodities which disparity has largely destroyed the purchasing power of milk producers for industrial products has broken down the orderly production and marketing of milk and has seriously impaired the agriculture assets supporting the credit structure of the Commonwealth and its local governmental subdivisions and

Whereas The danger to the pubic health and welfare is immediate and impending the necessity urgent and such as will not admit of delay or relaxation in public supervision and control in accord with proper standards of production sanitation and marketing the foregoing statements of fact policy and application of this act are hereby declared to be matters of legislative determination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the exercise of the police power of the Commonwealth and to protect the public health and public welfare it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared to be the legislative intent that this act shall be an emergency measure enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the health welfare and comfort of the inhabitants thereof

Section 2 Short Title This shall be known and may be cited as the "Milk Control Board Law"

Section 3 Definitions A The following terms shall be construed in this act to have the following meanings ex-

cept in those instances where the context clearly indicates otherwise

"Board" means the temporary State agency created by this act to be known as the "Milk Control Board"

"Consumer" means any person other than a milk dealer who purchases milk for fluid consumption

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portion thereof designated by the board as a natural marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk buttermilk ice cream mix powdered whole milk powdered skimmed milk and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans which do not contain more than eight and one quarter (8¼) pounds or one hundred and thirty-two (132) fluid ounces

"Milk Dealer" means any person including any store as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agriculture association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer provided however that if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto and further provided that such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells milk within this Commonwealth

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk within the Commonwealth of Pennsylvania

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

B Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

C Section headings shall not be construed to affect in any manner the scope or meaning of any section of this act

D The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 4 Creation of Milk Control Board Membership Applicability of Administrative Code A There is hereby created an independent administrative board to be known as the Milk Control Board The board shall consist of three members who shall be nominated and by and with the consent of the Senate appointed by the Governor Each member shall receive a salary at the rate of six thousand dollars ($6,000) per annum

B Each member of the board at the time of his appointment and qualifications shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of one year next preceding his appointment

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The Governor shall designate one of the members of the board as chairman The chairman shall when present preside at all [meeting] meetings and in his absence a member designated by the chairman shall preside

Two members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least two members

C The board may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the board shall prescribe and shall receive such compensation as the board with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the board

D Except as otherwise specifically provided in this act the board and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred and twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

Section 5 General Powers of Board A The board is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power

(1) To supervise and regulate the entire milk industry of this act it shall have the power to issue subpoenas for disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth provided however that nothing contained in this act shall be construed to alter amend or repeal The Public Service Company Law or any of the laws of this Commonwealth relating to the public health or to the prevention of fraud or deception

(2) To investigate as the emergency permits and regulate as the emergency requires all matters pertaining to th entire milk industry of this Commonwealth including the production manufacture processing storage transportation disposal distribution and sale of milk and milk products in this Commonwealth including the establishment of reasonable trade practices [and] systems of production control and marketing area enforcement committees in connection therewith

B The operation and effect of any provision of this act conferring a general power upon the board shall not be impaired or qualified by the granting to the board by this act of a specific power or powers

C The board either itself or through its duly authorized agent may hold such hearings either at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act

Section 6 Power of Board to Subpoena Penalty A In order to enable the board to carry out the provisions of this Commonwealth including the production transportation requiring the attendance of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the board believes to have information of importance to it in carrying out the purposes and intent of this act The board may likewise issue commissions letters rogatory or other appropriate processes outside the Commonwealth

The board shall likewise have the power to question such witnesses under oath or affirmation and to examine such books and papers

The board may delegate to any member thereof or any employe designated by it the powers granted to it under this section

B Any witness who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the board to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

C Each witness required to attend before the board or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County

Section 7 Rules Regulations and Orders A [The] Subject to the approval of the Governor where such approval is hereinafter expressly required the board may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not in-

consistent with law Every general rule regulation or order of the board shall be posted for public inspection in the main office of the board at least [three] six days before it shall become effective and at least four days before it shall become effective shall be mailed to all licensees affected thereby shall be given such further publicity by advertisement in a newspaper or otherwise as the board shall deem advisable An order applying only to a particular person or persons named therein shall be served on the person or persons affected

B An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except such service need not be made by the sheriff or (2) mailed charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of the Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of some other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

C The posting in the main office of the board of any rule regulation or order not herein required to be served and the mailing thereof as above provided and the giving of such further publicity thereto if any as the board deems advisable or the proper service of one required to be served shall constitute due and sufficient notice to all persons affected by such rule or order A rule of the board when duly posted and filed as provided in this section shall have the force and effect of law The board shall upon request mail to any person any general rule or regulation of the board [It may charge a reasonable fee for such service]

Section 8 Entry and Inspection Pursuant to carrying out the purposes of this act any member of the board or any employe designated for the purpose shall have access to may may enter at all reasonable hours all places where milk or any product thereof is being produced stored bottled processed manufactured sold or otherwise handled. Any member of the board or any designated employe thereof also shall have power at all reasonable hours to inspect all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the board to administer this act The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the board and the various departments of the States government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court The board however may use such information together with other similar information for compilation and publication of statistics of the industry in this Commonwealth

Section 9 Violations Remedies A Except as otherwise specifically provided in this act any person violating any provisions of this act or any rule regulation or order of the board lawfully made shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00) and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be [subject to] sentenced to pay a fine [not exceeding one hundred dollars] of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one year or both in the discretion of the court For each day during which any such violation shall continue such person shall be deemed to have committed an additional violation

B The board may institute such action at law or in equity as may appear necessary to enforce compliance with any provisions of this act or to enforce compliance with any rule regulation or order of the board made pursuant to the provisions of this act and in addition to any other remedy may apply to the court of common pleas of Dauphin County for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist

Section 10 Licenses to Milk Dealers Applications Grant Suspension and Revocation A Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell milk to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

B The board may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding [three] one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The board may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

C An application for a license to operate as a milk dealer shall be made [within thirty days after this act takes effect and] annually [thereafter] on or before April fifteenth by mail or otherwise to the board upon blanks prepared under authority of the board and shall be accompanied by the fee required by this act The license year shall commence May first and shall end April thirtieth following The applicant shall state the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant be a co-partnership or association the full name of each member shall be stated If the applicant be a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the board filed or served as required in this act and such other facts with respect to the license as may be required by the board pursuant to this act

D The board shall grant a license to an applicant complying with the provisions of this act and of [any] rules and regulations issued by the board pursuant thereto The board may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer when satisfied that he has

(1) rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contact "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) without reasonable cause failed to account and make payment for any milk purchase from a producer

(3) committed any act injurious to the public health or public welfare or to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence of a course of conduct on the part of the milk dealer tending to such demoralization shall be construed to be prima facie evidence of a violation of this act

(4) made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution has been returned wholly or partly unsatisfied

(5) been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders of dairy products produced by its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) continued in a course of dealing of such nature as to satisfy the board of an intent of the milk dealer to deceive or defraud producers or consumers

(7) failed either to keep records or to furnish the statements or information required by the board

(8) made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) where the milk dealer is a partnership or corporation and any individual holding any position owning any substantial interest therein or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) where the milk dealer has violated any of the provisions of this act or any of the rules regulations or orders of the board

E Before refusing to grant or to reissue or before suspending or revoking or before refusing to transfer a license the board shall afford the applicant or the licensee respectively an opportunity to be heard It shall give to such applicant or licensee by registered mail sent to his last known address at least five days' notice of such hearing

F Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the board to such transfer is obtained but in the case of a receiver or an executor or administrator who succeeds to the business of a licensee he may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the board Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license

Applications for such transfers shall be filed with the board at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 11 License Fees A The board shall charge and collect license fees from milk dealers on a yearly basis as follows

Where a milk dealer received during any of the twelve calendar months immediately preceding the period for which the license is issued a daily average total quantity of milk

(1) not exceeding twenty pounds a license fee of one dollar

(2) exceeding twenty pounds but not exceeding one hundred pounds a license fee of three dollars

(3) exceeding one hundred pounds but not exceeding [one thousand] five hundred pounds a license fee of ten dollars

(4) exceeding [one thousand] five hundred pounds but not exceeding [two thousand five hundred] one thousand pounds a license fee of [seventeen dollars and fifty cents] fifteen dollars

(5) exceeding [two thousand five hundred] one thousand pounds but not exceeding [four] two thousand pounds a license fee of [twenty-five] thirty dollars

(6) exceeding [four] two thousand pounds but not exceeding [ten] three thousand pounds a license fee of [fifty] forty dollars

(7) exceeding [ten] three thousand pounds but not exceeding [twenty] four thousand pounds a license fee of [seventy-five] fifty dollars

(8) exceeding [twenty] four thousand pounds but not exceeding [sixty] five thousand pounds a license fee of [one hundred fifty] sixty dollars

(9) exceeding [sixty] five thousand pounds but not exceeding [one hundred thousand] seven thousand five hundred pounds a license fee of [two hundred] seventy-five dollars

(10) exceeding [one hundred thousand] seven thousand five hundred pounds but not exceeding [two hundred fifty] ten thousand pounds a license fee of [three hundred fifty] one hundred dollars

(11) exceeding [two hundred fifty] ten thousand pounds but not exceeding [five hundred] fifteen thousand pounds a license fee of [five hundred] one hundred fifty dollars

(12) exceeding [five hundred] fifteen thousand pounds but not exceeding [seven hundred fifty] twenty-five thousand pounds a license fee of [one thousand] two hundred dollars

(13) exceeding [seven hundred fifty] twenty-five thousand pounds but not exceeding [one million] fifty thousand pounds a license fee of [one thousand seven hundred fifty] three hundred dollars

(14) exceeding [one million] fifty thousand pounds but not exceeding one hundred thousand pounds a license fee of [two thousand] five hundred dollars

(15) exceeding one hundred thousand pounds but not exceeding two hundred fifty thousand pounds a license fee of one thousand dollars

(16) exceeding two hundred fifty thousand pounds but not exceeding five hundred thousand pounds a license fee of one thousand five hundred dollars

(17) exceeding five hundred thousand pounds but not exceeding seven hundred fifty thousand pounds a license fee of two thousand five hundred dollars

(18) exceeding seven hundred fifty thousand pounds but not exceeding one million pounds a license fee of three thousand five hundred dollars

(19) exceeding one million pounds a license fee of five thousand dollars

B Except as otherwise expressly provided by this act the license fees fixed by this section shall be paid before any license or any renewal thereof is issued

C The fee for a license issued on or after

(1) August first but prior to November first shall be three-fourths of the annual fee

(2) November first but prior to February first of the succeeding year shall be one-half of the annual fee

(3) February first but prior to May first shall be one-fourth of the annual fee

D Milk dealers who have not engaged in the milk business during the prior year shall pay the minimum license fee of one dollar and in addition thereto at such time or times as the board may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received by such dealer during any of such months

E Milk sold and distributed outside of this Commonwealth in any state which charges a license fee of milk dealers shall not be included in the determination of the amount of the license fee provided that such milk is actually computed in determining the amount of such license fee in such other state [Likewise milk utilized for or sold in the form of manufactured products shall not be included in the determination of the amount of the license fee but] In computing the license fee to be charged by the board the fluid milk equivalent of cream and of condensed or concentrated milk or buttermilk ice cream mix powdered whole milk skimmed milk or powdered skimmed milk sold within this Commonwealth or in any state in which it is not actually computed in the determination of the license fee of a milk dealer shall be [included] ascertained and filed in such manner as the

board shall prescribe [in computing the license fee to be charged by the board unless in the case of condensed or concentrated whole or skimmed milk it is sold in hermetically sealed cans]

F The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

Section 12 Licensee's Bonds or Securities [Exemptions A Except as otherwise specifically provided in this act a license shall not be issued to a milk dealer purchasing milk from producers within this Commonwealth unless the milk dealer shall execute and file with the application a personal bond approved by the board Such bond shall be upon a form prescribed by the board shall be in a sum to be fixed by the board but not [exceeding by more than twenty-five per centum] the value of the maximum amount of milk purchased from producers in any one month during the preceding year [and in any event not exceeding one hundred thousand dollars shall be executed by a surety company authorized to do business in this Commonwealth] and shall be conditioned for the faithful compliance by the licensee with the provisions of this act and the rules and regulations of the board and for the payment of all amounts due to producers for milk sold by them to such licensee subsequent to the posting of such bond upon such terms and conditions as the board may prescribe

[B In lieu of the bond required of a milk dealer by this section the board may accept a collateral bond of the milk dealer secured by an actual deposit with the board or with a bank bank and trust company or national bank within the Commonwealth of money to the full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved by the board Such collateral bond shall be conditioned upon the same terms and in the same manner as is provided by this section in the case of a bond given by a surety company and the security or securities deposited therewith shall constitute a trust fund for producers from whom the licensee purchases milk]

C The board may likewise grant to any milk dealer the authority to substitute for any bond or any collateral another bond or other collateral provided that such other bond or collateral meets all the requirements of this act

[D] B A licensee shall from time to time when required by the board make and file with the board a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the board which statement shall contain the names of the producers from whom milk was purchased the amount due to producers and any other relevant facts required by the board If it shall appear from such statement or from facts otherwise ascertained by the board that the [security] personal bond afforded to producers selling milk to such licensee [by the surety bond or by the collateral bond] does not adequately protect such producers or if such licensee so elects the board may require such licensee to give [an additional] a surety or collateral bond in a sum to be determined by the board [or additional security for the collateral bond] but not exceeding by more than twenty-five per centum the value of the maximum amount of milk purchased from producers in any one month during the preceding year and in any event not exceeding one hundred thousand dollars

Likewise the board may grant a reduction or prescribe an increase of [the surety bond or the collateral] any bond if it shall appear that owing to a decrease or increase in the business of the licensee or to other causes a bond in a lesser or greater amount will protect producers selling milk to such licensee

E All surety bonds and all collateral bonds together with any moneys security or securities given as collateral therefor received by the board from milk dealers pursuant to the provisions of this section shall be transmitted by the board to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the board

F The licensee shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any securities deposited by such licensee with the board and by it transmitted to the State Treasury for safe-keeping in accordance with the provisions of this act Provided however That such licensee shall not be entitled to such interest or dividends if there is on file with the board a valid unpaid claim of a producer against such licensee based on milk sold by such producer to such licensee

G The board may by reasonable rule or regulation provide the procedure for the payment out of the bonds or security or securities required by this section of the valid claims of producers based on sales by them of milk to the licensee who has posted the bonds or security or securities Provided however That if the bond or security or securities which have been posted by a milk dealer shall be insufficient to pay in full the just claims of producers who have sold milk to such licensee the moneys available shall be divided pro rata among them

The board shall have the power in its discretion to sue on the bond on behalf of producers

H A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this section and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this section

[I If satisfied from an investigation of the financial condition of any applicant for a license under this act that such milk dealer is solvent and possessed of sufficient assets reasonably to assure payment to producers from whom he purchases milk the board may by official order exempt such applicant from posting the surety bond or bond secured by collateral required by this section In such case the applicant shall post with the board his personal bond in such form to such amount not greater than the maximum fixed by this section for surety bonds and upon such conditions as shall be prescribed by the board

The board may at any time it deems such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

[J any milk dealer is financially unable to post such surety bond or bond secured by collateral as may be required by the board pursuant to the provisions of this act he may file with the board under oath or affirmation upon a form to be prescribed by the board an application for exemption from posting such surety bond or bond secured by collateral on the ground of his financial inability to do so Attached to such application shall be the signed statement of the producers from whom the dealer purchases his milk or of any cooperative agricultural association or similar association or corporation representing such producers to the effect that such producers or such association or corporation on their behalf consent to the exemption of such milk dealer from posting such surety bond or bond secured by collateral Such consent may be upon such special terms of payment and such other conditions as shall be agreed upon between such producers or such cooperative agricultural association or similar association or corporation on their behalf and the milk dealer and approved by the board

The board may by official order exempt from posting a surety bond or a bond secured by collateral any dealer who has complied with the provisions of this subsection

The board may at any time it deem such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

Section 13 Classification of Licenses The board may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer if he be granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market

in which he was operating upon the effective date of this act

Section 14 Licenses Appeals from Board Decisions A Any person aggrieved by an order of the board fixing the price at or the terms upon which milk may be bought or sold or by any other general rule regulation or order of the board may file an appeal therefrom in the Superior Court within twenty days after the issuance of such order fixing the price of milk or such other general rule regulation or order but such appeal shall not be permitted to act as a supersedeas

B Any person aggrieved by an order of the board in which the board refuses to issue reissue or transfer or revokes or suspends a license to operate as a milk dealer or by any other order fo the board applying only to a particular person or persons named therein and not otherwise specifically provided for in this section may within twenty days after the issuance of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a nonresident who has no place of business within the Commonwealth in the court of common pleas of Dauphin County No appeal filed under this subsection shall be permitted to act as a supersedeas unless a bond shall be filed in such sum and with such sureties as shall be determined by the court conditioned for the payment of costs and such sum as may be fixed by the court in order to hold harmless the producers affected by the order from which the appeal has been taken

C The appeal provided by this section from action of the board both in the cases of appeals to the Superior Court of Pennsylvania and appeals to the various courts of common pleas shall be by petition against the board officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioners objections to the action and decision of the board and divide them between the parties

E From a decision of a court of common pleas on the validity of an order of the board in which the boardreno objection not so specified shall be considered by the court Upon service of a summons upon the board returnable within ten days from its date the board shall on or before the return day file an answer which shall deny or admit the allegations of fact in the petition and which shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact if any of the board based upon such testimony a copy of all orders made by the board in the proceedings and a copy of the action or decision of the board which the petition calls upon the court to reverse

D Upon the filing of the boards answer the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the board shall not be the basis of the decision of the court The case shall be heard upon the record certified to the court by the board Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the board for the taking of further testimony

The court shall upon the record transmitted to it by the board determine whether or not the order appealed from is reasonable and in conformity with law If it shall determine that the order is unreasonable or illegal it shall remit the case to the board with directions to reform the findings or order or revoke the order in accordance with the courts opinion The court shall have full power to assess the costs upon either party or to divide them between the parties

E From a decision of a court of common pleas on the validity of an order of the board in which the board refused to issue reissue or transfer or [revoke] revoked or suspended a license an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law In all other cases in which this section authorizes an appeal to a court of common pleas from an order of the board the decision of the court of common pleas shall be final and there shall be no appeal herefrom

Section 15 Records The board may require licensees to keep the following records

(1) A record of all milk received detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test prices paid and deductions or charges made

(2) A record of all milk sold classified as to grade location and market outlet and size and style of container with prices amounts received therefor

(3) A record of quantities and prices of milk sold

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the items of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk assets liabilities or net worth of the licensee

(7) A record of all other transactions affecting the assets liabilities or net worth of the licensee

(8) Such other records and information as the board may deem necessary for the proper enforcement of this act

Section 16 Reports A Each licensee shall from time to time as required by rule or order of the board make and file a verified report on forms prescribed by the board of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period of time specified in the order

B The board may at any time that it deems such action to the best interests of the dairy industry require similar reports from milk dealers whom it has pursuant to the provisions of this act exempted from the requirement of procuring a license

Section 17 Payment of Fees into State Treasury "Milk Control Fund" Appropriation Expenses of Board A All moneys collected or received by the board arising from license fees penalties or any other source shall be paid by the board into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Conrtol Fund"

B As much of the [moneys] money from time to time in the "Milk Control Fund" as may be necessary is hereby specifically appropriated to the [board] Milk Control Board to be used to pay its expenses including the following

(1) Salaries of the board of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the board for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol Buildings either in or outside of the capital city occupied by the board

(3) Premium for workmen's compensation insurance covering the officers and employes of the board

(4) Premiums for surety bonds for such officers or employes of the board as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the board for full-time use including premiums for liability insurance covering such motor vehicles and the members of the board and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the board

(6) Furniture stationery materials supplies and all other overhead expenses of the Board

(7) All other expenses of every kind and description necessary for the performance by the board of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

C As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of

approved claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

[B] D Estimates of the amounts to be expended under this act by the [board] Milk Control Board either itself or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the [board] Milk Control Board or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time of the making of any such requisition

Section 18 Order Fixing Price of Milk Penalties for Violation A The board shall ascertain by such examination or investigation as the emergency may warrant what prices for milk in the several localties and markets of the Commonwealth and under varying conditions will be most beneficial to the public interest and will best protect the milk industry in the Commonwealth and insure a sufficient quantity of pure and wholesome milk to adults and minors in the Commonwealth having special regard to the health and welfare of children residing therein The board shall take into consideration all conditions affecting the milk industry including the amount necessary to yield a reasonamle return to the producer and to the milk dealer

B [The] Subject to the approval of the Governor the board after making such examination or investigation shall fix by official order the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged for milk sold within the Commonwealth wheresoever produced including the following classes

(1) By milk dealers to other milk dealers
(2) By milk dealers to consumers
(3) By milk dealers to stores either for consumption on the premises or resale to consumers
(4) By stores to consumers except for consumption on the premises where sold

When pursuant to statute regulations adopted thereunder or ordinance various grades of milk are specified the board shall fix the minimum price and may fix the maximum price applicable to each in each of the classes Orders fixing minimum and maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk dealers in any manner which the board deems advisable and may vary according to the classes to which they are applicable Provided however That this section shall not be construed to empower the board to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

C It is hereby declared to be the legislative intent that the public emergency requires that the benefits of any increase of prices received by milk dealers by virtue of the minimum price provisions of this section shall be given to producers except in any case where the board with the approval of the Governor deems a deviation from this policy necessary in order to maintain proper milk markets and outlets for producers The board shall whenever it deems such action necessary to accomplish this purpose issue with the approval of the Governor orders rules or regulations to effectuate this intent

D The board after making the examination or investigation provided by this section shall with the approval of the Governor fix by official order the minimum prices to be paid by milk dealers to producers and others for milk and may with the approval of the Governor fix by official order the minimum prices to be paid to producers and others by or through any arrangement with any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for producers at a blended price based upon sales thereof in the various classes or otherwise and whether such price is paid either directly to the producers or to such association or corporation Provided however That the fixing of prices to be paid [by milk dealers] to producers for milk to be used solely in manufacturing shall be discretionary with the board The order of the board with respect to the minimum prices to be paid to the producers and others shall apply to the locality or zone in which the milk is produced and to the market or markets in which the milk so produced is sold and may vary in different localities or markets according to varying uses and different conditions Each such order may classify such milk by forms classes grades or uses as the board may deem advisable and may specify the minimum prices therefor

The board may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk

E After the board with the approval of the Governor shall have fixed prices to be charged or paid for milk whether by class grade or use it shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at any price less or more than such price or prices as shall be applicable to the particular transaction [and no] No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less or more than such price or prices as shall be applicable to the particular transaction whether by any discount or rebate or free service or advertising allowance or a combined price for such milk together with another commodity or commodities or service or services which is less or more than the aggregate of the prices for the milk and the price or prices for such other commodity or commodities or service or services when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the board for milk of that class or grade taking into consideration a proper allowance for the cost of the transportation of such milk

F [The] Subject to the approval of the Governor the board may upon its own motion or upon application from time to time alter revise or amend an official order at any time made with respect to the prices to be charged or paid for milk After making such investigations and before making revising or amending any order fixing the price to be charged or paid for milk the board shall hold a hearing thereon after giving reasonable notice thereof to interested parties of whom the board has notice and to the public in such newspaper or newspapers as in the judgment of the board shall afford sufficient notice and publicity

G It is hereby declared to be the legislative intent that the instant whenever that may be that the handling within the Commonwealth by a milk dealer of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the board shall attach but this shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans or in tanks to be used solely for manufacturing purposes by the original consignee thereof [After any such milk so produced shall have come to rest within the Commonwealth it shall be unlawful except in any cases in which the board shall otherwise determine for any milk dealer to sell such milk within the Commonwealth if he has paid to the producer thereof outside the Commonwealth a price lower than that which he would have been required to pay for milk produced within the Commonwealth purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof]

H It is also declared to be the legislative intent that the producers of milk in this Commonwealth who sell their milk to milk dealers for shipment into and sale in another state where prices to producers are regulated by a state board or other authority with powers substantially similar to the Milk Control Board established by this act shall receive the same price that pro-

ducers in such other state receive for milk purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof It shall be unlawful for any milk dealer except in any cases in which the board shall otherwise determine to pay to a producer within this Commonwealth for milk to be sold in such other state a price lower than that fixed by the state board or other authority in such other state for sale of milk in such other state for similar purposes and under similar conditions minus a proper allowance for the transportation of the milk to the market in such other state

[Section 19 Legislative Intent It is hereby declared to be the legislative intent that no provisions of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and which price is to be paid either directly to the producers or to the cooerative agricultural association or corporation Provided however That the powers of subpoena entry and inspection vested in the board under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals to determine that the blended or other prices paid to producers are reasonable and conform with the contract if any between them and such association or corporation and for the purpose of otherwise administering this section Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis Also no provision of this act shall be deemed or construed to effect the contracts of such cooperative agricultural association or corporation with its producers nor to affect or abridge the rights and powers of such an association or any of its operations unless such contracts or operations are determined by the board to discriminate unfairly between or to be otherwise injurious to producers This section shall not however be construed to exempt such association or corporation from the jurisdiction of the board over the prices at which it may sell milk to milk dealers or consumers]

Section 20 Interstate and Federal Compacts The board is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations hold joint hearings and issue joint or current orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 21 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof and producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and similar information by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them Any such producers and associations or corporations may confer and discuss the cost of production of marketing market conditions and prices for sale or milk

Section 22 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part thereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 23 Saving Clause No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 24 Duration of Board The board shall continue with all its powers and shall be subject to all the duties and responsibilities prescribed by this act until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven at which time it shall be deemed abolished and the powers duties and jurisdiction conferred or imposed upon the board by this act shall terminate All books papers records and documents in its possession upon that date shall remain in the possession of the Department of Agriculture

Section 25 Appropriation In addition to any other appropriation made by this act the sum of one hundred thousand dollars ($100,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act until the thirty-first day of May one thousand nine hundred thirty-five

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-five and ending on the thirtieth day of April one thousand nine hundred thirty-seven

On the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven all unencumbered and unexpended money remaining in the Milk Control Fund shall be paid into the General Fund For such purpose such moneys are hereby appropriated

Section 26 This act shall take effect immediately upon its approval by the Governor and shall continue in effect until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven

On the question,
Will the House agree to the section?

Mr. JOHN A. SMITH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 25, lines 14 to 17, by striking out with light-faced brackets all of said lines, both inclusive

Amend section 1, page 26, line 16, by striking out with light-faced brackets the letter "E" and insert in lieu thereof "C"

Amend section 1, page 25, line 23, by striking out with light-faced brackets the letter "F" and insert in lieu thereof "D"

Amend section 1, page 27, line 4, by striking out with light-faced brackets the letter "G" and insert in lieu thereof E"

Amend section 1, page 27, line 16, by striking out with light-faced brackets the letter 'H" and insert in lieu thereof "F"

On the question,
Will the House agree to the amendments?
They were agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four P. L. 174) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations providing new and changing existing penalties and making an appropriation

On the question,

Will the House agree to the title?

Mr. JOHN A. SMITH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 2, next to last line of title, by inserting after the part-word "porations" the following. "also over milk prices and authority to establish marketing area enforcement committees"

Amend title, page 2, next to last line of title, by inserting after the word "existing" the following: "notices and"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

## BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1153, as follows:

An Act further to amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighty-six) is hereby further amended to read as follows

Section 2910 LICENSING TRANSIENT RETAIL BUSINESS Every borough shall have power by ordinance to regulate and license each and every transient retail business within such borough for the sale of goods wares and/or merchandise and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person firm or corporation desiring to commence such transient retail business and to enforce such ordinances by penalties not exceeding three hundred dollars and/or by other appropriate means The amount of any such license shall not exceed two hundred dollars for each month or fractional part thereof during which any such sale is continued

Nothing contained in this act shall be construed to apply (1) to farmers selling their own produce [or] (2) to the sale of goods wares and merchandise donated by the owners thereof the proceeds whereof are to be applied to any charitable or philanthropic purpose or (3) to any manufacturer or producer in the sale of bread and bakery products meat and meat products or milk and milk products

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161.

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Klingler, | Ruffennach, |
| Alexander, | Downey, J. J., | Kobelak, | Ruth, |
| Allen, | Downey, G. E., | Linderman, | Sarraf, |
| Altenburg, | Duffort, | Long, | Schrock, |
| Andrews, | Eberharter, | Lovett, | Schrope, |
| Arnold, | Eroe, | Lynch, | Shepard, |
| Atkins, | Falkenstein, | Male, | Shreiner, |
| Aukerman, | Ferko, | McCreary, | Shugarts, |
| Baine, | Finnerty, | McDermott, | Siegel, |
| Baker, F. T., | Fitch, | McDevitt, | Sinwell, |
| Baker, J. J., | Flanagan, | McElroy, | Smith, J. A., |
| Baldi, | Flinchbaugh, | McHenry, | Snyder, F. E., |
| Barber, | Furman, | McKinney, | Snyder, J. L., |
| Barnhardt, | Gates, | Melchiorre, | Sowers, |
| Bernhard, | Gerard, | Mentzer, | Stank, |
| Boose, | Gillette, | Merrell, | Stevens, |
| Boyer, | Green, | Moomaw, | Stewart, |
| Bradley, | Habbyshaw, | Mooney, | Stone, |
| Brancato, | Haberlen, | Moran, | Sumney, |
| Brennan, | Hagerty, | Moore, | Surface, |
| Brown, H. S., | Haluska, | Moul, | Terry, |
| Brown, J. E., | Hamilton, F. P., | Muir, | Tronzo, |
| Brownfield, | Harkins, | Murrin, | Trout, |
| Brumbaugh, | Harmuth, | Nagel, | Tumelty, |
| Burke, | Hart, | Nothnagle, | Turner, |
| Cannon, | Hefferon, | O'Keefe, | Van Sickle, |
| Caputo, | Hermansen, | Ominsky, | Weidemann, |
| Carr, | Hetrick, | O'Neill, | Weiss, |
| Carson, | Hindman, | Parks, | Welliver, |
| Castor, | Hirsch, | Patterson, C., | Welsh, |
| Chervenak, | Hoffner, | Patterson, J. W., | Westrick, |
| Coakley, | Holstrom, | Pearson, | Wickersham, |
| Cochran, | Hoopes, | Perry, | Wilson, |
| Cohen, | Horst, | Peters, | Witkin, |
| Coleman, | Jackson, | Pfaff, | Wood, |
| Condon, | Jones, | Powers, | Woodside, |
| Coolahan, | Kane, | Reising, | Yeakel, |
| Cordier, | Kelder, | Reynolds, | Yourishin, |
| Davies, | Kelso, | Rhys, | Zappala, |
| Dent, | Kilroy, | Robinson, | Zimmerman, |
| Diehl, | Kinney, | Root, | Sarig, |

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1689, entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161.

| | | | |
|---|---|---|---|
| Achterman, | Dilley, | Kobelak, | Sarraf, |
| Alexander, | Downey, G. E., | Linderman, | Schrock, |
| Allen, | Downey, J. J., | Long, | Schrope, |
| Altenburg, | Duffort, | Lovett, | Schwartz, |
| Andrews, | Eberharter, | Lynch, | Shepard, |
| Arnold, | Eroe, | Male, | Shreiner, |
| Atkins, | Falkenstein, | McCreary, | Shugarts, |
| Aukerman, | Ferko, | McDermott, | Siegel, |
| Baine, | Finnerty, | McDevitt, | Sinwell, |
| Baker, F. T., | Flanagan, | McElroy, | Smith, J. A., |
| Baker, J J., | Flinchbaugh, | McHenry, | Snyder, F. E., |
| Baldi, | Furman, | McKinney, | Snyder, J. L., |
| Barnhardt, | Gates, | Melchiorre, | Sowers, |
| Bernhard, | Gerard, | Mentzer, | Stank, |
| Blumberg, | Gillette, | Merrell, | Stevens, |
| Boose, | Green, | Moomaw, | Stewart, |
| Boyer, | Habbyshaw, | Mooney, | Stone, |
| Bradley, | Haberlen, | Moran, | Sumney, |
| Brancato, | Hagerty, | Moul, | Surface, |
| Brennan, | Haluska, | Muir, | Terry, |
| Brown, H. S., | Hamilton, F. P., | Murrin, | Tronzo, |
| Brown, J. E., | Harkins, | Nagel, | Trout, |
| Brownfield, | Harmuth, | Nothnagle, | Tumelty, |
| Brumbaugh, | Hart, | O'Keefe, | Turner, |
| Burke, | Hefferon, | Ominsky, | Van Sickle, |
| Cannon, | Hermansen, | O'Neill, | Weidemann, |
| Caputo, | Hetrick, | Parks, | Weiss, |
| Carr, | Hindman, | Patterson, C., | Welliver, |
| Carson, | Hirsch, | Patterson, J. W., | Welsh, |
| Castor, | Hoffner, | Pearson, | Westrick, |
| Chervenak, | Holstrum, | Perry, | Wickersham, |
| Coakley, | Hoopes, | Peters, | Wilson, |
| Cochran, | Horst, | Pfaff, | Witkin, |
| Cohen, | Jackson, | Powers, | Wood, |
| Coleman, | Jones, | Reising, | Woodside, |
| Condon, | Kane, | Reynolds, | Yeakel, |
| Coolahan, | Kelder, | Rhys, | Yourishin, |
| Cordier, | Kelso, | Robinson, | Zappala, |
| Davies, | Kilroy, | Root, | Zimmerman, |
| Dent, | Kinney, | Ruffennach, | Sarig, |
| Diehl, | Klingler, | Ruth, | |

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 766, as follows:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (P. L. 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" providing for appeals from assessments in years other than the triennial year

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (P. L. 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" is hereby amended to read as follows

Section 2 That the present board of assessors in any such city or their successors when elected shall make an assessment of all the subjects of taxation now by law or which may hereafter be made subject to taxation for city purposes and they shall take as the basis of such assessment the last preceding assessment made by the board of assessors for such city and shall have power to revise equalize or alter such assessment by increasing or reducing the valuations and to add such lists of assessments any subjects of taxation subject to taxation as aforesaid omitted therefrom and fix the taxable valuation thereof and it shall be their duty to rectify all errors and if necessary for such purpose require the attendance of citizens before them for examination under oath or affirmation It shall be their duty to establish without delay rules and regulations prescribing the mode of appeal to them from any assessment made by them by any person interested therein and such rules and regulations shall provide not only for appeals from triennial assessments but at any other time previous to the payment of the tax but no such appeal shall be entertained in other than the year of the triennial assessment unless the taxpayer shall give due notice of his intent to appeal to the board of assessors in time so that the appeal may be heard at least three months prior to January first of the year for which the reduction is sought and when such assessors shall have finally acted upon such assessments and any such appeals an appeal may be taken therefrom to any court of common pleas of the county in which such city is located whose decision shall be final thereon Such appeals shall be taken to such court within thirty days after final action by the assessors as aforesaid

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161.

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Kobelak, | Ruth, |
| Alexander, | Downey, J. J., | Linderman, | Sarraf, |
| Allen, | Duffort, | Long, | Schrock, |
| Altenburg, | Eberharter, | Lovett, | Schrope, |
| Andrews, | Eroe, | Lynch, | Shepard, |
| Arnold, | Falkenstein, | Male, | Shreiner, |
| Atkins, | Ferko, | McCreary, | Shugarts, |
| Aukerman, | Finnerty, | McDermott, | Siegel, |
| Baine, | Fitch, | McDevitt, | Sinwell, |
| Baker, F. T., | Flanagan, | McElroy, | Smith, J. A., |
| Baker, J J., | Flinchbaugh, | McHenry, | Snyder, F. E., |
| Baldi, | Furman, | McKinney, | Snyder, J. L., |
| Barnhardt, | Gates, | Melchiorre, | Sowers, |
| Bernhard, | Gerard, | Mentzer, | Stank, |
| Boose, | Gillette, | Merrell, | Stevens, |
| Boyer, | Green, | Moomaw, | Stewart, |
| Bradley, | Habbyshaw, | Mooney, | Stone, |
| Brancato, | Haberlen, | Moran, | Sumney, |
| Brennan, | Hagerty, | Moul, | Surface, |
| Brown, H. S., | Haluska, | Muir, | Terry, |
| Brown, J. E., | Hamilton, F. P., | Murrin, | Tronzo, |
| Brownfield, | Harkins, | Nagel, | Trout, |
| Brumbaugh, | Harmuth, | Nothnagle, | Tumelty, |
| Burke, | Hart, | O'Keefe, | Turner, |
| Cannon, | Hefferon, | Ominsky, | Van Sickle, |

| | | | |
|---|---|---|---|
| Caputo, | Hermansen, | O'Neill, | Weidemann, |
| Carr, | Hetrick, | Parks, | Weiss, |
| Carson, | Hindman, | Patterson, C., | Welliver, |
| Castor, | Hirsch, | Patterson, J. W., | Welsh, |
| Chervenak, | Hoffner, | Pearson, | Westrick, |
| Coakley, | Holstrom, | Perry, | Wickersham, |
| Cochran, | Hoopes, | Peters, | Wilson, |
| Cohen, | Horst, | Pfaff, | Witkin, |
| Coleman, | Jackson, | Powers, | Wood, |
| Condon, | Jones, | Reising, | Woodside, |
| Coolahan, | Kane, | Reynolds, | Yeakel, |
| Cordier, | Kelder, | Rhys, | Yourishin, |
| Davies, | Kelso, | Robinson, | Zappala, |
| Dent, | Kilroy, | Root, | Zimmerman, |
| Diehl, | Kinney, | Ruffenach, | Sarig, |
| Dilley, | Klingler, | | |

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## COMMITTEE APPOINTED TO INVESTIGATE DISTRIBUTION OF RELIEF

The SPEAKER. In accordance with the provisions of Resolution No. 110, providing for a joint committee to investigate the distribution of public relief throughout the Commonwealth, sponsored by the gentleman from Lebanon, Mr. Horst, the Chair appoints the following members on the part of the House: Messrs. Burke, Eroe and Horst.

## ADJOURNMENT

Mr. COHEN. Mr. Speaker, I move that this House do now adjourn until Monday evening, April 15, 1935, at 9:00 P. M.

The Motion was agreed to, and (at 1:56 P. M.) the House adjourned until Monday, April 15, 1935, at 9:00 P. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, APRIL 15, 1935 No. 45

## SENATE

MONDAY, April 15, 1935.

The Senate met at 9 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Endow us, Our Father, with Thy vision. We can see only a short distance into the past and all the future is unknown to us. "No man knoweth what a day may bring forth." Thus our most carefully laid plans are frequently frustrated, while our most fondly cherished hopes are shattered.

Yet, O God, we need not be discouraged if we implicitly trust Thee. Our experience teaches us that Thou doest all things well and that Thy plans for us are wiser than our plans for ourselves. This is true because Thou canst see the past, the present and the future, and back of Thy all-seeing eye is Thy all-loving heart.

According to Thy will lead the men who enact and execute our laws. Cause them to walk in the way Thou dost see and know to be best. Bestow upon them Thy wisdom. Grant Thy favor and blessing to rest upon our rulers and our people.

These things we ask in our Master's name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

### RETURNS OF SPECIAL ELECTION HELD IN THE TWELFTH SENATORIAL DISTRICT ON APRIL 9, 1935

The PRESIDENT. A Special Election having been held on April 9, 1935, under proper authority, in the Twelfth Senatorial District, to fill the vacancy caused by the death of Honorable James S Boyd, and the official returns having been presented to the Chair, they will be opened and read by the Secretary.

The returns were opened and read, as follows:

1935
SPECIAL ELECTION
TO THE SENATE OF PENNSYLVANIA

Commonwealth of Pennsylvania, } ss.
County of Montgomery, }

I, Isaiah T. Haldeman, Prothonotary in and for Montgomery County, do hereby certify, that it appears from the Returns of the Special Election, held in the said County of Montgomery on Tuesday the ninth day of April, A. D. 1935, as computed in the presence of the Judges of the said Court by the proper officer and his sworn assistants, and duly certified and filed by said Judges in my office, that the following is the number of votes cast for the several candidates for the office of Senator in the General Assembly in the Twelfth Senatorial District comprising the County of Montgomery.

REPUBLICAN

Theodore Lane Bean had forty-six thousand nine hundred fifteen (46,915) votes.

DEMOCRATIC

Gertrude Ealy had thirty thousand seven hundred eighty-four (30,784) votes.

SOCIALISTIC

George Bouse had two (2) votes.
Arthur Ewine had two (2) votes.
Louis DiGiovanni had two (2) votes.
Daniel Duff had one (1) vote.
Fred C. Peters had one (1) vote.
Clarence Ederer had four (4) votes.
Francis R Taylor had two (2) votes.
Dr. Thomas H. Powick, Com. had one (1) votes.

In Testimony Whereof, I have hereunto set my hand and caused the Seal of the said Court to be affixed this eleventh day of April, 1935.

ISAIAH T. HALDEMAN, Prothonotary.

(S E A L)

The PRESIDENT. The official returns show the election of Honorable Thomas Lane Bean, Senator in the Twelfth District. The Chair is informed that the Senator-elect is present, and the Chair appoints the Senator from Berks, Mr. Norton, and the Senator from Chester, Mr. Clark, to escort the Senator-elect to the Bar of the Senate, where the oath will be administered by the Honorable William H. Hargest, President Judge of the Twelfth Judicial District.

### ADMINISTRATION OF OATH OF OFFICE OF SENATOR-ELECT THOMAS LANE BEAN

Mr. NORTON. Mr. President, the committee takes pleasure in presenting the Honorable Thomas Lane Bean, Senator-elect from the Twelfth Senatorial District.

The oath of office was then administered to the Senator-elect.

### PETITIONS

### PROTESTING AGAINST ENACTMENT OF A GENERAL SALES TAX

The Chair cleared his table and laid before the Senate petition from the Pennsylvania Restaurant Association, Allentown, protesting against a general sales tax.

Which was referred to the Committee on Finance.

FAVORING PENDING TAX LEGISLATION

The Chair also laid before the Senate petition from the Mount Oliver Borough Democratic Committee favoring pending tax legislation.

Which was referred to the Committee on Finance.

PROTESTING AGAINST ANTI-SABBATH BILLS

Mr. REED (Washington) presented petitions from numerous churches and citizens of Washington County protesting against anti-sabbath bills.

Which were referred to the Committee on Law and Order.

FAVORING SENATE BILL No. 693.

He also presented petitions from numerous unions of the United Mine Workers of America favoring Senate Bill No. 693.

Which were referred to the Committee on Judiciary Special.

FAVORING PENDING TAX LEGISLATION

Mr. CAVALCANTE presented petition signed by numerous citizens of Fayette County favoring pending tax legislation.

Which was referred to the Committee on Finance.

COMMUNICATIONS FROM UNITED MINE WORKERS OF AMERICA

The Chair cleared his table and laid before the Senate the following communications:

UNITED MINE WORKERS OF AMERICA
724 Tower Building, Washington, D. C.
Harrisburg, Pennsylvania, April 15, 1935.

Honorable A. Boyd Hamilton
Secretary of the Senate,
Harrisburg, Pennsylvania

Dear Sir:

We have the honor to transmit herewith, for reading before the Senate and incorporation in the official legislative journal, copies of resolutions adopted this day at a meeting of the Executive Officers of the seven districts of the United Mine Workers of America in Pennsylvania.

Thank you.

Respectfully yours,

For the Executive Officers of
Districts 1, 2, 3, 4, 5, 7, and 9,
United Mine Workers of America
JOHN N. YOURISHIN, Secretary

Whereas, the tax program of the Administration passed the House and is now in the Senate, and in our judgment it is an equitable, fair and just taxing arrangement; and,

Whereas, it is vital and necessary that this taxing program be enacted into law as speedily as possible in order to provide for unemployment relief in Pennsylvania; and,

Whereas, the Republican-dominated Senate, controlled by the invisible government representing big interests, is endeavoring to permit as usual the interests to escape taxation and it hopes eventually to put over a sales tax and again make those less able to pay bear the brunt of taxation in Pennsylvania; and,

Whereas, we believe these tactics of the Republican Senators are reprehensible and should not be tolerated further in Pennsylvania, therefore be it

Resolved: by the executive officers of the seven districts of the United Mine Workers of America in Pennsylvania representing 300,000 organized mine workers in Pennsylvania, that we petition and demand of the Republican Senators that the Administration Tax Program be reported favorably and passed by the Senate; and be it further

Resolved: That we strenuously oppose any counter proposition being enacted that in any way contemplates and calls for a general sales tax; and be it still further

Resolved: That we call upon the Senators representing coal counties to join with us in this demand upon the Senate for the immediate enactment of the Administration Tax Program to the end that revenue may be raised to provide for unemployment relief, work relief and for other legitimate State purposes. The responsibility rests squarely upon the shoulders of the Republican leadership in the Senate and we demand immediate and favorable action so that taxation may be more equitably distributed in Pennsylvania and the financial needs of the Commonwealth be adequately met.

Adopted at Harrisburg, Pennsylvania, April 15, 1935.

For the Executive Officers of
Districts 1, 2, 3, 4, 5, 7, and 9,
United Mine Workers of America,
JOHN BOYLAN, Chairman
JOHN YOURISHIN, Secretary

Be it Resolved, By the Executive Officers of the seven districts of the United Mine Workers in Pennsylvania, that we urge upon the House of Representatives the immediate passage of the Administration's Workmen's Compensation Bill, and we also call upon the Senate to enact this bill when it is passed by the House and is in the hands of the Senate for action. We believe this measure is fair and just, and that the workers of Pennsylvania are entitled to this legislation which brings compensation standards of Pennsylvania up to that of surrounding competitive Districts, and be it further

Resolved, That we call upon the Administration to have presented as soon as possible the bill providing compensation for occupational diseases which we understand is now in course of preparation, and upon this measure we equally urge favorable consideration and passage by the House and Senate. We also urge that measures for Old Age Pensions, unemployment insurance, to be tied in with Federal legislation, should be given special attention at this time in view of the fact that the Federal Congress is about agreed in principle upon the important features to be incorporated in Federal legislation; and be it still further

Resolved, That copies of this resolution be sent to the Secretary of the House and of the Senate for incorporation in the official journals of both Houses, and to the Governor of the Commonwealth.

Adopted at Harrisburg, Pennsylvania, April 15, 1935.

For the Executive Officers of
Districts 1, 2, 3, 4, 5, 7, and 9,
United Mine Workers of America,
JOHN BOYLAN, Chairman
JOHN YOURISHIN, Secretary

Whereas, in keeping with the policies of the New Deal for Pennsylvania there is pending in the General Assembly Administration measures providing for better Labor and Social Security legislation and,

Whereas, many of these measures have passed the House and are now in the Senate where very little attention is being paid them by the Senate committees; and,

Whereas, we believe that steps should be taken to force action on these policies by the Senate, therefore be it

Resolved, That the executive officers of the seven districts of the United Mine Workers of America in Pennsylvania, representing 300,000 organized mine workers, that we petition and demand of the Republican leadership of the Senate of Pennsylvania, especially the committee chairmen, that committee meetings be held immediately for the purpose of releasing Labor and Social Security legislation, and that it be passed by the Senate and be it further

Resolved, That we request the Senators representing coal counties to work and vote to bring about the favor-

able reporting and passage of this legislation, and we call upon them to assist Labor in this battle for justice and progress for the people of Pennsylvania, and be it still further

Resolved, That copies of this resolution be sent to the Senate of Pennsylvania for incorporation in the official journal thereof for the express information of those mentioned herein, to the Chairman of the Republican Party of Pennsylvania, and to the Government of the State, through His Excellency, the Governor.

Adopted at Harrisburg, Pennsylvania, April 15, 1935.

For the Executive Officers of Districts 1, 2, 3, 4, 5, 7 and 9, United Mine Workers of America,

JOHN BOYLAN, Chairman.
JOHN YOURISHIN, Secretary.

Whereas, The House of Representatives has passed a bill providing for a miner's certificate law in the bituminous coal fields of Pennsylvania; and

Whereas, This qualification law is in keeping, in principle, with a similar law in existence in the anthracite region of Pennsylvania for many years; and

Whereas, We believe that this miner's certificate law is a real safety measure and will promote safety and efficiency in mining operations; and

Whereas, The application of the certificate law in the bituminous region will bring into being men who are certified and who can appreciate and understand the common dangers more so than those inexperienced; therefore be it

Resolved, By the Executive Officers of Districts 1, 2, 3, 4, 5, 7 and 9, United Mine Workers of America, representing 300,000 organized mine workers in Pennsylvania, that we believe this law is vital and necessary and we urge upon the Senate Committee on Judiciary Special that they favorably report the bill and that the Senate pass it, and we call upon all Senators, and especially those from the coal counties, to personally work and vote to bring about the passage of this meritorious legislation.

Adopted at Harrisburg, Pennsylvania, April 15, 1935,

JOHN BOYLAN, Chairman,
JOHN YOURISHIN, Secretary,
For the Executive Officers of Districts 1, 2, 3, 4, 5, 7, and 9, United Mine Workers of America.

## QUESTION OF PERSONAL PRIVILEGE

Mr. GRAFF. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Graff, will state his question of personal privilege.

Mr. GRAFF. Mr. President and members of the Senate, a great deal has been said in this chamber and throughout the State relative to Relief. I heartily agree with the distinguished Senator from Somerset, Mr. Ealy, who recently in an address before this body, said it was the paramount question before us today. It is so vitally related to any tax program and is such a large part of it, that it seems to me some definite action should be taken dealing with it before any program of taxation can be worked out. If I gauge correctly the temper of the taxpayers of the Commonwealth in this matter, and I think I do, they are in no frame of mind to accept new and increased taxes as they look upon the debacle of waste, extravagance, inefficiency, and chiseling that is going on under the administration of the State Emergency Relief Board. No one, for one moment, would think of attempting to operate his own business in the way relief is being administered in the State, and yet the State Emergency Relief Board is going ahead day after day complacently doling out millions upon millions of dollars of the taxpayers' money with a reckless abandon that beggars description.

Recently I saw some of the payroll records of the State Emergency Relief Board. They disclosed in many instances that men today are receiving more on relief per hour and week than they ever earned in their entire lives for a similar period of time. We all know of countless instances where men have refused to go to work, preferring to remain on relief. I could tell you of cases of chiseling that are almost beyond belief. However, you are familiar with such cases. Several days ago a friend of mine, who owns a music store, told me some of his best cash customers are persons who are on relief.

As indicative of the feeling of many of the taxpayers of the State I quote very briefly from a letter received recently. It is similar to hundreds of others I have received: "Why vote more taxes, until the administration first puts its relief house in order? No worthy person should be allowed to starve, but lets prove them worthy first, before we put an additional burden on the already sorely harrassed taxpayer. Thank you for doing what you can to stop Mr. Earle's mad plan to sap the very life out of the rest of us who are struggling along trying to keep off the relief rolls."

I have here in my possession a summary of the administrative relief board payroll for the week ending March 16, 1935, for the Counties of Armstrong, Indiana and Jefferson. It discloses the fact that in these three Counties, which are in one set-up, there are 232 persons administering relief. In spite of this huge payroll, Mr. Johnson, State Administrator, under date of April 4th, came out with a statement that additional investigators will be hired by the State Emergency Relief Board. At the head of relief in Armstrong County we have a woman, a so-called social service expert, who does not even come from our section of the State, and who certainly does not know Armstrong County, her people, or conditions there. We have as investigators many young men and women without experience, who come from well-to-do families, while many heads of families who are well qualified for these positions, are on relief and walking the streets.

When formerly the money was allocated direct to the Counties and administered by them, I have a statement from the president of our board of County Commissioners, who had charge of this work, that the most it ever cost in any one month for administration, was one hundred dollars. Usually it ran under this figure. The County and her people were known to the administrative board, and relief was administered fairly, efficiently, and economically, and but a small fractional part of the money that is being used today, was expended then, and yet all deserving cases were taken care of. Today, I am informed, it costs at least $6,000 per month for administration in this same County. Contrast this with $100 per month under County administration. I have every reason to believe that similar conditions prevail all over the State.

A legislative inquiry or investigation is no doubt alright. It will however only disclose those things which we already know are in existence. In this connection I wish to quote a recent editorial in The Pittsburgh Post-Gazette. "As an emergency measure, however, the investigation resolution has one serious defect. An amendment injects an 'if'—if the inquiry is not completed by the end of the current session, the report is to be submitted to the 1937 Legislature. Emergencies are not of a nature to be dealt with leisurely. Economies in relief administration are needed now; waste should not be permitted to

accumulate for two more years. What the Legislature can do to promote efficiency in the handling of relief it should do now."

I am not simply attempting to indict the present administration. It is rather the system, or lack of system, that I would condemn. It was wrong under the preceding administration and it is wrong today, and growing worse steadily. The fact is however that it is the duty and obligation of the present administration to lend a hand to clean this up. Bureaucratic and remote control, never have, and never will, work out satisfactorily.

If this monster, which is eating at the very vitals of the Commonwealth, is not destroyed, it will eventually bankrupt and destroy us. I suggest as the solution that one of the several bills now before the Legislature, providing for the abolishing of the State Emergency Relief Board and the allocating of the money direct to the Counties, be passed. I believe it is the duty of the Legislature to get back of this in earnest, and the duty of the administration to help see to it that one of these bills is enacted into law. If this is done, I am confident we will have gone a long way toward solving this tremendously important and vital relief problem.

## SPECIAL COMMITTEE ON THE PART OF THE SENATE TO INVESTIGATE RELIEF ADMINISTRATION

The PRESIDENT. The President Pro Tempore of the Senate has appointed the Committee on the question of Relief Administration, and the names will be announced by the Secretary.

The SECRETARY. Members of the special committee to investigate relief administration under the terms of House Resolution No. 110, on the part of the Senate: The Senator from Somerset, Mr. Ealy, the Senator from Berks, Mr. Norton, and the Senator from Allegheny, Mr. Rodgers.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 521 (Senate Bill No. 852), entitled:

An Act to amend section two hundred and eight of, and to add section twelve to, the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "Business Corporation Law," providing that the Secretary of the Commonwealth shall be the agent of domestic business corporations upon whom process may be served; prescribing the procedure for such service by the sheriff of Dauphin County; and certain duties of the corporations relative thereto.

Which was committed to the Committee on Corporations.

House Bill No. 953 (Senate Bill No. 853), entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes" by providing that certificates of registration may not be issued to individuals; and providing for the refund of fees where certificates of registration are refused.

Which was committed to the Committee on State Government.

House Bill No. 1069 (Senate Bill No. 854), entitled:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 93), entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to boroughs towns and townships of one thousand population or more extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment

Which was committed to the Committee on Public Health.

House Bill No. 1105 (Senate Bill No. 855), entitled:

A Supplement to the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof;" providing for the payment of fees for the granting of permits under the provisions of said act; regulating the collection and disposition of such fees; and limiting the time such permits are effective.

Which was committed to the Committee on Forests and Waters.

House Bill No. 1143 (Senate Bill No. 856), entitled:

An Act to amend section one of the act approved the twentieth day of December, one thousand nine hundred and thirty-three (1933-34 P. L. 89), entitled "An act appropriating the moneys in The State Stores Fund;" making appropriations for the payment of refunds.

Which was committed to the Committee on Appropriations.

House Bill No. 1195 (Senate Bill No. 857), entitled:

A Supplement to the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," providing for the return of summons in actions brought before justices of the peace, alderman and magistrates.

Which was committed to the Committee on Judiciary General.

House Bill No. 1288 (Senate Bill No. 858), entitled:

An Act prescribing and limiting the rights and liabilities in cases of death from unlawful violence or negligence where no action has been brought by the party injured during his lifetime.

Which was committed to the Committee on Judiciary General.

House Bill No. 1567 (Senate Bill No. 859), entitled:

An Act to amend the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," by requiring city records to be open to inspection.

Which was committed to the Committee on Municipal Government.

House Bill No. 1594 (Senate Bill No. 860, entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts, P. 169) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incured and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five.

Which was committed to the Committee on Appropriations.

House Bill No. 1645 (Senate Bill No. 861), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor, to sell and convey a certain plot of land.

Which was committed to the Committee on State Government.

House Bill No. 1732 (Senate Bill No. 862), entitled:

An Act to amend section four of article five of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law," by authorizing the employment of women as policewomen.

Which was committed to the Committee on Municipal Government.

House Bill No. 1734 (Senate Bill No. 863), entitled:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

Which was committed to the Committee on Municipal Government.

House Bill No. 1776 (Senate Bill No. 864), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "Administrative Code of 1929," permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto.

Which was committed to the Committee on State Government.

House Bill No. 1815 (Senate Bill No. 865), entitled:

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material

Which was committed to the Committee on Public Health.

House Bill No. 1831 (Senate Bill No. 866), entitled:

An Act to further amend section one of the act, approved the seventh day of May, one thousand nine hundred twenty-seven, (P. L. 859), entitled 'A supplement to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 522), entitled 'Transfer Inheritance Tax Law,' imposing additional taxes equal to Federal credits," by requiring executors, administrators, and certain persons to file with the register of wills a copy of every return filed with the Federal Government for Federal estate tax purposes.

Which was committed to the Committee on Finance.

House Bill No. 1836 (Senate Bill No. 867), entitled:

An Act authorizing boroughs to construct reconstruct and repair sidewalks, gutters, curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough.

Which was committed to the Committee on Municipal Government.

House Bill No. 1838 (Senate Bill No. 868), entitled:

An Act requiring cities to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year, except in emergency cases.

Which was committed to the Committee on Municipal Government.

House Bill No. 766 (Senate Bill No. 869), entitled:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" providing for appeals from assessments in years other than the triennial year.

Which was committed to the Committee on Municipal Government.

House Bill No. 1153 (Senate Bill No. 870), entitled:

An Act to amend section two thousand nine hundred ten as amended, and section two thousand nine hundred twenty-two, of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants.

Which was committed to the Committee on Municipal Government.

House Bill No. 1689 (Senate Bill No. 871), entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568), entitled "An act relating to the commencement of actions," requiring more specific statements in the return of writs of summons.

Which was committed to the Committee on Judiciary General.

## HOUSE CONCURS IN SENATE BILL NO. 87

He also returned to the Senate, Senate Bill No. 87, entitled:

An Act to further amend clause (a) of section six, and sections ten and eleven of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties, regulating the procedure therein, and providing for the expenses thereof," by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars; by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants; by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate; by changing the effect of appeals from the county court upon judgments of that court; by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury; and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

with the information that the House has passed the same without amendment.

## HOUSE CONCURS IN SENATE BILL NO. 223

He also returned to the Senate, Senate Bill No. 223, entitled:

An Act to establish jurisdiction in cases of kidnapping [cases] and murder perpetrated in kidnapping.

with the information that the House has passed the same without amendment.

## HOUSE CONCURS IN SENATE BILL NO. 256

He also returned to the Senate, Senate Bill No. 256, entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit.

with the information that the House has passed the same without amendment.

## HOUSE CONCURS IN SENATE BILL NO. 561

He also returned to the Senate, Senate Bill No. 561, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation for county purposes, and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon.

with the information that the House has passed the same without amendment.

## RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 88

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 11, 1935.

Resolved (if the Senate concur). That House Bill No. 88, Printer's No. 318, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

## SENATE BILL NO. 41 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 41, entitled:

An Act to amend section six of the act, approved the eighteenth day of June, one thousand nine hundred and twenty-three (P. L. 840), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," futher defining the circumstances under which the remedy provided is available.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. SONES. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend page 2, line 17 by striking out at the beginning of the line the following: "that jurisdiction shall be exercised in" and inserting in lieu thereof the following: "a special form of remedy for;" also line 18 by striking out after the word "case" the following: "in a particular way"; also line 26 by inserting after the word "present" the following: "but the case is not ripe for relief by way of such common law remedy or extraordinary legal remedy or where the party asserting the claim relation status right or privilege and who might bring action thereon refrains from pursuing any of the last mentioned remedies Nothing herein provided is intended to or shall limit or restrict the general powers or jurisdiction conferred by the act hereby amended but proceeding by declaratory judgment shall not be permitted in any case where a divorce or annulment of marriage is sought"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Trainer, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Ziesenheim, |
| Gelder, | McGinnis, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## SENATE BILL NO. 152 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 152, entitled:

An Act authorizing the exoneration of taxes assessed or levied against any property, purchased for hospital uses, upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is required.

Mr. SONES. Mr. President, I move that Rule 21, which requires amended bilils to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

amend page 1, line 12 by inserting after the word "taxes" the word "heretofore."

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Ziesenheim, |
| Gelder, | McGinnis, | Roberts, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## PRESIDENT MEMORIALIZED TO CONSIDER CERTAIN PROJECTS FOR PENNSYLVANIA IN PUBLIC WORKS PROGRAM

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Federal Relations:

**In the House of Representatives, February 27, 1935.**

Whereas, The Federal Government, in order to alleviate unemployment, is developing various useful public works; and

Whereas, There are many water projects which, if developed, would prove beneficial to Pennsylvania and to its citizens, and aid in the development of Commerce; and

Whereas, There has been reported, by the Board of Engineers of the United States Army, under House Document No. 308, 69th Congress, a plan for thirty-two reservoirs projected for power and flood control in the Delaware and Lehigh River Valleys; and

Whereas, There has also been reported and recommended by the same Board of Engineers, as contained in House Document No. 24, 73rd Congress, 2nd Sessions, the deepening and widening of the Delaware and Chesapeake Canal to a ship canal at an estimated cost of $12,500,000; and

Whereas, A Special Board's report, as published in House Document No. 219, 73rd Congress, 2nd Session, details a survey of a ship canal across the State of New Jersey at an estimated N. I. R. A. cost of $210,000,000, a second Panama Canal in importance to the East; and

Whereas, The Lehigh Valley area embraces one of the largest steel manufacturing districts in the country, employing 26,000 people, with $200,000,000 invested in homes and $100,000,000 invested in works; and

Whereas, This same district has a potential investment of upwards of $50,000,000 in cement plans, including moderate progressive replacements, producing in prosperous times 20,000,000 barrels of cement at a production value of $37,000,000; and

Whereas, This same area produces in a normal year 26,000,000 tons of anthracite coal at a production value of $114,400,000, with an estimate of 6,000,000,000 tons of unmined coal appraised at a wealth of $13,000,000,000; and

Whereas, All steel manufacturing plants are seeking water transportation facilities for the more economical handling of their raw materials; and

Whereas, It is reported that the Bethlehem Steel Company has lately invested $20,000,000 in new plants at Buffalo, to thus secure such an outlet; and

Whereas, These great industries in the Lehigh Valley and many others in this rich and populous area are hampered by water competitive rates enjoyed by similar industrial plants in other parts of the country, thus denying added returns in earnings to the people of this dtsirtct, endangering the continuance of the steel industry, restricting the development of the cement industry and excluding our anthracite coal from the New England markets; and

Whereas, The Delaware River water shed, with its numerous industrial cities is served by a vast net work of power lines operated by public utilities able to distribute additional power capable of being generated in this area, at little or no additional cost for distribution; and

Whereas, These plans leave out a most important link in this comprehensive development of this great Valley, namely, the canalization of the Delaware River from Morrisville in Bucks County to Easton in Northampton County to provide water navigation for the industries and cities in the Lehigh River area; particularly to serve the production of cement and coal and to save this great industry to this Commonwealth, thus protecting and benefiting 250,000 people depending directly or indirectly upon these industries; and

Whereas, These projects will put thousands of men to work on construction and other thousands in the manufacture and delivery of materials; and

Whereas, Such a comprehensive all-inclusive Public Works Project of the Delaware River Basin will serve a

dense industrial area of upward of 20,000,000 Americans and benefit more people than any other plan under way or contemplated in the whole United States; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President of the United States to consider the advisability and feasibility of including within the Public Works program the following projects:

(a) The construction of a ship canal across the State of New Jersey from the Delaware River to the Raritan River;

(b) The development of the Delaware and Chesapeake Canal into a ship canal;

(c) The canalization of the Delaware River from Morrisville to Easton;

(d) The development in Pennsylvania of works for flood control and water power looking to a practical and equitable arrangement with the public utilities for distribution of power through the area that shall promise the ultimate ammortization of the capital investment; and be it further

Resolved, If the Governor approve this resolution, he be respectfully requested to urge upon the President the construction of such public works; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States by the Secretary of the Commonwealth.

## REPORTS FROM COMMITTEES

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 820, entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief.

Mr. COYNE from the Committee on Elections, re-reported as committed, Senate Bill No. 220, entitled:

An Act to amend sections one and two of the act approved the fifth day of March one thousand nine hundred and six (P. L. 63), entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" as amended regulating the appointment of registrars and designating the political parties from which such registrars shall be selected.

Mr. CHAPMAN from the Committee on Elections reported as committed, Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Also from the Committee on Elections reported as committed, Senate Bill No. 520, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Mr. HARRIS from the Committee on Elections reported as committed, Senate Bill No. 549 (House Bill No. 318), entitled:

An Act to amend sections ten and fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offienses provided for herein and repealing inconsistent legislation" as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of and returning canvassing and computing the vote cast at primary elections regulating the form of the numbered lists of voters regulating the duties of election officers in calling and tabulating the votes and regulating return board precedure

Also from the Committee on Elections reported as committed, Senate Bill No. 567 (House Bill No. 321), entitled:

An Act to amend section six as amended, section eight and section ten as amended of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions, and limiting the number of specimen ballots to be given candidates at primaries.

Mr. ROBERTS from the Committee on Elections, reported as committed, Senate Bill No. 67, entitled:

An Act requiring return courts judges and boards sitting to record, compute and certify the returns of any primary, general, municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat, whether said election was conducted by the use of voting machines or paper ballots; providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast, shall be deemed a discrepancy and palpable error requiring investigation, defining the scope and extent of such investigation, and providing for an appeal from the decision thereon, prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof, county commissioners, county controllers, county treasurers, prothonotaries, registration commissions and other public officers, and repealing inconsistent legislation.

## BILLS INTRODUCED

Mr. STAUDENMEIER read in his place and presented to the Chair, Senate Bill No. 872, entitled:

An Act to amend Section one of an act approved the twenty-eighth day of June, one thousand nine hundred and seventeen (P. L. 645) entitled, "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates, fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties," by requiring notice of intention to file such certificates to be given by advertisement and the filing of proofs of such publication.

Which was committed to the Committee on Judiciary General.

Also (by Request) read in his place and presented to the Chair, Senate Bill No. 873, entitled:

An Act to amend section three of an act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415) entitled, "An act relating to the qualications, jurisdiction, powers and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," by reuiring all registers of wills to cause a separate notice of all issuance of letters testamentary, administration of ancillary, upon the estate of any decedent, to be given by publication in one newspaper published in or near political subdivision of the county where such decedent resided at the time of death, and in the legal newspaper or periodical which has been designated by rule or order of any court of said county for publication of legal notices or advertisements, once a week for six weeks, and repealing all laws or parts of laws inconsistent therewith.

Which was committed to the Committee on County Government.

Also (by Request) read in his place and presented to Chair, Senate Bill No. 874, entitled:

An Act to amend section three hundred and forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws relating thereto," giving courts discretion with respect to certain surcharges against county commissioners.

Which was committed to the Committee on County Government.

Mr. HOWELL read in his place and presented to the Chair, Senate Bill No. 875, entitled:

An Act to amend the act, approved the twenty-second [illegible] of June, one thousand nine hundred thirty-one (P. [illegible] 594), entitled "An act establishing certain township [illegible]ads as State highways; authorizing their construction, [illegible]aintenance, and improvement under certain conditions [illegible]nd restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing and abandoning a portion of route No. 35018 in Township of South Abington in Lackawanna County.

Which was committed to the Committee on Highways.

Mr. SORDONI read in his place and presented to the Chair, Senate Bill No. 876, entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (P. L. 9), entitled "An act relating to banks, trust companies, savings banks and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

Which was committed to the Committee on Banking.

Mr. COYNE read in his place and presented to the Chair, Senate Bill No. 877, entitled:

An Act requiring persons, copartnerships, associations and corporations employed or engaged by domestic or foreign insurance companies, associations or exchanges, as adjusters of claims for losses or damage arising out of policies of insurance, surety or indemnity upon property, persons, or insurable business interests within this Commonwealth, to be licensed by the Insurance Commissioners; regulating the issuance and revocation of such licenses; prescribing certain conditions for acting as such adjusters; providing for the filing of bonds by such adjusters, and for recovery thereon by parties in interest; and providing penalties.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 878, entitled:

An Act to further amend sections two hundred and eleven, six hundred and twenty-four, and six hundred and twenty-five, to amend sections six hundred and twenty-one and six hundred and twenty-two of, and to add section six hundred and twenty-six to, the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchange, and certain societies on orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repaling existing laws," by limiting the issuance of insurance brokers' and excess insurance brokers' licenses to natural persons; increasing the fees for brokers' licenses; authorizing the issuance of brokers' licenses to negotiate contracts of life insurance; and imposing certain restrictions and requirements on the transaction of the business of insurance brokers and excess insurance brokers.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill 879, entitled:

An Act making an appropriation to the Western Pennsylvania Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 880, entitled:

An Act making an appropriation to the Montefiore Hospital Association of Western Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 881, entitled:

An Act making an appropriation to the Pittsburgh Homeopathic Medical and Surgical Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. HARRIS read in his place and presented to the Chair, Senate Bill No. 882, entitled:

An Act providing for the allocation and use of moneys appropriated to the Department of Welfare for use throughout the Commonwealth for General Public Assistance as herein defined.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair, Senate Bill No. 883, entitled:

An Act providing for the creation of Public Welfare Districts and Public Welfare Boards for the purpose of and having power under this act and existing laws of administering general public assistance formerly known as Poor Relief, Mothers' Assistance, assistance for the indigent aged, and pensions for the blind, and other welfare services or functions accepted by it and delegated to it by any public or private authorities; conferring powers and imposing duties upon the Public Welfare Boards, the Department of Welfare, the Auditor General, the Department of Public Instruction, other officers of the state and county governments, and the courts; revising, amending, and changing the laws relating to the administration of poor relief, mothers' assistance, assistance for the indigent aged, and pensions for the blind; establishing regulations for employees of Public Welfare Boards; providing for the disposition of property and the succession to liabilities of administrative authorities of poor districts, Trustees of Mothers' Assistance Funds, Trustees of Pension Funds for the Blind, and Trustees of Old Age Assistance Funds; authorizing Public Welfare Boards to accept gifts and appropriations; and repealing inconsistent acts and parts thereof.

Which was committed to the Committee on State Government.

Mr. CAVALCANTE read in his place and presented to the Chair, Senate Bill No. 884, entitled:

An act authorizing and regulating the reorganization of banks and bank and trust companies.

Which was committed to the Committee on Banking.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 885, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

Which was committed to the Committee on Banking.

Mr. THOMPSON (Centre) read in his place and presented to the Chair, Senate Bill No. 886, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 624, entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers imposing penalties, and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Which was committed to the Committee on Banking.

Mr. SONES read in his place and presented to the Chair Senate Bill No. 887, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the Counties of Lycoming and Tioga.

Which was committed to the Committee on Highways.

Mr ROBERTS read in his place and presented to the Chair, Senate Bill No. 888, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 889, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; confering powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 890, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue: and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 891, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

Which was committed to the Committee on Appropriations.

Mr. ROBERTS read in his place and presented to the Chair, Senate Bill No. 892, entitled:

An Act to amend section five hundred and sixty-one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; changing penalties for delinquent taxes, and conferring the option on boards of school directors to impose or remit penalties in certain cases, in school districts of the second class.

Which was committed to the Committee on Education.

Mr. RANKIN read in his place and presented to the Chair, Senate Bill No. 893, entitled:

An Act declaring and adopting the song "Pennsylvania" as the State song of Pennsylvania.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair, Senate Bill No. 894, entitled:

An Act to amend subheading (b) of article five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by adding section four hundred and twenty-nine, authorizing counties to acquire property for and establish and maintain cemeteries for the interment of veterans, and to excavate and transfer thereto certain veterans buried elsewhere, and validating expenditures heretofore made for such purposes.

Which was committed to the Committee on County Government.

Mr. RODGERS read in his place and presented to the Chair, Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records, provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

Which was committed to the Committee on Judiciary General.

Mr. REED (Washington) read in his place and presented to the Chair, Senate Bill No. 896, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing; for the payment of the expenses of the Department of banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated or having bsuiness transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers, authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking; and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by providing for the creation of the Banking Board, the appointment of its members, the payment of its expenses, and defining its powers and duties.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair Senate Bill No. 897, entitled:

An Act to amend section one of an act, approved the thirty-first day of May, one thousand, eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," as amended; establishing Saturday half holidays as regards the transaction of banking business.

Which was committed to the Committee on Banking.

Mr. LAW read in his place and presented to the Chair, Senate Bill No. 898, entitled:

An Act to amend the act, aproved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of judiciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the right, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 899, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercises of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers; and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary power of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 900, entitled:

An Act to amend section nine of the act aproved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth class and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

Which was committed to the Committee on Municipal Government.

Mr. RUPP read in his place and presented to the Chair, Senate Bill No. 901, entitled:

An Act relating to State Highway Patrolmen; stipulating minimum compensation; and regulating hours of duty.

Which was committed to the Committee on State Government.

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 902, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, city officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics and boards of school directors; and imposing penalties.

Which was committed to the Committee on Elections.

## RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 775

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 15, 1935.

Resolved (if the Senate concur), That House Bill No. 775, entitled:

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

## REPORT FROM COMMITTEE

Mr. BUCKMAN. Mr. President I ask unanimous consent to make a report from Committee.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Judiciary General, reported as committed, Senate Bill No. 490, entitled:

An Act providing for the sterilization of inmates of certain public institutions; constituting a State Board of Control empowered to recommend sterilization where procreation is inadvisable; providing for hearings and appeals; and placing certain charges on the Commonwealth.

## BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that the bill just reported from the committee on Judiciary General be recommitted to the committee on Public Health.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## TIME OF NEXT MEETING

Mr. MALLERY offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 15, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 22nd at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 22nd, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Washington). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED (Washington). Mr. President, this Senate body has been in session for three months and upwards. Under legal authority it has assembled for the purpose of legislating for the people of Pennsylvania. It not only receives its power to thus convene from the people but it likewise obtains its remuneration from the public moneys of this Commonwealth. Being then employees of the people of this great State, it follows naturally that the members of this Senate should at least endeavor to perform services of sufficient value to compensate the people for the money expended. In contemplating this problem we are forced to consider what has been accomplished by this Senate during its present period of convocation. Determine this question for yourselves, my fellow Senators, and in so doing carefully analyze the record of the number of bills brought into the Senate and likewise the ones that have received final action. You will discover that hundreds of bills are now in committee, many of them dealing with matters of vital importance to the public, and yet, regardless of their importance, delay and procrastination continue to keep them hidden in the dark recesses of committee rooms. Day after day we assemble here, go through a certain perfunctory routine, and then adjourn without accomplishing anything touching the vital problems of the day. And while we thus continue to waste public time the legislative program of a distressed and agitated people remains dormant. After three months of hopeful anticipation, a patient and noble people are gradually becoming aroused, and their hope long deferred is being transformed now into an intensified and holy anger, fortified with a determination to ascertain the cause of their delusion and the consequent reason for this protracted stagnation.

I repeat, they are now fully aroused. From all parts of this great State numerous inquiries are flowing in seeking information concerning the status of presented bills. These inquiries are well founded. The people have a legal and moral right to know, and in the final analysis they shall know. I regret, that this criticism, just or unjust, is beginning to touch on the question of the efficiency and integrity of this Senate.

Investigation of these complaints generally leads into some committee room where secrecy prevails and over whose sacred portals ofttimes hovers the invisible inscription "All hope abandon bills that enter here." But our people are demanding that this inscription be removed and that faith and hope be restored. They are insisting that a full revelation of the action of us Senators, as their servants, be now and henceforth had. They want to know what is transpiring behind closed committee room doors. Their demand is no an unreasonable one, and in order to provide for a fulfillment of their rightful desire, I ask permission, Mr. President, to speak for them and in so doing offer the following resolution:

### RESOLUTION RELATIVE TO AMENDING THE RULES OF THE SENATE

Whereas, the Senate of Pennsylvania is composed of members elected by the people of Pennsylvania and in consequence of such election become agents of the people; and

Whereas, all bills introduced in the Assembly have for their ultimate purpose the promotion of the general welfare of the people of Pennsylvania; and

Whereas, bills coming into the Senate are referred to appropriate committees for consideration; and

Whereas, many bills referred to committees are disposed of therein without any record or report of the vote of the members thereon or of the final action taken;

Therefore, In order that the action of all committees on all committed bills be made a matter of public record,

It is hereby resolved that it shall be the duly of the chairman of each and every committee of this Senate, and in the absence of the chairman, the Senator in charge, to bring before the committee, within a reasonable time after its reference, every bill received, for study and consideration, after which a vote of the committee shall be taken on the question of an affirmative or negative report, which vote shall be by yeas and nays, and a correct record thereof shall be kept by the chairman, or, in his absence, by the Senator in charge, who shall promptly thereafter make a written report to the Senate on the final action taken on each and every bill, and how each and every member voted, which report shall be read in the open Senate and entered in the Senate Journal; and that the President Pro Tempore of the Senate appoint a committee of three (3) Senators to prepare an amendment to the Rules of this Senate, consistent herewith and covering the subject embodied in this Resolution and submit the same to this Senate for final action.

Mr. REED (Washington). Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended, and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection. Under the rules of the Senate the resolution will be referred to the proper committee, the Committee on Rules.

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows:

### RESOLUTION RELATIVE TO STATE EMERGENCY RELIEF

April 15, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I respectfully submit the following extract from the minutes of the special meeting of the State Emergency Relief Board held Friday, April 12, 1935:

"Upon motion of Speaker Sarig, seconded by Mr. Waters, it was

"'Resolved, That the Legislature be requested to pass adequate tax legislation during the week of April 15, 1935, so that unemployment relief in the Commonwealth of Pennsylvania will not terminate on Monday, April 22, 1935.'"

The resolution set forth above was adopted pursuant to a report which I submitted to the State Emergency Relief Board following a conference which I had with Federal Emergency Relief Administrator Harry L. Hopkins and State Relief Administrator Robert L. Johnson on Thursday, April 11th, in Washington.

At that conference, the Federal Emergency Relief Administrator repeated the notice which he gave at a prior conference on March 25th that further relief disbursements to Pennsylvania would be withheld after April 15, unless this Commonwealth enacts tax legislation insuring Pennsylvania's contribution of $5,000,000 monthly as its fair share of the present approximate $20,000,000 monthly relief costs in this State when the revenues from such tax legislation become available.

The Federal Emergency Relief Administrator further pointed out that Pennsylvania had been allotted $68,000,000 since January 1, 1935, without putting up a single dollar of its own funds for unemployment relief.

Of that total, $10,725,000 had been allocated during the present month.

As a result of the developments above recited, Pennsylvania finds itself in the position today of having funds on hand sufficient to carry on unemployment relief only until the end of this week—that is, April 20th.

In view of the urgency of the situation, I request that the General Assembly remain in session for the remainder of the present week, for a sufficient number of Legislative days in which to pass adequate tax legislation which will assure the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

Such legislation must be enacted if starvation privation and indescribable hardships are to be avoided for the 2,000,000 Pennsylvanians now on the relief rolls.

GEORGE H. EARLE.

The PRESIDENT. The communication is referred to the committee handling financial matters, to wit, the Committee on Finance.

## WORKMEN'S COMPENSATION REFEREES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Paul Jones, 2124 Center Avenue, Pittsburgh, Allegheny County for appointment as Workmen's Compensation Referee, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Thomas Lawly, Hollidaysburg, Blair County, for appointment as Workmen's Compensation Referee, vice Myrle T. Beringer, whose term expired, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Edward W. Walsh, Barnesboro, Cambria County, for appointment as Workmen's Compensation Referee, vice F. A. Hess, whose term expired, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Stanley F. Dobrowolski, 3512 Butler Street, Pittsburgh, Allegheny County, for appointment as Workmen's Compensation Referee, vice L. E. Christley, resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Augustine P. Conniff, Wilkes-Barre, Luzerne County, for appointment as Workmen's Compensation Referee, vice Asa E. Lewis, removed from office, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of comfirmation:

Carroll L. Rutter, of Pottstown, Montgomery County, as a Workmen's Compensation Referee, vice Mrs. Winifred Notman Prince resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

## MEMBER OF THE SANITARY BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Dr. Marion K. McKay, 3420 Iowa Street, Pittsburgh, Allegheny County, as a member of the Sanitary Water Board, vice Dean E. A. Holbrook, whose term expired, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

## JUSTICES OF THE PEACE

Walter Sykes, of Edison, Bucks County, as Justice of the Peace in the township of Doylestown, Bucks County, until the first Monday in January, 1936.

W. J. Whalen, Jr., of Burgettstown, Washington County, as Justice of the Peace in the Borough of Burgettstown, Washington County, vice W. P. Friday, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

## NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

### ALLEGHENY COUNTY

A. A. Alles, 1504 Federal St., Pittsburgh.
Miss E. R. Auslander, McKeesport.
Walter S. Klemans, 527 Park Bldg., Pittsburgh.
Miss Edna K. Schoeneweis, Law and Finance Bldg., Pittsburgh.

### BEAVER COUNTY

D. M. Carver, Beaver.
Miss B. M. Dunne, Ambridge.

### CHESTER COUNTY

J. Smedley Thomas, Avondale.
Saml. Wharry, Avondale.

### DELAWARE COUNTY

Matthew (Mack) Margoline, Chester.

### McKEAN COUNTY

Harold C. Cole, Bradford.

### MIFFLIN COUNTY

Howard E. Stone, Lewistown.

PHILADELPHIA COUNTY

Harry J. Baird, Richmond and Tioga Sts., Philadelphia.
James H. Bell, Land Title Bldg., Philadelphia.
Charles S. W. Donaghy, 401 Walnut St., Philadelphia.
Miss Anna C. Donohue, 4007 Chester Ave., Philadelphia.
Miss Esther M. Jackson, 11 W. Rittenhouse St., Philadelphia.
Miss Beatrice M. Lynch, 700 Integrity Bldg., Philadelphia.
Owen P. Marchand, 8046 Frankford Ave., Philadelphia.
Fred D. Rice, 125 S. 4th St., Philadelphia.
Miss Gertrude P. Sahle, 1616 Walnut St., Philadelphia.
John E. Stimmler, 627 E. Gerhard St., Philadelphia.
Oliver C. Traver, 6901 Elmwood Ave., Philadelphia.
Mrs. Marion L. Webster, 260 S. Broad St., Philadelphia.

SCHUYLKILL COUNTY

Bart J. Wishing, Mahanoy City.

VENANGO COUNTY

A. C. W. Smith, Jr., Oil City.

WARREN COUNTY

John J. Retzer, Warren.

GEORGE H. EARLE.

## VETO OF SENATE BILL NO. 56

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 56, Printer's No. 9, entitled, "An Act to amend clause (d) of section ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled 'An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business' as amended by defining the powers of the courts on appeals from the Department of Public Instruction."

The present law provides that when a real estate broker's license is suspended or revoked, after a hearing by the Department of Public Instruction, the appeal therefrom shall be heard by the judge or judges of the Court of Common Pleas of Dauphin County, without a jury, and the department's findings and rulings shall be given similar weight, force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law," approved May 14, 1874.

The present bill provides that the court shall fully scrutinize both the fact and the law and may, in its discretion, receive and consider any additional pertinent evidence, whether oral or written, either in open court or by depositions, as the said court shall direct.

The Department of Public Instruction is opposed to the proposed change in the law. Numerous protests against the approval of this bill have been filed by various real estate boards throughout the State of Pennsylvania. The reason is chiefly that it will make it far more expensive to enforce the real estate law, for the reason that witnesses from distant parts of the State who are called before the real estate board to testify, may have to appear a second time, before the Dauphin County Court, at some subsequent date, and many complainants, rather than appear the second time, at their own expense, from distant parts of the State, will not appear. As a result, defendants may be discharged because of failure of complainant to appear before the court and the enforcement of the law will be practically nullified.

For the reasons I have given, the bill is not approved.

GEORGE H. EARLE.

## NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the State the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

Miss Rose Squires, Philadelphia, April 20, 1935.

ALLEGHENY COUNTY

H. Stewart Dunn, Pittsburgh, April 21, 1935.
C. M. Labriola, Pittsburgh, April 22, 1935.
Julius C. Hamrock, Homestead, April 23, 1935.

PHILADELPHIA COUNTY

Bronislaw Andruskiewicz, Philadelphia, April 30, 1935.

LACKAWANNA COUNTY

I. Edward Nasoni, Scranton, May 4, 1935.

ALLEGHENY COUNTY

Miss Margaret Kenny, Dormont, May 6, 1935.

GEORGE H. EARLE.

The PRESIDENT. Referred to the Committee on Executive Nominations.

Mr. REED (Dauphin). Mr. President, and gentlemen of the Senate, I desire to call the attention of the Senate, and particularly of the Senator from Washington, Mr. Reed, who so eloquently spoke a few moments ago, to the fact that this bill passed the Senate on February 11th by a vote of 49 to 0, and on March the 27th passed the House of Representatives by a vote of 199 to 0. This bill has received, therefore, the unanimous assent of both Houses of the Legislature, and I am wondering what is the use of the Legislature passing bills if bills of this character, bills of this importance, for no reason at all, are to be vetoed by the Governor.

Mr. PRESIDENT. Having made this statement, I move that the veto message lie on the table.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

## APPROVAL OF SENATE BILL NO. 108

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 108, Printer's No. 190, entitled "An Act to amend paragraph six of section thirteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' making provision for the reinstatement of certain policemen and firemen and restricting the powers of the civil service commission."

GEORGE H. EARLE.

## APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 242

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and

House of Representatives, recalling from the Governor Senate Bill No. 242, Printer's No. 38, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

Mr. SONES. Mr. President, I move to reconsider the vote by which Senate Bill No. 242 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. SONES. Mr. President, I voted "aye."

Mr. BAUMER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. BAUMER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. SONES. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. SONES. Mr. President, I voted "aye."

Mr. BAUMER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. BAUMER. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SONES. Mr. President, I ask unanimous consent to

Amend sec. 1, page 3, line 21, by striking out with heavy-faced brackets the word "in" and insert in lieu thereof "of"; amend sec. 1, page 3, line 22, by striking out with heavy-faced brackets the word "Pennsylvania" and insert in lieu thereof "State"; amend sec. 1, page 4, by inserting after line 19, the following paragraph: "Every person applying for registration as an assistant pharmacist shall be not less than eighteen years of age and of good moral character, and must produce satisfactory evidence of having satisfactorily completed a two years' course in pharmacy in some reputable and properly chartered college of pharmacy so recognized by the State Board of Pharmacy and of having had, subsequent to his or her sixteenth birthday, not less than two years practical experience in a pharmacy under the personal supervision of a pharmacist. Credit for practical experience may be given for experience acquired in the drug dispensary of a regular public hospital which is conducted under the constant supervision of a registered pharmacist but such credit shall not in any case exceed one year."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## REPORTS FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 733, entitled:

An Act making an appropriation to the Wills Eye Hospital, Philadelphia, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 444, entitled:

An Act making an appropriation to the American Hospital for Diseases of the Stomach, of Philadelphia, Pennsylvania.

## BILL OVER IN ORDER

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent that Senate Bill No. 701 (House Bill No. 1354), on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the offcers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 246, entitled:

An Act to amend section eight of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended, by increasing the commission of the county treasurer; and providing that the same shall be for the use of the county.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. THOMPSON (Center). Mr. President, last week I raised and stated some objections to this bill. These objections since then have been clarified to my mind, and if anyone has been influenced by the statements I made

concerning this bill, I wish to say now that the bill has been explained satisfactorily.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—31

| | | | |
|---|---|---|---|
| Aron, | Coyne, | McGinnis, | Staudenmeier, |
| Batchelor, | Ealy, | Norton, | Thompson, |
| Baumer, | Harris, | Owlett, | (Centre) |
| Bean, | Homsher, | Pierson, | Thompson, |
| Bennett, | Howell, | Reed | (Westmoreland) |
| Buckman, | Hunsicker, | (Dauphin) | Trainer, |
| Cavalcante, | Kahle, | Reed | Woodward, |
| Chapman, | McClure, | (Washington) | Ziesenheim, |
| Clark, | McCreesh. | Shapiro, | |

NAYS—16

| | | | |
|---|---|---|---|
| Frey, | Lanius, | Prince, | Roberts, |
| Gelder, | Law, | Pytko, | Rodgers, |
| Graff, | Mallery, | Rankin, | Rupp, |
| Huffman, | Miller, | Rice, | Sones, |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 441, entitled:

An Act to definite the liability of grantees of real estate to their grantors in certain cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitltion, and were as follows, viz:

YEAS—44

| | | | |
|---|---|---|---|
| Aron, | Gelder, | McClure, | Roberts, |
| Batchelor, | Graff, | McCreesh, | Rodgers, |
| Baumer, | Harris, | McGinnis, | Rupp, |
| Bean, | Homsher, | Miller, | Shapiro, |
| Bennett, | Howell, | Norton, | Sones, |
| Buckman, | Huffman, | Owlett, | Staudenmeier, |
| Cavalcante, | Hunsicker, | Pierson, | Thompson, |
| Chapman, | Kahle, | Prince, | (Westmoreland) |
| Clark, | Lanius, | Pytko, | Trainer, |
| Coyne, | Law, | Rankin, | Woodward, |
| Ealy, | Mallery, | Rice, | Ziesenheim, |
| Frey, | | | |

NAYS—3

| | | |
|---|---|---|
| Reed, | Reed, | Thompson, |
| (Dauphin) | (Washington) | (Centre) |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 442, entitled:

An Act providing for appeals in civil cases from the decisions of the courts of common pleas granting new trials.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 468, entitled:

An Act to amend sections six hundred and sixteen and six hundred and twenty of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended; further regulating appeals where operators' licenses and learners' permits have been suspended and providing that an appeal from the action of the Secretary of Highways shall operate as a supersedeas.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 669 (House Bill No. 224), on third reading entitled:

An Act requiring certain cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

be recommitted to the Committee on Municipal Government for the purpose of a public hearing.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 690 (House Bill No. 1479), entitled:

An Act to amend the title and section three of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" by transferring the control management supervision restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 691 (House Bill No. 1480), entitled:

An Act to amend the title and section one as amended, and section three, of the act approved the tenth day of April, one thousand nine hundred and thirty-one (P. L. 23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Pennsylvania Historical Commission; providing for cooperation by the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by transferring the control and supervision of said park to the Department of Forests and Waters.

And said bill having been read at length the third time, and agreed, to and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 695 (House Bill No. 609), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" permitting the assignment of rights by members in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Aron, | Gelder, | McCreesh, | Rice, |
| Batchelor, | Graff, | McGinnis, | Roberts, |
| Baumer, | Harris, | Miller, | Rodgers, |
| Bean, | Homsher, | Norton, | Rupp, |
| Bennett, | Howell, | Owlett, | Shapiro, |
| Buckman, | Huffman, | Pierson, | Sordoni, |
| Cavalcante, | Hunsicker, | Prince, | Staudenmeier, |
| Chapman, | Kahle, | Pytko, | Thompson, |
| Clark, | Lanius, | Rankin, | (Centre) |
| Coyne, | Law, | Reed, | Trainer, |
| Ealy, | Mallery, | (Dauphin) | Woodward, |
| Frey, | McClure, | Reed, | Ziesenheim, |
| | | (Washington) | |

NAYS—2

| | |
|---|---|
| Sones, | Thompson, |
| | (Westmoreland) |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 783, as follows:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any city of the third class has in good faith issued bonds or other obligations for the payment of the costs of a public improvement on the assumption that such bonds were not debts of the municipality within the meaning and intent of article nine section eight of the Constitution for the reason that such bonds or obligation were to be secured or are to be secured by assessments against property benefited by such improvement and were to rest alone for their security upon payment of such assessments such cities are hereby authorized to appropriate moneys out of the general revenues for the purpose of calling in and paying such bonds in their order of priority notwithstanding the fact that the corporate authorities of the city failed either in whole or in part to comply with the laws of the Commonwealth providing the method of incurring and increasing its indebtedness Provided however That the amounts appropriated from time to time be left within the discretion of the proper city authorities

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Salus, |
| Bean, | Howell, | Pierson, | Shapiro, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 839, on third reading, entitled:

An Act transferring money from the Veterans' Compensation Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money

be recommitted to the Committee on Appropriations for further study.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 840, entitled:

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. LAW. Mr. President, I want to call attention again, as I did when the question was up before on the resolution about these bills, that these transfers of funds which have been set aside and pledged to the various municipalities throughout the State, and on that pledge those municipalities have levied their taxes,—if now the money is transferred, it is going to force back upon the people in the home communities more taxes.

One of the things we are down here to do is to relieve the tax on real estate, and we certainly cannot do it if we pass such a bill as this. We are here on a definite program, and I appeal to all members to get together on some definite proposition for some revenue program to take care of the Commonwealth for the next two years.

Mr. McCLURE. Mr. President, this bill provides for the return of this money to the Liquor License Fund on December 31st fo this year.

Mr. THOMPSON (Centre). Mr. President, with deference to the opinion of my colleague, the Senator from Delaware, Mr. McClure, I would like to call attention to

the fact that although these transfers are recommended by the Committee on Finance, still no tax program appears which will reimburse any of these funds; the only tax program calculated to reimburse any of these funds from which we are about to take money has been the tax program which has been presented to us by His Excellency, the Governor.

It seems to me, as we approach consideration of Senate Bills Nos. 840, 841, 842 and 843 it demonstrates the deplorable inconsistency of the action of this body. It has been only a few moments ago that my colleague, the Senator from Armstrong, Mr. Graff, rose to a question of personal privilege, and spoke then in glowing terms of the deficiencies of the State Emergency Relief Board in its operation, and protested against the collecting of further funds for the support of the relief activities until such relief activities were cleaned up.

Now, if it is wrong to pass legislation enacting tax measures in support of a wrong activity, it is likewise wrong to enact transfers of funds for that purpose. If one action is wrong, the other is wrong also. Now, in connection with the remarks of my colleague, the Senator from Armstrong, Mr. Graff, let me call your attention to the fact that the remarks he made about levying a taxing program until the relief situation is entirely straightened out are entirely beside the point. These bills that are before this Senate at this time have passed the lower House; they came into the Legislature with the recommendation of the Governor, and they are not appropriation bills; they are taxing measures. The appropriation bills for relief purposes are, as far as I know today, in neither House.

Now, there is not anyone in this State that wants to correct the abuses that exist in this present relief situation more than I do; but whether those abuses exist or not, we have got to have taxes—not only to promote the relief agencies of this State government but to finance the ordinary activities of the State government. Last week I stated on the floor of this Senate that we were seven weeks away from the end of this biennium; now we are only six weeks away from the end of the biennium, and not one single tax measure has been enacted.

We have got to know what the revenues of this State are going to be before we can plan our ordinary as well as the extraordinary expenditures of this State government; and I say to you, Mr. President, that it behooves this body to pass some kind of tax measures. If the Relief Administration does not measure up to the standard we want it to, we can take that question up when it comes time to appropriate money to the relief agencies. It is no excuse at all to delay the passage of substantial tax measures on account of any bad conditions existing in the Relief Administration. Let that be taken up after this committee has reported and before our Appropriation Bill has passed. But I say to you, Mr. President, that it is a miscarriage of every angle of the whole situation to enact legislation such as is represented by these bills and at the same time let linger in committee tax measures without any true program of any other kind to substitute in their stead.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated.

Mr. THOMPSON (Centre). Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Centre, Mr. Thompson, what point in the Governor's program he considers would raise any relief money between now and the end of this biennium.

Mr. THOMPSON (Centre). Mr. President, relief for what purposes?

Mr. BUCKMAN. Mr. President, for general purposes, for general relief.

Mr. THOMPSON (Centre). Mr. President, I think the Senator from Bucks, Mr. Buckman, has been sufficiently informed that we are not called upon to provide money but to demonstrate, by levying taxes, our good faith with the Federal Government, assuring the Federal Government that revenues will be provided. I have never seen one communication as yet, Mr. President, from the Governor or from Mr. Hopkins or from anyone else that said we have to have so much money in our pockets; all that Mr. Hopkins or anyone has asked of us is that we provide a business-like program to take care of the fiscal necessities of this State government.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Centre, Mr. Thompson, who it is that doles out this money to the great Commonwealth of Pennsylvania from the Federal Government.

Mr. THOMPSON (Centre). Mr. President, I think the Senator from Bucks, Mr. Buckman, is sufficiently cognizant of the mechanics of the Relief Administration that I do not need to go into an explanation of that kind.

Mr. BUCKMAN. Mr. President, in view of the answers of the Senator from Centre, Mr. Thompson, it appears that he does not care to answer my questions—and, of course, he is not obliged to; but let me remind you, Mr. President and members of this Senate, that it has never been the custom of this Senate to pass revenue measures until we know what the appropriation demand upon us will be. Apparently someone has said that Pennsylvania cannot have any more relief from the Federal Government unless we pass a tax program for the next two years. Who is this Caesar, that he has become so fat, that he should be able to tell us what we shall do here in Pennsylvania? Or, must we carry out his instructions and his will and wishes, in order that we may have any of that money which is our money?

Mr. PRESIDENT, if order is not to be maintained, I shall make a motion to clear the galleries and the corridors of the Senate.

The PRESIDENT. Let us have order.

Mr. BUCKMAN. Mr. President, I say that this is our business; it has been our custom in years gone by, and it will be done by a majority of the Senate at this time; but it would be idle for us to pass a revenue program until we know what demands are going to be made upon us by the revenue bills yet to come from the House; and I, for one, do not wish to be a party to passing any revenue bills until we know what is going to be needed, and for what purpose that revenue is to be used.

As far as these bills now before us are concerned, I believe it is our duty to appropriate sufficient money to meet the necessities between now and June 1st, and I ask the members of this body to pass these appropriation bills.

Mr. CAVALCANTE. Mr. President, the purpose of the appropriation deserves the praise of all members of this Senate without distinction. The relief of the needy and unemployed, Mr. President, is rightly the duty of the gov-

ernment they support, obey and defend in peace and in war.

Let me quote the words of a Republican Governor of this Commonwealth with reference to the needy and unemployed:

"Thrown out of employment they must become what are known in this country as 'tramps,' and the man who would work for a living if he could get employment is remitted to the highway and to want. Under the ragged clothes of a man called a tramp there may beat a heart as faithful to the government as yours, and no man with proper feeling will refuse a crust of bread to hungry humanity thrown out of work, and cast upon charity, even though he is called by the opprobrious name of tramp."

Mr. PRESIDENT, we agree with the Republican Senators upon the laudable purpose for which the money is transferred and appropriated.

In conclusion, Mr. President, we wish to inform the Republican members of this Senate that this bill, as well as several others, were introduced under a misapprehension.

As we understand, the Republican members labor under the belief that the Federal Government requires a monthly outlay of five million dollars in "ready cash" as a prerequisite to the extension of federal aid.

This, Mr. President, is not the requirement.

No "ready cash" is demanded and none is immediately required.

The only requirement is that we enact a budget and tax programme sufficiently adequate to insure this commonwealth's good faith in providing its contributive share of Emergency Relief for a reasonable time in advance.

It is unfortunate that a misapprehension of this character should happen at this time.

We believe that this misapprehnsion is responsible for much of the antagonism engendered between this Senate, the House of Representatives, and His Excellency the Governor, in the last few weeks. We wish this had not happened.

We trust that they will accept our sincere invitation to defeat this bill, as well as others of this nature, so that this Senate may presently enter upon the arduous and necessary task of enacting for the people a sound, adequate and balanced budget for the coming fiscal biennium.

Mr. President, if this invitation is accepted we can harmoniously proceed to satisfy the federal requirement; enact an adequate budget for the Commonwealth; create a sphere of confidence between this Senate, the House of Representatives and His Excellency, the Governor; and inspire with confidence and jubilation the people that we represent.

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, with pleasure.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Fayette, Mr. Cavalcante, whether or not the next four bills on the calendar will provide $5,000,000 for relief.

Mr. CAVALANTE. Mr. President, I trust that the Senator from Allegheny County, Mr. Harris, has at least read the bills. I read them—I have read them very carefully, and I wish to inform the Senator from Allegheny, Mr. Harris, that that is what the bills provide.

Mr. HARRIS. Mr. President, I understand then, from the Senator from Fayette, Mr. Cavalcante, that the next four bills on the calendar provide $5,000,000 for relief, and that they are the only bills now on the calendar that will give any relief to the State of Pennsylvania.

Now, Mr. President, I desire to inform my Democratic colleagues that only a few weeks ago, on the matter of transfer,—for old age pensions and for the blind, relief was applied, and bills similar to these were passed, on a vote of 38 to 6, including every Democratic member of this body. The entire program, on the same number of bills for almost the same purposes, was voted on by every Democratic member.

Mr. PRINCE. Mr. President, I think considerable truth has been uttered on both sides of this House tonight. I shall vote for these bills, for they provide cash which I understand must be provided before the end of this week; but I want to take occasion to say, in that connection—and I hope my words will not be interpreted as raising the white flag of surrender or beating a retreat before the heavy artillery barrage of His Excellency, the Governor—I want to state the position I hold, although not vocally expressed, ever since this session began.

I am convinced there are many good tax bills in the Governor's program. We must raise money, and I do not know how it can be raised more equitably than through certain of these measures; and I hope that they will be released from the committee where they are now held before very long.

Mr. McGINNIS. Mr. President, as I stated last week, I feel that we are merely shadow boxing here and wasting time. The Senators know that the House last week had this same question up, and passed a resolution denying transfer of these funds; and we, over on this side of the Legislature, in spite of that, bring up these bills, when we know that when they go over to the House—if they stick to what they did last week—they will be turned down. That will have but one effect—it will waste two or three days more of legislative time; and it does seem that there is a studied effort here in this body to waste time. We are not getting anywhere and a mere transfer of these funds, as I see it, is not necessary, is not demanded. The Federal Government has been pouring money into this State—$68,000,000, I believe, this year—and they will pour more money in here; but what the Federal Government does want is some definite program instead of shifting funds back and forth. It is true, a few weeks ago we all voted for the transfer of funds; but I will say that the Democratic House, on the heels of that, offered tax legislation to raise those funds—to raise funds to replace the funds we were taking.

Here we offer to transfer these funds but offer nothing to take their place, offer nothing to replenish the funds. Now, I feel that these bills should go over, in order that we may have a week here to decide what we are going to do, if we are going to do anything this week. We are advised by the Governor that it is not necessary to have actual cash; that we would be in much better shape if we offered some definite tax program rather than shifting funds.

So, Mr. President, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hear objection.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were aken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

| | | | |
|---|---|---|---|
| Aron, | Ealy, | McClure, | Sordoni, |
| Batchelor, | Gelder, | Norton, | Staudenmeier, |
| Bean, | Graff, | Owlett, | Thompson, |
| Bennett, | Harris, | Pierson, | (Westmoreland) |
| Buckman, | Homsher, | Prince, | Trainer, |
| Chapman, | Howell, | Reed, | Woodward, |
| Clark, | Hunsicker, | (Dauphin) | Ziesenheim, |
| Coyne, | Mallery, | Shapiro, | |

NAYS—19

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Rupp, |
| Frey, | McGinnis, | (Washington) | Sones, |
| Huffman, | Miller, | Rice, | Thompson, |
| Kahle, | Pytko, | Roberts, | (Centre) |
| Lanius, | | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 841, entitled:

An Act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

| | | | |
|---|---|---|---|
| Aron, | Ealy, | McClure, | Sordoni, |
| Batchelor, | Gelder, | Norton, | Staudenmeier, |
| Bean, | Graff, | Owlett, | Thompson, |
| Bennett, | Harris, | Pierson, | (Westmoreland) |
| Buckman, | Homsher, | Prince, | Trainer, |
| Chapman, | Howell, | Reed, | Woodward, |
| Clark, | Hunsicker, | (Dauphin) | Ziesenheim, |
| Coyne, | Mallery, | Shapiro, | |

NAYS—19

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Rupp, |
| Frey, | McGinnis, | (Washington) | Sones, |
| Huffman, | Miller, | Rice, | Thompson, |
| Kahle, | Pytko, | Roberts, | (Centre) |
| Lanius, | | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 842, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. THOMPSON (Center). Mr. President, I think that this bill perhaps as much as any one bill of this series that we are now voting on, demonstrates the utter futility of a measure of this kind. When I arose to speak against the resolution last week, there was a balance of $2,019,000.00 in this fund. This bill would take $2,000,000.00 of that money for the one purpose, leaving the fund practically exhausted, with only $19,000 in the fund. It shows that by measures of this kind, in effect, what we are doing is overthrowing the normal agencies of our State government. Certainly we want to provide for the poor and needy, but we at the same time must carry on the ordinary machinery of our State government and we cannot do it by these measures.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

| | | | |
|---|---|---|---|
| Aron, | Ealy, | McClure, | Sordoni, |
| Batchelor, | Gelder, | Norton, | Staudenmeier, |
| Bean, | Graff, | Owlett, | Thompson, |
| Bennett, | Harris, | Pierson, | (Westmoreland) |
| Buckman, | Homsher, | Prince, | Trainer, |
| Chapman, | Howell, | Reed, | Woodward, |
| Clark, | Hunsicker, | (Dauphin) | Ziesenheim, |
| Coyne, | Mallery, | Shapiro, | |

NAYS—19

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Rupp, |
| Frey, | McGinnis, | (Washington) | Sones, |
| Huffman, | Miller, | Rice, | Thompson, |
| Kahle, | Pytko, | Roberts, | (Centre) |
| Lanius, | | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 843, entitled:

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

| | | | |
|---|---|---|---|
| Aron, | Ealy, | McClure, | Sordoni, |
| Batchelor, | Gelder, | Norton, | Staudenmeier, |
| Bean, | Graff, | Owlett, | Thompson, |
| Bennett, | Harris, | Pierson, | (Westmoreland) |
| Buckman, | Homsher, | Prince, | Trainer, |
| Chapman, | Howell, | Reed, | Woodward, |
| Clark, | Hunsicker, | (Dauphin) | Ziesenheim, |
| Coyne, | Mallery, | Shapiro, | |

NAYS—19

| | | | |
|---|---|---|---|
| Baumer, | Law, | Rankin, | Rodgers, |
| Cavalcante, | McCreesh, | Reed, | Rupp, |
| Frey, | McGinnis, | (Washington) | Sones, |
| Huffman, | Miller, | Rice, | Thompson, |
| Kahle, | Pytko, | Roberts, | (Centre) |
| Lan[illegible] | | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 432 (House Bill No. 678), entitled:

An Act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 581, on second reading, entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation

be recommitted to the Committee on County Government.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 609, as follows:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That employes of the Department of Military Affairs of this Commonwealth whose specific duty is to aid and assist veterans and their widows children and dependents in the prosecution of claims before the veterans administration or other branch of the Federal government are hereby authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning such claims

Section 2 Any person who shall falsely swear or affirm to any oath or affirmation before any such employe shall be deemed guilty of perjury and upon trial and conviction thereof shall be sentenced for such offense as provided by law

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## REPORTS FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Elections, reported as committed, Senate Bill No. 73, entitled:

An Act to amend section fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the county and canvass of the vote, and the sealing of the ballot box.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## REPORT FROM COMMITTEE

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Highways reported as committed, Senate Bill No. 340, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Schuylkill-Columbia.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspection of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 67, entitled:

An Act requiring return courts judges and boards sitting to record, compute and certify the returns of any primary, general, municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat, whether said election was conducted by the use of voting machines or paper ballots; providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast, shall be deemed a discrepancy and palpable error requiring investigation, defining the scope and extent of such investigation, and providing for an appeal from the decision thereon, prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof, county commissioners, county controllers, county treasurers, prothonotaries, registered commissions and other public officers, and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 73, entitled:

An Act to amend section fourteen of the act, approved the twelfh day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State commitee of a political party to make, and to alter, amend, and revoke, rules, and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the county and canvass of the vote, and the sealing of the ballot box.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 340, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Schuylkill-Columbia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 444, entitled:

An Act making an appropriation to the American Hospital for Diseases of the Stomach, of Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 520, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 549 (House Bill No. 318), entitled:

An Act to amend sections ten and fourteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen), entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of and returning canvassing and computing the vote cast at primary elections regulating the form of the numbered lists of voters regulating the duties of election officers in calling and tabulating the votes and regulating return board procedure.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 567 (House Bill No. 321), entitled:

An Act to amend section six as amended section eight and section ten as amended of the act approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen), entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committeemen of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions and limiting the number of specimen ballots to be given candidates at primaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 733, entitled:

An Act making an appropriation to the Wills Eye Hospital, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 820, entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow afternoon at 1:00 o'clock.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:35 P. M. until Tuesday, April 15, 1935, at 1:00 o'clock P. M.

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# HOUSE OF REPRESENTATIVES

MONDAY, APRIL 15, 1935

The House met at 9:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend E. K. Nichols, Pastor of Bethel A. M. E. Church, Harrisburg, offered the following prayer:

O God, Our Father, we have been taught in Thy word that man ought always to pray and not to faint. Certainly it is within our experience, facing the conflicts and trials of life that men need always to pray. We are insufficient within ourselves for the trials and temptations and conflicts of our lives, and especially do we feel that these men and women who are gathered here in this legislative assembly representing the great hosts of their constituency of this our beloved Commonwealth. We feel in our hearts that they are deeply sensible of their need of Thee. Give them wisdom, O God, give them unselfish spirits, give them the courage of their convictions, give them willingness to cooperate, even to the loss of many things which they personally may hold dear, feeling that it is far better that some pet measures shall fail of enactment than that a whole people perish. May we serve all these legislators and citizens alike as best we may the highest good of all.

Bless him who is the Governor of the State and those who are associated with him in directing the affairs of our beloved state. Give him wisdom and judgment and strength of heart and mind to direct the affairs of government aright in these crucial times. May all be possessed with the spirit of cooperation and unity. May we see one another, not as men of different races and conditions, but members of one great family that is facing great trials, and all working towards one common end, the fullness of life to the last man.

We can not accomplish the great purposes we ought accomplish save as we approach them in the spirit of the lowly Christ in whom none are Christian or Jew, bond or free, but all are one.

In His name we make this petition. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 11, 1935.

The Clerk proceeded to read the Journal of Thursday, April 11, 1935, when, on motion of Mr. Holland, the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. O'KEEFE. HOUSE BILL No. 2159.

An Act making an appropriation to the Allegheny Temporary Home for Children, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. WHITE (By Request). HOUSE BILL No. 2160.

An Act amending the act approved the twentieth day of April one thousand eight hundred and fifty-eight, entitled "An act establishing a mode of selecting and drawing jurors in and for the City of Philadelphia and providing that the Courts of Common Pleas of the City of Philadelphia with the Sheriff of the County of Philadelphia shall constitute a board for drawing and selecting jurors to serve in the courts of record of said city and providing that jurors shall be selected by said board from the list of registered voters of said city."

Referred to the Committee on Cities.

By Mr. ALTENBURG. HOUSE BILL No. 2161.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Crawford.

Referred to the Committee on Highways.

By Mr. ALTENBURG. HOUSE BILL No. 2162.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Crawford.

Referred to the Committee on Highways.

By Mr. DENT. HOUSE BILL No. 2163.

An Act to safeguard the lives, health and means of livelihood of employes and of property of mine or mines from conditions due to accumulations of poisonous gases or water in partially or temporarily abandoned neighboring mine or mines, and imposing penalties.

Referred to the Committee on Mines and Mining.

By Mr. KOBELAK. HOUSE BILL No. 2164.

An Act to amend section five of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 282, 1933-34), entitled "An act providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to, and the burial of, certain aged indigent persons, and the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, and others; making counties liable for certain expenses; providing penalties; and making an appropriation," by lowering the age of eligibility.

Referred to the Committee on Pensions and Gratuities.

By Mr. BOYER. HOUSE BILL No. 2165.

An Act to further amend section six hundred and fifteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," providing for the suspension of the operating privilege of a person operating a motor vehicle involved in a fatal accident upon the recommendation of a coroner or coroner's jury.

Referred to the Committee on Highways.

By Mr. NAGEL. HOUSE BILL No. 2166.

An Act relating to the minimum salaries and annual increments of the teaching and supervisory staffs of the public schools; granting power to the Superintendent of Public Instruction to permit, as to certain school districts, temporary reductions in the salary schedules; authorizing the Superintendent of Public Instruction to suspend mandatory provisions of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," and of its amendments and supplements; prohibiting school districts from demanding, requesting or accepting gifts or donations from members of the teaching and supervisory staffs, and empowering the Superintendent of Public Instruction to forfeit certain State subsidies for violations thereof; relating to the effect of payment of salaries which are less than those prescribed by salary schedules; granting certain options to the members of the School Employes' Retirement System; and temporarily superseding any inconsistent acts and parts of acts.

Referred to the Committee on Education.

By Mr. MENTZER. HOUSE BILL No. 2167.

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes.

Referred to the Committee on Ways and Means.

By Mr. HARKINS. HOUSE BILL No. 2168.

An Act relating to school districts; making school districts answerable in actions for damages resulting from the negligent acts of their directors or employes to the same extent as other municipal corporations are liable.

Referred to the Committee on Education.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2169.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2170.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2171.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Messrs. CHERVENAK and SCHROPE.
HOUSE BILL No. 2172.

An Act to establish as a State highway a certain section of public road in the Counties of Somerset and Cambria; and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### BLUE LAWS

A petition from citizens of Washington County, and of Sugar Grove Township protesting passage of anti-Sabbath legislation.

Referred to the Committee on Law and Order.

### SALES TAX

A communication from the Greenville Business Men's Association protesting enactment of general sales tax.

Referred to the Committee on Ways and Means.

### DIVERSION OF FUNDS

A resolution from the Borough of Glassport, protesting diversion of special funds into general fund.

Referred to the Committee on Appropriations.

### PUBLIC WELFARE

A communication from The Committee of One Hundred, Philadelphia, Pa., urging passage of House Bills Nos. 652, 1643 and 1644, abolishing poor districts and creating public welfare districts and boards.

Referred to the Committee on Counties.

## LEAVES OF ABSENCE

Mr. Piole asked and obtained leave of absence for Mr. PEARSON on account of illness.

Mr. Yeakel asked and obtained leave of absence for Mr. STOCKHAM until Wednesday morning.

## REPORT FROM COMMITTEE

Mr. SCHROCK, from the Committee on Agriculture reported as committed, House Bill No. 2086 (Senate Bill No. 631), entitled:

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act.

## RESOLUTION

### CONGRATULATIONS TO HON. FRANK BERNHARD

Mr. CORDIER offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, April 15, 1935.

Yesterday, old Father Time chalked up Frank Bernard roaring by his fiftieth milestone.

Frank Bernhard, who, fifty years young, periodically deserts the quiet, drowsing, sleepy, fool-proof job of pulling a throttle on the Central Railroad of New Jersey for the excitement and action of the Pennsylvania House of Representatives.

A soldier's son who apparently takes to the smell of bituminous smoke as his father did to the smell of burnt powder; anyway, be it

Resolved, That the Members of this body wish to our brother member, Frank Bernhard, for the rest of his earthly run, a good road bed, no grades or curves over one per cent, the locomotive of his own choice, a fireman with a strong back, no more than a caboose or two filled with his friends to haul, all green lights, and at least fifty more milestones to roar by before the end of the run; and, be it further

Resolved, That a copy of this resolution be handed to the Honorable Frank Bernhard after the reading clerk has saluted him as follows:

Toot! Toot! Toot!

## HOUSE BILL NO. 775 RECALLED FROM GOVERNOR

Mr. STOTT offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, April 15, 1935.

Resolved (if the Senate concur), that House Bill No. 775, Printer's No. 93, entitled "An act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

## ELECTION RETURNS

The SPEAKER. The Chair lays before the House the returns of the special election to fill the vacancy in the membership of the House of Representatives for the Third Legislative District of Montgomery County, which will now be opened and read by the Clerk.

The returns were opened and read by the Clerk as follows:

1935

SPECIAL ELECTION

TO THE HOUSE OF REPRESENTATIVES OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA } ss:
County of Montgomery }

I, Isaiah T. Haldeman, Prothonotary of the Court of Common Pleas in and for Montgomery County, do hereby certify, that it appears from the returns of the Special Election held in The Third Representative District of Montgomery County on Tuesday, the ninth day of April, A. D. 1935, as computed in the presence of the Judges of the said Court by the proper officers and his sworn assistants, and duly certified and filed by said Judges in my office, that the following is the number of votes cast for the several candidates for the office of Representative in the General Assembly in the Third Representative District of Montgomery County.

REPUBLICAN

Edwin C. Winner had Twenty-seven thousand nine hundred and sixty-one (27,961) votes.

DEMOCRATIC

Charles A. Wilson had Eighteen thousand and Eleven (18,011) votes.

SOCIALIST

A. J. Berthoff had Two (2) votes.
Jersey Dull had Two (2) votes.
George Dull had One (1) vote.
Clarence Ederer had One (1) vote.
William Hagner had One (1) vote.
George Bouse, Soc. had One (1) vote.
Harry J. Weiser, Com. had One (1) vote.

In Testimony Whereof, I have hereunto set my hand and caused the Seal of the said Court to be affixed this Eleventh day of April, A. D. 1935.

ISAIAH T. HALDEMAN,
(Seal) Prothonotary.

## OATH OF OFFICE ADMINISTERED TO MEMBER-ELECT

The SPEAKER. The Honorable Edwin C. Winner member-elect will be escorted to the bar of the House by the gentlemen from Montgomery, Messrs. Peters, Zimmerman, Forest and Longaker, where the oath of office will be administered by the Honorable Frank B. Wickersham, a judge of the Court of Common Pleas of Dauphin County.

The Chair appoints Messrs. Wickersham and Woodside to escort the Honorable Frank B. Wickersham to the rostrum.

Whereupon the oath of office was administered to the Honorable Edwin C. Winner.

## RESOLUTION

### THANKING HONORABLE FRANK B. WICKERSHAM

Mr. SHREINER offered the following resolution which was twice read and unanimously adopted:

In the House of Representatives,
Monday, April 15, 1935.

Resolved, That the Members of the House of Representatives hereby extend their thanks to the Honorable Frank B. Wickersham, Judge of Dauphin County, for his services in administering the oath of office to the Honable Edwin Winner, the Member-elect from the County of Montgomery.

## MOTON TO DISCHARGE COMMITTEE

Mr. SOWERS. Mr. Speaker, I move that House Bill No. 1361, Printer's No. 557, offered by Messrs. Sowers, Moore, Reynolds, Jackson, Gates, Merrell, Van Allsburg, Condon, Wasserman, Hart and Trout, and entitled "An Act imposing a State income tax on all residents of this Commonwealth, including fiduciaries, and an income on non-residents derived from property or business in this Commonwealth defining taxable income and requiring filing of returns thereof; providing for information at source; providing methods and proceedings for determination and collection of the tax imposition of liens therefor; imposing duties on prothonotaries, sheriffs, receivers, trustees, assignees, masters and other officers and on the Department of Revenue; prescribing penalties; and making an appropriation" and which was referred to the Commitee on Ways and Means on March 6, 1935 and reported on April 9, 1935 with a negative recommendation. be placed upon the calendar.

Mr. JACKSON. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker and members of the House, the motion that you have before you is to place on the calendar an income tax bill levying a flat income tax on all income. There is offered an amending bill to this bill classifying income and of course this bill passed by itself without the amending bill would be of little value.

Now, the issue is brought squarely before the House as to whether or not you are for an income tax graduated, but the bill that you have is not a graduate income tax; it is different.

Our Constitution provides that we can not impose taxes

unless they are uniform. Our Constitution provides that the legislature may classify the subjects of taxation and then impose a uniform tax on each class. The bill that is now under consideration is a bill classifying income and then imposing the tax on each class.

That theory in this bill is different from every income tax bill that has been presented in this House. The theory of the other income tax bills has been graduation; the theory of this bill is classification of incomes according to the ability of the tax payer to pay; in other words, the income that is from nothing up to $2500 is taxed at one percent; the income that is from nothing on up and over and above $150,000 is taxed at eleven percent.

Now, the great hue and cry has been that Pennsylvania should pass an income tax bill. The authorities of all the states, all the leading text books all provide that in cases of clauses like we have in our constitution, then the legislature can classify the subject matter and impose a tax on each class.

Now, the theory back of this bill and that of House Bill No. 1362 is identical with what was adopted on the original Workmen's Compensation bill when that was presented to this House. All labor including domestic servants and farm labor was included, and then the amending bill was passed eliminating farm labor and domestic servants.

The theory back of House Bills 1361 and 1632 is identical with the original bill that imposes taxation on liquid fuel. When the original bill was presented imposing taxes on liquid fuel, gasoline, kerosene, and all other liquid fuels were included because it was found that in order to comply with the constitution all liquid fuels are fixed as to class and then the tax placed on that class. Then it was followed by supplementary legislation exempting all liquid fuels other than gasoline. If you are for an income tax, if you really believe that an income tax is the proper thing for Pennsylvania to have, then I respectfully request all of the members of this House, whether they be Democratic or Republican to step up and vote "aye" to place this bill on the calendar.

Mr. RUTH. Mr. Speaker, I ask the members of the House to vote against this motion because we have an income tax bill and we will report it out of Committee tomorrow on second reading.

Mr. SOWERS. Mr. Speaker, may I interrogate the gentleman from Berks, Mr. Ruth?

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. SOWERS. Is it not the platform principle of both the Republican and Democratic parties to ascertain and pass an income tax graduating or classifying the incomes so that those receiving larger incomes shall pay a higher rate of tax?

Mr. RUTH. Mr. Speaker, House Bill No. 1473 does exactly what the gentleman from Philadelphia says.

Mr. SOWERS. Mr. Speaker, is it not a fact that House Bill 1473 has the theory of graduation in it and not of classification?

Mr. RUTH. Mr. Speaker, that is correct.

Mr. SOWERS. Mr. Speaker, does the gentleman not think it would be better to comply with the constitution and classify the incomes and impose a rate of taxation on each class so as to avoid al probability of an unfavorable "decision"?

Mr. RUTH. Mr. Speaker, that is his opinion. As soon as House Bill 1473 has passed both houses and has been signed by the Governor the Supreme Court will immediately act on it and decide whether it is or not. It is every man's opinion now.

Mr. WITKIN. Mr. Speaker and members of the House. There is one phase of this discussion that has not been brought directly to the attention of the membership of this House. The Democratic majority of this House at the beginning of this session let it be broadcast throughout this House and through the state that there would be no attempt by the Democratic majority to stifle bills in committee, but that every opporunity would be given to the membership of this House to vote for or against the measures.

I sincerely believed the Democratic majority intended to fulfil that pledge when it was made, but they stand behind a technical way of killing the bill. The Ways and Means Committee controlled by the Democratic majority of this House in order to stop a vote on this bill, in order to stop every man from being reported either "aye" or "no," has reported it out with a negative recommendation which is tantamount to killing this bill in that it shall not have a vote.

The Democrats ought to be magnanimous. When they started this session they said that eighty-five members could discharge a committee, and they said that eighty-five members could place this bill upon the calendar. So in order that they might be like the Greeks bearing gifts, knowing that it takes 105 votes to get a bill on the calendar, that is reported with a negative recommendation they very cutely and very slyly report this important measure out with a negative recommendation in order that they may not have to go on record either for or against this measure.

I do not care whether you vote "aye" or whether you vote "no" when the measure comes up, but if you want to fulfill that which you promised at the beginning of the session you would, then I say it is your duty to let this bill come upon the calendar. This is not a vote either for or against this income tax bill. This is merely a vote as to whether or not you are going to vote one way or the other on the bill, and if you have the courage of your convictions and you are opposed to this bill that is your business and the business of the Democratic majority and the individual members thereof, but at least give us an opportunity of voting upon this bill, and let us put the bill on the calendar.

The gentleman from Berks, Mr. Ruth, calls your attention that tomorrow they will report out a bill. He knows that that is mere subterfuge; that is a different kind of a bill. By voting "aye" or "no" on that bill you will not necessarily be recorded on this particular income tax bill. So I say to the membership of this House vote "aye" so that you will have the opportunity to vote for or against the bill, and be courageous enough to place it on the calendar.

Mr. COHEN. Mr. Speaker, I think the members on this side of the House, for the benefit of the record, do not wish to have the members of the Republican minority tell us what we are voting for. The motion as presented in this House is to put the bill on the calendar. It had been reported by the committee negatively. By the reading of your histories you can so ascertain that. In simple words that means that the majority members of the Ways

and Means Committee did not feel that this was a suitable bill for the consideration of the members of this House.

Now, those opinions were not facetious; that idea was not just conjured up in order to present the problem here, by the members of the Ways and Means Committee but good logic dictated that the bill is not suitable for the consideration of this House.

In the first place the bill applies twenty-five per cent of the income derived under that bill for pensions to the aged. If the membership of this House can remember they will know that at one time we appropriated twenty millions of dollars from the anticipated profit from the Liquor Control Board for the aged. That was a beautiful gesture but it accomplished nothing. In adition to that this bill provides that fifty per cent of the income derived thereunder shall be implied to the general fund. If this bill is a tax raising measure the general fund can anticipate to get fifty per cent of the moneys that may accrue from this bill, but there still remains a great possibility that this bill might be declared unconstitutional, and I say to the members of this House that this bill is not a suitable bill to which we should give our consideration because we cannot afford to have the anticipated revenues of this Commonwealth subject to the danger that this bill might be declared unconstitutional.

The bill to which the gentleman from Berks refers is a bill that does not impose any obligation on the general fund, but is a bill to relieve pressure of local taxes in local school districts. The bill can be declared unconstitutional without in any manner jeopardizing the finances of this Commonwealth, but if we finance this Commonwealth for the next biennium by passing the measure, it may be declared unconstitutional, and we are exposing all of the Commonwealth's activities to run at a decided loss, a far greater loss than is now being presented in the current biennium of the fifty million dollar deficit left by the last administration.

We can finance this Commonwealth with the solid dollar we must finance this Commonwealth with revenue which we know is going to come in, and not with revenue from which the Commonwealth might be deprived by a decision of the Supreme Court. I ask the members of this House to vote against this motion.

Mr. SOWERS. Mr. Speaker and members of the House, I want to reply to my friend from York, Mr. Cohen. I first want to say to my Democratic friends, are you not for old age pensions? If you are, then his objection falls. If you are for an income tax, be for one now. As long as I have been in the hall of this legislature, I have heard the cry "We should have an income tax." Every time an effort has been made to force a bill on the floor of the House the argument of unconstitutionality has been raised.

I understand my Democratic friends clamor for an income tax. If they had produced a bill and it had been reported early in this session they could have had its constitutionality tested by this time by the courts.

I submit to you that you either want an income tax or that you are merely arguing, merely thowing dust into the eyes of the public to deceive them. Your whole argument of unconstitutionality amounts to nothing.

Let me read you a little principle of law: "The legislature may exercise wide discretion in selecting and classifying the subjects of taxation, and may arrange and divide the various subjects of taxation into distinct classes and impose different rates on the several classes without violating the requirements of equality and uniformity, provided the tax is uniform on all members of the same class, and provided that the classification is reasonable, and provided that it is not arbitrary."

Now, the classification set up in House Bill No. 1362 is reasonable, is not arbitrary, and if you honestly and sincerely want this matter to go to the Supreme Court for a decision as quickly as possible, you will stand up and say "aye," put this bill on the calendar and let the people of Pennsylvania know that you sincerely intend to keep your promises.

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York, Mr. Cohen, permit himself to be interrogated?

Mr. COHEN. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, did not the gentleman from York, on the floor of this House at the beginning of this session state that the Democratic party was generous in that it was reducing the number of votes to discharge a committee from one hundred five to eighty-five?

Mr. COHEN. Mr. Speaker, may I ask if the gentleman from Philadelphia is quoting my exact words?

Mr. WITKIN. Mr. Speaker, no, I am not. Did the gentleman not in substance state to members of this House that the Democratic party was going to enable more easily the discharge of a committee from the consideration of a bill by reducing the number from one hundred five to eighty-five?

Mr. COHEN. Mr. Speaker, I at that time told the membership of this House that they need have no fear that the Democratic party would stifle any good social legislation. I undoubtedly think that in those words might be included the thought suggested by the gentleman from Philadelphia. The fact still remains that the rules for discharging a committee has been reduced from the constitutional majority one hundred five to eighty-five.

Mr. WITKIN. Mr. Speaker, so that it is a fact is it not, that the Democratic majority at the beginning of the session reduced the number of votes to discharge a committee from one hundred five to eighty-five?

## POINT OF ORDER

Mr. O'KEEFE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. O'KEEFE. The gentleman is not talking on the motion before the House.

The SPEAKER. The question before the House is on the motion to place this bill on the calendar notwithstanding the negative recommendation of the committee and the gentleman will please confine himself to that question.

Mr. WITKIN. Mr. Speaker, will the gentleman answer the question?

Mr. COHEN. Mr. Speaker, will the gentleman please repeat the question?

Mr. WITKIN. Is it not a fact, Mr. Speaker, that the Rules Committee composed entirely of Democrats suggested to this House and this House reduced the number of votes required to discharge from one hundred five to eighty-five?

## POINT OF ORDER

Mr. O'KEEFE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. O'KEEFE. Mr. Speaker, the gentleman is still continuing the interrogation and not talking on the motion before the House.

The SPEAKER. The point of order is well taken and the gentleman from Philadelphia will confine his interrogation to the question before the House.

Mr. WITKIN. Mr. Speaker, I would like to ask the gentleman from York this question: "Is it not a fact that about a week or ten days ago or rather on April 8, 1935, the gentleman from Philadelphia, Mr. Sowers, made a motion to discharge this committee from further consideration of House Bill 1361?"

If that motion had been permitted to have been placed before the House it would have required only eighty-five votes to put the bill on the calendar? Answer that question "yes" or "no", please.

Mr. COHEN. Mr. Speaker, I can only say, in answer to the gentleman from Philadelphia, that whatever motion may have been made by the gentleman from Philadelphia, Mr. Sowers, that motion was withdrawn by Mr. Sowers himself.

Mr. WITKIN. Mr. Speaker, is not the gentleman aware of the fact that the reason it was withdrawn was because the Ways and Means Committee agreed to meet the next morning to consider this bill?

Mr. COHEN. Mr. Speaker, I imagine it to be the fact, inasmuch as the bill has come out with a negative recommendation, that they did consider it.

Mr. WITKIN. Is it not a fact, Mr. Speaker,—

## POINT OF ORDER

Mr. KILROY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. KILROY. Mr. Speaker, the gentleman from Philadelphia asked permission to interrogate the gentleman from York. To my mind he is holding a conversation on the floor.

The SPEAKER. The gentleman from Philadelphia will proceed and confine himself to the question before the House.

Mr. WITKIN. Mr. Speaker, apparently the Democratic membership of this House does not desire to permit the gentleman from York to answer any questions. Apparently, also, the gentleman from Philadelphia, Mr. Kilroy, is unable to distinguish between an interrogation and a conversation.

However, members of the House, the history of this bill is quite simple, and the tactics employed by the Democratic majority in this House are even simpler than that.

There was a motion made to place this bill on the calendar. That motion was made by the sponsor or one of the sponsors of this bill. It would have required but eighty-five votes in order to place that bill on the calendar. The bill had remained dormant in committee from the date of its introduction, I believe, if I am correct, about thirty days without any action on the part of the committee. When a motion to discharge was made, the Democratic Ways and Means Committee agreed to consider the bill the next morning.

I say to the membership of this House that when the Democratic majority the next morning reported the bill out with a negative recommendation, they knew well that by so doing they would stop what they said they were going to permit us to do, to wit, to get votes upon bills without killing them in committee, and I say to the Democratic majority of this House the only reason why they reported the bill out with a negative recommendation was because they wanted to stop it from being voted upon by this House. I also say to the Democratic majority of this House that by so doing you really played the part of giving us nothing when you gave us the rule of eighty-five to discharge a committee. I say further to the membership of this House and I reiterate in conclusion that you ought to vote on the merits of this bill. You have been a great liberal party, so you say, in this state, you are not going to stop the people from the right to vote. If that is true, then you should turn about face in this session and permit us to vote on this bill.

The gentleman from York makes the ridiculous argument that the constitutionality of this bill will be questioned and that the constitutionality of House Bill No. 1473, we are told is going to be tested once, as soon as it is enacted into law. The gentleman from Berks, Mr. Ruth, the majority floor leader, has said "pass it in the House, pass it in the Senate, and we will get a quick decision, so that" while we, he I assume he means, "we will know whether it is constitutional." So if that goes for 1473, it also goes for our 1361; "pass it in the House, pass it in the Senate" and it will receive the same quick decision. If you are going to act on 1473, act upon 1361, and don't give us that sort of an argument, because we on this side of the House as some of you on that side of the House know, that argument is most fallacious. Vote "aye" on this bill and don't kill it.

Mr. MORAN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Sowers.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Sowers, permit himself to be interrogated.

Mr. SOWERS. Mr. Speaker, I will.

Mr. MORAN. Mr. Speaker, I would like to ask the gentleman from Philadelphia, inasmuch as this is an income tax bill, what is the smallest income that is taxed?

Mr. SOWERS. Mr. Speaker, from nothing on up to twenty-five hundred dollars granting exemptions to single persons, and to married persons and exemptions for children; that is, an exemption of a thousand dollars for a single person—the same, I believe as the federal law—and four hundred dollars for each dependent child.

This bill is drafted along the lines of the Democratic income tax law that is now enforced by the national government.

Mr. MORAN. Mr. Speaker, did I understand the gentleman, from Philadelphia, to say that all incomes up to fifteen hundred dollars for single persons are exempt from taxation?

Mr. SOWERS. Mr. Speaker, the gentleman did not understand me rightly.

## POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny, Mr. Eberharter, will state his point of order.

Mr. EBERHARTER. Mr. Speaker, I submit that the interrogation is out of order, for the reason that it is not

on the question before the House. The question before the House is whether or not this bill should be placed on the calendar, not the terms of the bill.

The SPEAKER. The point of order is well taken. The merits of the bill are not under discussion.

Mr. MORAN. Mr. Speaker, before we vote on the bill, we ought to know something about it.

## QUESTION OF PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. OMINSKY. Mr. Speaker, under rule No. 38, am I to understand that more than five days have elapsed since this bill was reported negatively on the floor of this House? As I understand it, the bill was recommitted on April 9, I believe, that is six days since the report has been made negatively up to this time.

The SPEAKER. The Chair will state that heretofore under all rulings of this House, five days have been regarded as five legislative days. Unless they are specifically mentioned as five calendar days.

Mr. WASSERMAN. Mr. Speaker and members of the House, as one of the sponsors of House Bill No. 1361, I am in accord with the views of the gentleman from Allegheny, Mr. Moran, when he says how can we vote upon this measure without knowing what is in the measure. For that reason I think we ought to vote "aye" in order to place it on the calendar so that we may have an opportunity to discuss the merits of this bill, together with the merits of the other income tax bills. If the gentleman from Allegheny, Mr. Moran, will vote "aye" then we will have that opportunity, and if his other colleagues on the other side of the House will vote "aye" to place it upon the calendar, then we will have a good opportunity to discuss this bill.

The yeas and nays were required by Mr. WITKIN and Mr. SOWERS.

Mr. WITKIN. Mr. Speaker, I ask for a verification of the roll.

The roll was veried and was as follows,

### YEAS—87

| | | | |
|---|---|---|---|
| Altenburg, | Gillette, | Merrell, | Spangler, |
| Atkins, | Green, | Moore, | Sproul, |
| Baker, F. T., | Greenstein, | Muir, | Stewart, |
| Baldi, | Habbyshaw, | Nothnagle, | Stott, |
| Barnhardt, | Hamilton, R. S., | Parks, | Surface, |
| Bernhard, | Hart, | Perry, | Tahl, |
| Blumberg, | Hefferon, | Peters, | Trout, |
| Boose, | Hermansen, | Phillips, | Turner, |
| Boyd, R., | Hoffner, | Reynolds, | Van Allsburg, |
| Boyer, | Hoopes, | Rhys, | Wall, |
| Brennan, | Horst, | Roan, | Wasserman, |
| Brown, J. E., | Jackson, | Rooney, | Weidemann, |
| Condon, | Jones, | Root, | White, |
| Conner, | Kane, | Schrock, | Wickersham, |
| Cordier, | Kelder, | Schwartz, | Wilson, |
| Davies, | Linderman, | Shortz, | Winner, |
| Denning, | Longaker, | Shreiner, | Witkin, |
| Duffort, | Lynch, | Simpson, | Wood, |
| Ferko, | Mason, | Sloan, | Woodside, |
| Flynn, | McCreary, | Snyder, F. E., | Yeakel, |
| Forrest, | McDevitt, | Snyder, J. L., | Zimmerman, |
| Gates, | McKinney, | Sowers, | |

### NAYS—113

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | LaRue, | Ruth, |
| Alexander, | Downey, J. J., | Long, | Sarraf, |
| Allen, | Eberharter, | Lovett, | Scanlon, |
| Andrews, | Eroe, | Maie, | Schrope, |
| Arnold, | Falkenstein, | McDermott, | Schwab, |
| Aukerman, | Finnerty, | McElroy, | Shaw, |
| Baine, | Fitch, | McHenry, | Shepard, |
| Baker, J. J., | Flanagan, | Melchiorre, | Shugarts, |
| Barber, | Flinchbaugh, | Mentzer, | Siegel, |
| Bradley, | Furman, | Moomaw, | Simon, |
| Brancato, | Gerard, | Mooney, | Sinwell, |
| Brown, H. S., | Haberlen, | Moran, | Smith, J. A., |
| Brownfield, | Hagerty, | Moul, | Smith, W. G., |
| Brumbaugh, | Haluska, | Murrin, | Stank, |
| Burke, | Hamilton, F. P., | Nagel, | Stevens, |
| Cannon, | Harkins, | O'Keefe, | Stone, |
| Caputo, | Harmuth, | Ominsky, | Sumney, |
| Carr, | Hartman, | O'Neill, | Tronzo, |
| Carson, | Hetrick, | Panton, | Tumelty, |
| Chervenak, | Hindman, | Patterson, C., | Van Sickle, |
| Coakley, | Hirsch, | Patterson, J. W., | Walker, |
| Cochran, | Holland, | Pfaff, | Weiss, |
| Cohen | Holstrom, | Piole, | Welliver, |
| Coleman, | Kelso, | Powers, | Welsh, |
| Coolahan, | Kilroy, | Reising, | Westrick, |
| Decker, | Kinney, | Rinn, | Yourishin, |
| Dent, | Klingler, | Robinson, | Zappala, |
| Diehl, | Kobelak, | Ruffennach, | Sarig, |
| Dilley, | | | |

So the question was determined in the negative and the motion was not agreed to.

(During the verification of the roll)

Mr. SOWERS. Mr. Speaker, I submit that the gentleman from Philadelphia, Mr. Condon, did not vote. He is erroneously recorded on the negative roll.

The SPEAKER. He is recorded as voting "no." How did the gentleman vote?

Mr. CONDON. Mr. Speaker, I did not vote at all.

The SPEAKER. The gentleman will not be recorded as voting.

Mr. WITKIN. Mr. Speaker, irrespective of the gentleman's statement, I ask that he be recorded one way or the other.

The SPEAKER. The gentleman is required to vote under the rules. How does the gentleman wish to vote?

Mr. CONDON. Mr. Speaker, I wish to be recorded as voting "aye."

Mr. WITKIN. Mr. Speaker, I ask the consent of the House to allow the gentleman to be recorded as voting "aye."

Mr. COHEN. Mr. Speaker, I think the request should come from the gentleman from Philadelphia himself.

The SPEAKER. The Chair hears no objection and the gentleman will be recorded as voting "aye."

## REASONS FOR VOTE

Mr. JOHN E. BROWN. Mr. Speaker, I vote "aye" and desire to file my reasons.

I have good bills in pickle also and am in sympathy with all sponsors of bills now in the vats.

Let us settle public business in open sessions of Committee of the Whole.

## SENATE MESSAGE

### AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 152.

An Act authorizing the exoneration of taxes assessed or levied against any property purchased for hospital uses upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes

## SENATE MESSAGE

### AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 41.

An Act to amend section six of the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphet Laws eight hundred forty) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" further defining the circumstances under which the remedy provided is available

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 15, 1935.

Resolved, (if the Senate concur), That House Bill No. 775, Printer's No. 93, entitled "An act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act," be recalled from the Governor for further consideration.

## SENATE MESSAGE

### RESOUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 10, 1935.

Resolved, (if the Senate concur), That House Bill No. 88, Printer's No. 318, entitled "An act providing for the organization and equipment of two colored battalions of infantry, and making an appropriation therefor," be recalled from the Governor for the purpose of amendment.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF HOUSE BILLS NOS. 51, 332 AND 1006

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, April 12, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 51, Printer's No. 96, entitled "An Act to amend section eight of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-nine), entitled 'An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation for taxation is concerned and providing for the acceptance of this act by cities' by so changing the provisions of the act that individual written or printed notice of assessed valuation for triennial years shall be given to property owners alone."

House Bill No. 332, Printer's No. 153, entitled, "An Act to amend section two of the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred one thousand nine hundred thirty-three one thousand nine hundred thirty-four), entitled 'An act authorizing officers departments boards and commissions of any political subdivision of the Commonwealth and cities counties boroughs incorporated towns townships school districts to make adjustments with certain supply contractors to reimburse losses sustained in performance of contracts under certain circumstances.'"

House Bill No. 1006, Printer's No. 225, entitled, "An Act making a deficiency appropriation to the Treasury Department for the refunding of moneys escheated to the Commonwealth."

GEORGE H. EARLE.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I respectfully submit the following extract from the minutes of the special meeting of the State Emergency Relief Board held Friday, April 12, 1935:

"Upon motion of Speaker Sarig, seconded by Mr. Waters, it was

'Resolved, That the Legislature be requested to pass adequate tax legislation during the week of April 15, 1935, so that unemployment relief in the Commonwealth of Pennsylvania will not terminate on Monday, April 22, 1935.'"

The resolution set forth above was adopted pursuant to a report which I submitted to the State Emergency Relief Board following a conference which I had with Federal Emergency Relief Administrator Harry L. Hopkins and State Relief Administrator Robert L. Johnson on Thursday, April 11, in Washington.

At that conference, the Federal Emergency Relief Administrator repeated the notice which he gave at a prior conference on March 25th, that further relief disbursements to Pennsylvania would be withheld after April 15, unless this Commonwealth enacts tax legislation insuring Pennsylvania's contribution of $5,000,000 monthly as its fair share of the present approximate $20,000,000 monthly relief costs in this State when the revenues from such tax legislation become available.

The Federal Emergency Relief Administrator further pointed out that Pennsylvania had been allotted $68,000,000 since January 1, 1935, without putting up a single dollar of its own funds for unemployment relief.

Of that total, $10,725,000 had been allocated during the present month.

As a result of the developments above recited, Pennsylvania finds itself in the position today of having funds on hand sufficient to carry on unemployment relief only until the end of this week—that is, April 20.

In view of the urgency of the situation, I request that the General Assembly remain in session for the remainder of the present week, for a sufficient number of Legislative days in which to pass adequate tax legislation which will assure the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

Such legislation must be enacted if starvation, privation and indescribable hardships are to be avoided for the 2,000,000 Pennsylvanians now on the relief rolls.

GEORGE H. EARLE.

## COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

### WORKMEN'S COMPENSATION

A resolution from the Executive Officers of Districts 1, 2, 3, 4, 5, 7 and 9, of United Mine Workers of America, urging the passage of the administration Workmen's Compensation Bill.

Referred to the Committee on Labor.

### STATEMENT BY MR. HART

Mr. HART asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, on the twentieth day of February, I presented a bill here which afterwards became House Bill 1016.

The purpose of that bill was to amend sections one and two of the act approved the thirty-first day of May, eighteen hundred and ninety-three. The purpose of that amendment was to make the fourth day of April, being the anniversary of Thaddeus Stevens' birthday, a legal holiday.

The bill in question was then referred to the Committee on Banking. Why it went to the Committee on Banking, of course, I do not know. I spoke to the chairman of that committee for the purpose of having the bill brought out on the floor of this House. Up to the present time there has been no reaction to my request that this bill be presented to this House.

I have no desire to discuss the merits of this bill tonight, but I do feel that this bill ought to be turned out of committee, so that the members of this House can act intelligently upon it and decide whether or not the Father of Public Education in the State of Pennsylvania should be honored by having the anniversary of his birth, the fourth day of April, set aside as a legal holiday.

I have been a member of this House for quite a number of years and I have but once voted for the discharge of any committee and I am not going to ask you to vote for the discharge of this committee here tonight. I am going to ask, however, that the members of this House shall decide by their vote whether or not the birthday of Thaddeus Stevens shall be honored, so that our school children may know who is responsible for our system of free education, instigated by Thaddeus Stevens one hundred years ago.

### MOTION FOR COMMITTEE TO RETURN

Mr. HART. I, therefore, move that the Committee on Banking be requested to return House Bill No. 1016, in order that the members of this House may vote intelligently upon it and decide whether or not they feel that the birthday of Thaddeus Stevens should be so honored.

The SPEAKER. Did the gentleman from Philadelphia made a motion?

Mr. HART. Mr. Speaker, I made a motion.

Mr. SOWERS. Mr. Speaker, I second the motion.

The SPEAKER. Will the gentleman restate his motion?

### MOTION TO DISCHARGE COMMITTEE

Mr. HART. Mr. Speaker, I will go back to what I hesitated about doing. I move, Mr. Speaker, that the Committee on Banking be discharged from further consideration of House Bill No. 1016.

The SPEAKER. The Chair insists that the motion be made in writing.

Mr. HART. Very good, sir.

Mr. STONE. Mr. Speaker, the Committee on Banking will meet tomorrow and take this matter up and dispose of it one way or the other.

The SPEAKER. Is that satisfactory to the gentleman from Philadelphia?

Mr. HART. Mr. Speaker, that is perfectly satisfactory and I will take the gentleman's word in the matter, because that will make it possible for us to go ahead without any unkind remarks about discharging the committee.

The SPEAKER. The gentleman from Philadelphia withdraws his motion.

## RESOLUTION

### CONGRATULATING HON. SAMUEL A. WEISS

Mr. RUFFENNACH offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives, April 15, 1935.

Whereas, The voters of the Tenth Legislative District of Allegheny County have, for the first time in seventy-five years elected a Democrat to this House, and have elected him by the largest vote ever given in Pennsylvania to a candidate for that office, and

Whereas, We, the Members of the House of Representatives have come to know and love that Democrat, The Honorable Samuel A. Weiss, and to admire his industry, ability, and integrity, and

Whereas, Today makes his thirty-third birthday; therefore be it

Resolved, That the House of Representatives (and this includes Republican Members) extends congratulations to the Honorable Samuel A. Weiss, and that the Clerk hand to him a copy of this Resolution.

Mr. WEISS. Mr. Speaker and members of the House, I am deeply grateful for the thoughtfulness of the gentleman from Allegheny County in extending congratulations on my birthday and I accept them with heartiest thanks.

## RESOLUTION

### CONGRATULATING HON. LOUIS SCHWARTZ

Mr. BURKE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives, April 15, 1935.

Whereas, From time immemorial it has been the custom to celebrate the anniversaries of the natal days of those who have made contributions to American ideals, and,

Whereas, The House of Representatives has among its Members one who made generous contribution to the rich heritage of which all true Americans are justly proud, and,

Whereas, The Members of the House of Representatives will forever draw spiritual stimulation and mental exhilaration from the profound influence which he exerts upon his fellow-members,

Resolved, That the House of Representatives extends to the Honorable Louis Schwartz its sincere congratulations on the anniversary of his birthday and wishes that he will have many years of service as a minority member of this House.

STATEMENT BY MR. BALDI

Mr. BALDI asked and obtained unanimous consent to make the following statement:

Mr. Speaker, I have been asked by the Republican delegation of this House to present to the gentleman from Philadelphia, Mr. Louis Schwartz, this small gift, and I ask that he accept it and cherish it as something of great value not only to himself but to his family.

The SPEAKER. Will the gentleman from Philadelphia display the gift?

Mr. SCHWARTZ. Does the Speaker insist upon it?

The SPEAKER. The rules require it.

Mr. SCHWARTZ. Very clever, Mr. Speaker. (exhibiting miniature of a clock).

The SPEAKER. Will the gentleman from Philadelphia describe the gift?

Mr. SCHWARTZ. It is an alarm clock, Mr. Speaker, to keep me awake all night.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 183, entitled:

A Joint Resolution proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 184, entitled:

A Joint Resolution proposing an amendment to section seven article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1521, entitled:

An Act imposing certain requirements on hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 153, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 317, entitled:

An Act providing that where a tract of land has been or shall hereafter be annexed to a city borough or township and is a part of an election district therein, it shall be a part of the same State-senatorial congressional and legislative district as the said election district

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1655 (Senate Bill No. 29), entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. EROE. Mr. Speaker, I move that the Committee on Municipal Corporations be granted permission to meet during the session of the House in the Conference Room at the rear of the House to consider one bill.

The motion was agreed to.

BILL ON SECOND READING

Ageeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 375, entitled:

An Act to amend sections four hundred and ten and four hundred and eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" including policies of industrial insurance under uniform policy and prohibited policy provisions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred and ten and four hundred and eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges an dfire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalites and repealing existing laws" are hereby amended to read as follows

Section 410 Uniform Policy Provisions No policy of life or endowment insurance [except policies of industrial insurance where the premiums are payable monthly or oftener] shall be issued or delivered by any stock or mutual life insurance company in this Commonwealth unless it contains in substance the following provisions

(a) A provision that all premiums shall be payable in advance either at the home office of the company or to a nagent of the company upon delivery of a receipt signed by one or more of the officers of the company who shall be named in the policy

(b) A provision that the insured is entitled to a grace either of thirty days or one month within which the payment of any premium after the first year may be made subject at the option of the company to an interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium during which period of grace the policy shall continue in full force but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the current policy year if any are paid the amount of such premiums with interest on any overdue premiums may be deducted in any settlement under the policy

(c) A provision that the policy shall be incontestible after it has been in force during the lifetime of the insured two years from its date of issue except for nonpayment of premiums and for engaging in military or naval service in time of war without the consent in writing of an executive officer of the company

(d) A provision that the policy shall constitute the entire contract between the parites but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be endorsed upon or attached to the policy when issued and in such case the policy shall contain a provision that the policy and the application therefor shall constitute the entire contract between the parties

(e) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age

(f) A provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the third policy year the company will actually determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the dividend arising from such participation paid in cash or applied to the payment of premium or the purchase of paid up additions to the policy as the policyholder may elect

In lieu of the foregoing provisions the policy may contain a provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the tenth policy year the company will determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the current dividends arising from such participation paid in cash and that at periods of not more than five years thereafter such apportionment and payment at the option of the policyholder shall be had

Renewable term policies of ten years or less may provide that the surplus accruing to such policies shall be determined and apportioned each year after the second policy year and accumulated during each renwal period and that at the end of any renewal period or renewal of the policy by the insured the company shall apply the accumulated surplus as an annuity for the next succeeding renewal term in the reduction of premiums

(g) A provision specifying the options to which the policy-holder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid

(h) A provision that after three full years' premiums have been paid the company at any time while the policy is in force will advance on proper assignment or pledge of the policy and on the sole scurity thereof at a specified rate of interest a sum equal to or at the option of the owner of the policy less than the reserve a tthe end of the current policy year on the policy and on any dividend additions thereto less a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year and may collect interest in advance on the loan to the end of the current policy year which provision may further provide that such loan may be deferred for not exceeding six months after the application thereof is made A company may in lieu of the provisions hereinabove permitted for the deduction from a loan on the policy of a sum not more than two and one-half per centum of the amount insured by the palicy and of any dividend additions thereto insert in the policy a provision that one-fifth of the entire reserve may be deducted in case of a loan under the policy or may provide therein that the deduction may be the said two and one-half per centum or the one-fifth of the said entire reserve at the option of the company.

(i) A provision which in event of default in premium payments after premiums shall have been paid for three years shall secure to the owner of the policy a stipulated form of insurance the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto specifying the mortality table and rate of interest adopted for computing such reserves and less a sum not more than two and one-half per centum of the amount insured by the policy and of any existing dividend additions thereto and less any existing indebtedness to the company on the policy Such provisions shall stipulate that the policy may be surrendered to the company at its home office within one month from date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and may stipulate that the company may defer payment for not more than six (6) months after the application therefor is made This provision shall not be required in term insurance of twenty years or less

(j) A table showing in figures the loan value if any and the options available under the policy each year upon default in premium payments during at least the first twenty years of the policy and if the proceeds of a policy are payable in instalments or an as annuity a table showing the amount of the instalment or annuity payments

(k) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within three years from the date of default in premium payments unless the policy has been duly surrendered or the extension period expired upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per centum per annum

(l) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death

Any of the foregoing provisions or parts thereof not applicable to single premium or non-participating or term and paragraph (h) shall not apply to companies of other policies shall to that extent not be incorporated therein states and foreign governments Provided however That the policies of an insurance company organized under the laws of any other state or foreign government may contain when issued in this Commonwealth and provisions which may be prescribed by the laws of the state or government under which the company is organized and the policies of a life insurance company organized under the laws of this Commonwealth may when issued in any other State Territory or foreign country contain any provision required by the laws of such State Territory or foreign country to be contained in policies issued therein

Section 411 Prohibited Policy Provisions No policy of life insurance shall be issued or delivered in this Commonwealth by any stock or mutual life insurance company organized under the laws of any other State or county or be issued by any stock or mutual life insurance company organized under the laws of this Commonwealth [except policies of industrial insurance where the premiums are payable monthly or oftener] if it contain any of the following provisions

(a) Any provisions for forfeiture of the policy for failure to repay any loan on the policy or to pay interest on any such loan while the total indebtedness on the policy is less than the cash value thereof In ascertaining the indebtedness due upon the policy loan the interes tif not paid when due shall be added to the principal of such loan and shall bear interest at the rate specified in the note or loan agreement

(b) Any provision limiting the time within which any

action at law or equity may be commenced to less than two years after the cause of action shall accrue

(c) Any provision by which the policy shall purport to be issued or to take effect more than six months before the original application for the insurance was made

(d) Any provision for a mode of settlement at maturity of less value than the amount insured on the face of the policy plus dividend additions if any less the indebtedness to the company on the policy and less any premiums that may by the terms of the policy be deducted

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that the bill be recommitted to the Committee on Insurance for further consideration.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1698, entitled:

An Act to amend sections three five seven eight ten twelve and thirteen of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 581) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three five seven eight ten twelve and thirteen of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" are hereby amended to read as follows

Section 3 Any person not holding a certificate of registration under the provisions of the preceding section and desiring to obtain a license under this act shall make application under oath or affirmation in such form as the department shall prescribe Such application shall be accompanied by an affidavit which shall be made by a practicing physician and shall set forth that the applicant was examined and is free from all contagious and infectious disease The applicant at the time of filing such application and affidavit shall pay to the department an examination fee of five dollars or such other fee as may be fixed by the department and shall present himself or herself at the next examination of applicants as hereinafter provided The department shall thereupon proceed to examine such person after [If] being satisfied that he or she is above the age of sixteen years free from contagious and infectious disease [and] has completed the work of the elementary school and has either (a) studied the occupation for a period of two years as a registered apprentice under a qualified and practicing barber as hereinafter provided or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a competent barber for a period of at least two years and served at least six months as an apprentice with a registered barber or (c) practiced the occupation [in another State] for a period of at least [two years and] twenty-four month within the five years next preceding the effective date of this act If the Department is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof including his or her knowledge and ability in the antiseptic preparation of tools shaving hair cutting and all the duties and services incident thereto and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation [the department] it shall enter his or her name in the register hereinafter provided for and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation or to teach in registered barber schools as the case may be

For any person to be registered as a teacher in a barber school or college he must be at least twenty-one years of age a graduate from an approved high school or its equivalent and have had either (a) at least five years' experience as a barber in a barber shop or (b) training in a registered barber school of at least fifteen hundred hours and in addition thereto two years' experience as a registered barber The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering including ability to teach properly the various practices and theories of barbering The registration fee for teachers shall be five dollars and the annual renewal fee shall be five dollars

Section 5 Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered barber authorized to practice such occupation in this Commonwealth Provided That such apprentice or student shall apply to the department to have his or her name registered with the department in a book which shall be kept by the department for the registering of apprentices or students and secure a permit upon the payment of a fee of one dollar to practice as an apprentice or student under a duly registered barber such permit to be displayed in front of his or her working chair [After having practiced the occupation for two years under a registered barber such apprentice or student shall be eligible to become a registered barber and shall present himself or herself at the next examination of applicants and pay the fee as provided for in section three of this act] Students upon graduation from a registered barber school or barber college and having served six months' apprenticeship in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop shall make application for examination at the next regular period specified in this act Temporary permits to practice barbering may be issued at the discretion of the department to persons filing application for examination and submitting proof of two years' practice as a journeyman barber within the five years immediately preceding the date of the application Upon receipt of the application with the proper fee the department shall issue a temporary permit which shall be valid until the results of the subsequent examination are determined In case the applicant fails to pass such examination he or she shall secure a new student or apprentice permit upon the payment of a fee of one dollar which shall be valid for a period of one year during which time the applicant shall present himself or herself for re-examination and pay the proper examination fee

Section 7 The department shall furnish to each person to whom a certificate of registration is issued a certificate stating that the holder thereof is entitled to practice the occupation of barber or to teach in registered schools or colleges of barbering The holder of such certificate shall display the same in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve

Section 8 The certificate shall be renewed on or before the first day of January in each year and the holders of said certificates of registration shall pay to the department the sum of two dollars or such other sum as may be fixed by the department for a renewal card [Upon the failure of any] Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the first day of January in each year [his or her certificate of registration shall be revoked by the department and a new certificate of registration shall not be issued to such person until he or she shall again comply with all the provisions of this act in the same manner as if he or she had never been registered] and who continues the practice of barbering or any of its branches shall on conviction thereof before any magistrate alderman or justice of the peace be subject to a fine of not more than ten dollars to be collected by summary conviction as like fines are collected by law or in case of non-payment of the fine to undergo an imprisonment for a period not exceeding ten days Any such person shall have the right of appeal as in other cases of summary conviction

Section 10 The department may adopt reasonable rules and regulations prescribing the sanitary requirements of each barber shop barber school or barber college in cooperation with the Department of Health and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop school or barber college which shall at all times be kept conspicuously displayed in such shop school or college It shall be unlawful for any person to sleep or for any owner or manager to permit any person to sleep in or use for residential purposes any room used as a barber shop or a school of barbering All rooms used for such purposes shall be used for barbering and beauty purposes exclusively Any officer or duly authorized agent of the department may enter and make reasonable examination of any barber shop barber school or barber college during the business hours for the purpose of ascertaining the sanitary conditions thereof Any barber shop barber school barber college or tools appliances and furnishings in use therein kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases is hereby declared to be a public nuisance and the department may suspend or revoke the certificate of the proprietor thereof or any person operating such barber shop school or barber college or the permit hereinafter required for such shop school or college or both the certificate and permit

Section 12 In no barber shop shall there be more than one apprentice [to two barbers] who must be at all times under the supervision of a barber authorized under this act to practice such occupation [All barber shops having but one chair shall be entitled to at least one apprentice] All barber schools or barber colleges shall keep prominently displayed a sign reading "Barber College" or "Barber School" Any co-partnership corporation or person desiring to operate or conduct a barber shop or barber college shall first secure from the department a permit or registration certificate to do so and shall keep the same prominently displayed The fee for registration of each barber school or college shall be fifty dollars and the annual renewal fee therefor shall be twenty-five dollars The department may pass upon the qualifications appointments and course of study in said college which shall be not less than two years All barber schools or barber colleges shall have not less than one registered teacher or instructor for every twelve students and in no case less than two such teachers who shall be in attendance at all times during the hours the school is open for instruction

No school of barbering shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by the Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours which shall not be less than seven per day each day the school is open for instruction shall establish grades and hold examination before issuance of diplomas and shall be required to maintain a course of study requiring not less than one thousand hours for completion in not less than six months and shall comprise all or a majority of the practices of barbering as provided by this act and shall include practical demonstrations and theoretical studies and study in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof

No school of barbering shall permit its students to practice barbering on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after first being properly informed that the operator is a student No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students or for materials used in such treatments

Section 13 To shave or trim the beard or regular hair cutting to give facial and scalp massaging facial and scalp treatment with any preparations made for this purpose either by hand or by mechanical appliances to singe and shampoo the hair or apply any makes of hair tonics and to dye the hair of any person for hire by the person performing such service shall be construed as practicing the occupation of barber within the meaning of this act No person shall practice barbering for pay directly or indirectly in any place other than a registered barber shop or where the barber is a registered barber except that any registered barber may furnish barber services to persons at their place of residence or in institutions in cases of appointment Provided however That nothing contained in this act shall be construed to include so called beauty shops or hair-dressing parlors or schools of beauty culture patronized by women except that it shal be unlawful and a violation of this act for any person to employ or to accept employment in any such shops parlors or schools who has been refused a certificate by the department

On the question,
Will the House agree to the section?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 4, by striking out with light-faced brackets the words "competent barber" and insert in lieu thereof "registered teacher"

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.
Mr. HIRSCH offered the following amendment:

Amend bill, page 10, by inserting after line 6, the following section:

Section 2. That said act is hereby amended by adding thereto the following section:

"Section 15-A. Nothing contained in this act or the act to which this is an amendment shall be construed as prohibiting any municipality from adopting appropriate ordinances, not inconsistent with the provisions of this act or the rules and regulations adopted thereunder, as may be deemed necessary to promote the public health and regulate the conduct of barber shops, schools and colleges."

On the question,
Will the House agree to the amendments?
They were agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read as follows:

An Act to amend sections three five seven eight ten twelve and thirteen of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

On the question,

Will the House agree to the title?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 2 of title, by inserting after the word "of" the following: "and to add section fifteen A to"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 340, entitled:

An Act relating to and regulating industrial homework prohibiting certain kinds of industrial homework conferring powers and duties upon the Department of Labor and Industry requiring permits certificates and licenses of persons engaged in industrial homework or distributing such work imposing a processing fee on employers measured by their payrolls and imposing civil and criminal penalties

The first and second sentences were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Industrial Homework Act"

Section 2 The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Department" shall mean the Department of Labor and Industry of this Commonwealth

"Effective" when applied to a permit certificate or license means that the permit certificate or license has not expired or has not been revoked or suspended and is applicable to the industrial homework performed

"Employer" means any person as herein defined who distributes materials either directly indirectly or through an employe servant agent independent contractor or any other third party to a home for the purpose of having such materials processed and thereafter returned to him or someone designated by him for any purpose other than for the personal use of himself or any member of his family

"Home" includes the entire house dwelling or apartment constituting the worker's place of residence

"Industrial homework" means the processing in a home or any part of a home of any article or articles the material for which has been furnished by an employer except articles which are being prepared solely for the consumption wearing or use of persons resident in the home where the work is performed

"Industrial homeworker" means any person who processes in a home the material furnished by an employer for industrial homework except a person engaged in working on articles intended solely for the consumption wearing or use of a resident of the place where the work is performed or for the wearing of the person actually distributing the materials

"National Industrial Recovery Act" means the Act of Congress approved the sixteenth day of June one thousand nine hundred thirty-three forty-eight Stat one hundred ninety-five entitled "An Act to encourage national industrial recovery to foster fair competition and to provide for the construction of certain useful public works and for other purposes"

"Person" means an individual a corporation a partnership an association a joint stock company a trust or any unincorporated organization

"To process" means to manufacture finish repair prepare alter or handle and the different forms of the verb are to be interpreted in accordance with this definition of the infinitive

The third section was read as follows:

Section 3 The following classes of industrial homework are hereby declared unlawful and are absolutely prohibited

(a) Industrial homework that involves the processing of foodstuffs tobaccos drugs poisons or articles for internal human consumption or articles intended for use in connection with the serving of foods

(b) Industrial homework that involves the processing of sanitary goods or of childrens clothes toys or other articles intended for the use of children

(c) Industrial homework that involves the processing of explosives fireworks and articles of like character and

(d) Industrial homework specifically forbidden by national or State law or by any code argreement or license approved by the President of the United States acting under the authority of the National Industry Recovery Act or any other Federal act

On the question,

Will the House agree to the section?

Mr. FLINCHBAUGH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 3, section 3, sub-section (a), line 16, by striking out the word "tobaccos"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections and title were separately read and agreed to.

Section 4 Any owner tenant or occupant of a home desiring to allow industrial homework to be carried on in such home shall file with the Department of Labor and Industry in such form as the department may prescribe an application for a sanitary permit for which no charge shall be made

Upon receiving such an application the Department of Labor and Industry shall immediately cause an inspection of the premises to be made. If the department finds that

(a) The premises are in a clean and sanitary condition and free from any infectious contagious or communicable disease

(b) The facilities for lighting heating and ventilation are adequate to allow industrial homework to be performed in health and safety

(c) No national State or local law forbids the proposed use of the premises and

(d) No permit issued to this applicant for these premises has within the two preceding years been revoked for violation of this act it shall issue a sanitary permit to the applicant which shall be valid for one year unless earlier revoked or suspended uner the provisions of this act Such permit shall be valid only for industrial homework that is performed by persons residing in the home for which it is issued and may if necessary for reasons of health or sanitation be further limited to specified classes of industrial, homework Duplicate permits to be used for the purposes of this act shall be issued without charge

It shall be unlawful for any owner tenant or occupant of a home to carry on or any owner of such home knowingly to permit such home to be used to carry on any industrial homework unless a sanitary permit has been obtained for such home as provided in this section Any person violating the requirements of this section shall upon conviction thereof in a summary proceeding be senteced to pay a fine of not more than one hundred dollars ($100)

Section 5 Every person to whom a sanitary permit is issued shall be required.

(a) To keep in such form and forward to the department at such intervals as the department may by regulation prescribe a complete and accurate register of all persons engaged in industrial homework on his premises and

(b) To prohibit the use of his premises for industrial homework at any time when they are not clean and sanitary and free from any infectious contagious or communicable diseases

Each of these requirements shall be a condition of the issuance of a sanitary permit Any person violating any of these requirements shall on conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) The department shall have the power to revoke the sanitary permit of any person guilty of such violation after notice and hearing before the department.

Section 6 A Any person desiring to practice as an industrial homeworker shall file with the department in such form as it may by regulation prescribe an application for an industrial homeworker certificate for which no charge shall be made The deparment shall issue to each applicant an industrial homeworked certificate limited to work in his own home and valid for one year unless earlier revoked or suspended except that no certificate shall be issued if it shall appear that

(1) The applicant at the time of application has an infectious contagious or communicable disease or

(2) The applicant at the time of application is less than 16 years of age or

(3) A certificate previously issued and to the applicant was revoked for violation of this act or any Federal act or

(4) The employment of the applicant is forbidden by national State or local law or by any code agreement or license approved by the President of the United States acting under the authority of the National Industrial Recovery Act or any other Federal act or

(5) The applicant is otherwise employed for the maximum hours allowed by national State or local law or by any code agreement or license approved by the President of the United States acting under the authority of the National Industrial Recovery Act or any other Federal Act or

(6) The industrial homework in which the applicant proposes to engage is prohibited by this act or

(7) No sanitary permit has been issued by the department for the premises in which the industrial homework is to be performed

(B) It shall be unlawful for any person who has not an industrial homeworker certificate to engage in industrial homework Any person engaging in industrial homework without an industrial homeworker certificate shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than twenty dollars ($20)

C It shall be unlawful for any person who has an industrial homeworker certificate to engage in any industrial homework prohibited by this act or to engage in homework while he has an infectious contagious or communicable disease or to engage in industrial homework in premises for which no sanitary permit has been issued or to work on material to which the tag or label hereinafter required by this act has not been affixed or to fail to keep such tag or label in his possession until the work is returned to the employer Any person violating this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than ten dollars ($10) In addition the department may after notice and hearing suspend or revoke the industrial homeworker certificate of any such person

Section 7 A Any person desiring to furnish or distribute either directly or indirectly materials to be used for industrial homework in this Commonwealth shall whether or not he has a place of business in this Commonwealth file with the department in such form as it may by regulation prescribe an application for an employer industrial homeworker license Such application shall include a list of names and addresses of all homeworkers to whom the applicant intends to distribute industrial homework directly whether within or without the Commonwealth and a list of the names and addresses of all agents or contractors through whom the applicant intends to distribute industrial homework indirectly whether within or without the Commonwealth and a list of the names and addresses of all employers within or without the Commonwealth for whom the applicant intends to distribute industrial homework. The applicant after receiving a license shall report to the department monthly any changes in such lists

B The Department shall issue to each applicant an employer idustrial homework license limited to the distribution of material for a specified industry or trade and valid for one year unless earlier revoked or suspended except that no such license shall be issued if it shall appear that the material to be furnished or distributed is to be used for industrial homework prohibited by this act or that a license previously issued to the applicant was revoked for a violation of this act

C Every person to whom an employer industrial homework license is issued shall be required to see that industrial homework is performed only by persons who have effective homeworkers' certificates and only in places for which effective sanitary permits have been issued Every such person shall keep within this Commonwealth in such form and shall forward to the department at such intervals as it may by regulation prescribe a complete and accurate record of all persons engaged in industrial homework on materials furnished or distributed by him either directly or indirectly through any other person all places where such persons work all material furnished and distributed to such persons the wages paid such persons for performing industrial homework thereon and all goods on which such persons have worked

Each of these requirements shall be a condition of the issuance of an employer industrial homework license Any employer violating any of these requirements shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) In addition the department may revoke the license of such person after notice and opportunity to be heard

D It shall be unlawful for any person who is not the holder of an employer industrial homework license to furnish or distribute directly or indirectly materials which he knows or should know are intended for industrial homework in this Commonwealth and any person so doing shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo imprisonment of not more than six months or both in the discretion of the court

E It shall be unlawful for any person who has an ememployer industrial homework license to furnish or disthibute directly or indirectly materials to be used for industrial homework in this Commonwealth by any person for whom the employer or his agent has not on file within this Commonwealth an effective certificate or duplicate

thereof or in any place for which the employer or his agent has not on file within this Commonwealth an effective permit or duplicate thereof or for any industry other than the one to which the employer's license is limited Any person violating any of the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo imprisonment of not more than six months or both in the discretion of the court In addition the department may revoke such person's employer industrial homework license after motion and opportunity to be heard

Section 8 A The department shall have the power and its duty shall be to prescribe rules and regulations for rules or regulations shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) In addition the department may revoke or suspend any license issued the enforcement of this act Any person violating such under this act to such person after notice and opportunity to be heard

B The department shall enforce the provisions of this act For the purpose of al investigations which are necessary and proper for the enforcement of this act the Secretary of Labor and Industry or any officer or employe designated by him is hereby empowered to enter any home house dwelling tenement factory shop or other building for which a license has been applied for or graned to examine all records and registers that are required to be kept under the authority of this act

Any person who shall wilfully make an untrue statement of a material fact in response to a question asked of him under oath by either the Secretary of Labor and Industry or an officer or employe designated by him or who shall assault resist prevent impede or interfere with any such officer or employe in the performance of their duties undr this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) or to suffer imprisonment for not more than one year or both in the discretion of the court

C In making an investigation or inquiry or conducting a hearing the Secretary of Labor and Industry and the officers and employes designated by him shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure

Section 9 Any person aggrieved by any decision of the department in suspending or revoking any permit certificate or license under the authority of this act may appeal from such decision by petition to the court of common pleas of the county in which such person is resident if such appeal is taken within fifteen days after notice in writing of the action of the department Such notice from the department shall contain a notation of the number of days during which appeal from the decision of the department may be taken The appeal petition shall set forth the reasons why the action of the department is deemed erroneous Upon presentation of such appeal petition the court shall order that a copy of the petition be served upon the department within five days after presentation of the same in court and in its order shall require the department to file a complete and correct copy of all its records affecting the matter together with any testimony taken before the department in the office of the prothonotary within ten days of the service of the appeal petition The court shall fix a day and time for hearing the matter due notice of which shall be given to all parties interested as the court shall prescribe The court shall not be required to take any additional testimony unless that filed with it is deemed by the court improper inadequate or insufficient in order to enable it to enter its decree but the court shall hear argument by counsel for the department and for the appellant After hearing and argument or argument as the case may be and after reviewing all the testimony filed or taken before it the court shall enter such decree either affirming or reversing the action of the department as to it appears just and proper If the action of the department is sustained the court shall assess the costs against the appellant otherwise such costs shall be paid by the department The decision of the court shall be final

Section 10 Each consignment of material sent out by any employer to be processed by an industrial homeworkr shall have attached thereto a label or tag indicating the employer's name license number and address and the name and address of each industrial homeworker to be engaged in the processing thereof or if the work is to given out through a contractor or agent the name and address of such person and such other information as the department may require The employer shall keep a duplicate copy of each such tag or label on file at his place of business

Section 11 Any room house tenement or dwelling where industrial homework is carried on in violation of this act and all material and property kept and used in connection such unlawful homework are hereby declared to be a common nuisance An action to enjoin such nuisance may be brought in the name of the Commonwealth by the Attorney General or by the district attorney of any county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases If it is made to appear by affidavits or otherwise to the satisfaction of the court or judge in vacation that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until conclusion of the trial No band shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no industrial homework shall be carried on in such room house tenement or dwelling And upon judgment of the court ordering such nuisance to be abated the court may order that the room house tenement or dwelling shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollors ($500) nor more than one thousand dollors ($1000) payable to the ommonwealth and conditioned that industrial homework will not thereafter be carried on in such premises in violation of this act

Section 12 A monthly fee is hereby imposed and assessed upon every employer as defined in this act except a contractor or agent who returns to another employer within the ommonwealth the material which such contractor or agent has distributed to be processed by industrial homework at the rate of twenty per centum of the total amount of wages paid by such employer to all homeworkers during the month On or before the tenth day of each month every such employer shall make a report to the Department of Labor and Industry setting forth the total amount of wages paid to all homeworkers during the preceding month and at the same time shall pay to the department the fee prescribed by this section

Section 13 All fees fines and penalties collected or received under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be legislative intent that this act would have been adopted had such unconstitutional provisions not be included herein

Section 15 This act shall become effective on the first day of July one thousand nine hundred thirty-five

An Act relating to and regulating industrial home-work; prohibiting certain kinds of industrial homework; conferring powers and duties upon the Department of Labor and Industry; requiring permits, certificates, and licenses of persons engaged in industrial homework or distributing such work; imposing a processing fee on employers measured by their payrolls; and imposing civil and criminal penalties.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1932, as follows:

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of Ten Thousand ($10,000) dollars or so much thereof as may be necessary is hereby specifically appropriated to the committee created by House Resolution number one hundred and three serial number one hundred and thirty for the purpose of investigating the cost of transportation of anthracite coal for the payment of the traveling and hotel expenses of the members of the committee for counsel fees for stenographic and accounting service for the payment of the compensation of rate experts and for all other necessary and incidental expenses incurred in the discharge of the duties of said committee Payment from said appropriation shall be made on requisition of the chairman in the manner provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 758, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

The first, second, third and fourth sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Personal Registration Act For Boroughs Towns and Townships"

Section 2 Definitions (a) The word "Commission" shall mean the county commissioners of any county acting as a registration commission for the boroughs towns and townships within such county

(b) "Commissioner" shall mean a county commissioner acting as a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidate either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any county although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person resident of a borough or township who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued resident in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth

(m) "Borough" shall include any incorporated town

(n) "Public office" shall mean and include any national state judical county city borough township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioners of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 County Commissioners to Act as Registration Commission For Boroughs and Townships (a) The county commissioners of each county containing one or more boroughs or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permanent form of its proceedings

Section 4 Powers of Commission (a) The commission of any county may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission of any county and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

The fifth section was read as follows:

Section 5 Registrars Inspectors of Registration and

Other Employe Powers and Duties (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include registrars who shall be empowered to register the qualified electors of the boroughs and townships in such counties and in so doing to administer oaths and affirmations and inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county An election officer may be appointed as a registrar or inspector of registration but no other person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county in counties where a salary board exists and in other counties by the commission

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission shall appoint as chief clerk the chief clerk of the county commissioners who shall have authority to administer oaths and to sign vouchers and who shall receive no extra compensation for such duties

(f) In the case of each borough and township in the county other than the county seat the commission shall appoint the clerk or secretary or other suitable official or any other qualified citizen of such borough or township as a registrar and designate his office as a branch office where persons who claim that they are entitled to be registered as electors of such borough or township may make personal application for such registration during ordinary business hours on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary Such registrars shall receive compensation only on the basis of the number of applications for registration actually received by them and transmitted to the commission

(g) Any inspector of registration on complaint of any person known to him may and when directed by the commission of his county shall

(1) Investigate all questions relating to the registration of electors of the boroughs and townships in such county and for that purpose shall have power to enter and inspect any house dwelling building inn lodginghouse or hotel within such governmental units and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or threin regarding any person or persons residing or claiming to reside thereat or so doing except his certificate of appointment aforesaid

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such boroughs or townships

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such county of the boroughs and townships therein to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest as aforesaid

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the follow-lowing amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 5, page 6, line 18, by striking out the word "as" and inserting in lieu thereof "a"

Amend Sec. 5, page 6, line 18, by inserting after the word "clerk" the following: "who may be"

On the question;

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections were separately read and agreed to as follows:

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carry out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission of such county and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for printing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners and other appropriating authorities of the county shall provide the commission thereof with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its duties

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission of any county by order of such commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of

any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to Be Open to Public Inspection The records of each commission and all district registers street lists of voters affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto provided that such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulations for safe-keeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors and the commission shall appoint all such persons as watchers and provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person and the registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment and provided that not more than one watcher for each party or body of electors or citizens' organization represented shall be allowed in a place of regisrtation at any one time

Section 14 Watchers or Attorneys at Sections of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the county or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may present at any one time may be limited by the commission to not less than three for each party or body of electors

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Time and Places of Registration Public Notice (a) From and after the first day of June one thousand nine hundred and ,thirty-five each commission or commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission and at such additional places in the boroughs and townships as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors thereof and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the seventh day of September anything in this section to the contrary notwithstanding and Provided further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district in the boroughs and townships of such county on at least three separate days prior to September eighth (one of them being in August and another in September) and one day in the period beginning September twenty-third and ending October fifth

(b) The county commissioners of each county shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of school directors of each school district shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration provided that such use shall not interfere with instruction for the conduct of which such board of school director shall be responsible

(d) The proper borough or township authorities shall furnish a room or rooms in any borough or township hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration provided that such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least one placard or notice thereof in a conspicuous place in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 17 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the boroughs and townships of each county the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this day of nineteen

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards in each county

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

The eighteenth section was read as follows:

Section 18 Manner of Registration (a) Every person in boroughs and townships claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar acting for the borough town or township in which he resides at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence if any or other designation of location (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the borough township ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (21) the date of each election and primary at which the elector votes and (22) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit when filed by borough or township the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar shall require him to present the affidavits subscribed in person before a registrar or commissioner of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 18, page 17, lines 27 and 28, by striking out the words "If the elector is unable to sign his name there shall also be recorded on the registration card"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The nineteenth to thirty-fifth sections (inclusive) were separately read and agreed to as follows:

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided and from and after the seventh day of September one thousand nine hundred and thirty-five no such person shall be permitted to vote at any election or primary held in this Commonwealth unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the election district Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district and shall produce such other evidence as may be required to satisfy the registrar or commissioner as to his qualifications as an elector If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 21 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All Persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certified copy thereof before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit that his father was naturalized at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage to a citizen prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number or other designation of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or equalified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration affidavits shall be placed in exact alphabetical order for each entire borough and township under the jurisdiction of the commission and indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such borough or township and shall not be removed from the office of the commission except upon order of the court of common pleas of the county wherein such borough or township is located

Section 25 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed and the affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open at all times subject to reasonable safeguards rules and regulations to public inspection

Section 26 Removal Notices The Commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number or other designation of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number or other designation of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 27 Transfer of Registration (a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence and if the removal shall have been from one borough or township to another in the same county shall transfer the duplicate registration affidavit to the proper general register

(b) Provided That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the regis-

tration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advice the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After to Have Fact Recorded (a) at any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar of commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the fifth day preceding any primary any qualified elector of the count including any watcher may petition the commission to cancel the party enrollment of any registered elector of such county who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the said petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make written application under oath to the commission or a registrar to have such fact entered on his registration affidavit together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance no longer suffers from the disability stated by him or has voted without assistance it shall forthwith cancel on his registration affidavit the entry relating to physical disability which authorized him to have assistance

Section 29 Reports of Deaths from Registrars of Vital Statistics (a) The registrar of vital statistics of every borough and township shall report in writing at least monthly to the registration commission the deaths of residents of such governmental until except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

Section 30 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission in such county and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each year the commission shall send such notices by mail to each elector registered under the provisions of this act in the county

(b) Upon the return by the Post Office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proved his qualifications as an elector

Section 31 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall indicate on a copy or copies of the most recent street list or other record available the anme and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the branch office of the commission in such borough or township on or before a date and hour which the notice shall appoint and which shall be not later than the fifth day preceding the election of primary next ensuing and satisfy the commission or a registrar of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration The shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers (a) Not later than thirty days prior to each election or primary the commission shall compare and correct the general and district registers

Section 33 Street Lists Posting Distribution Not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district in boroughs and townships a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets or roads

and house numbers if any The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission and at the branch office in each borough and township convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Petitions to Strike Off Names At any time not later than the fifth day preceding any election or primary any qualified elector of the borough or township and any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least forty-eight hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 35 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceeding an election or primary the commission shall deliver to the county commissioners of the propery county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

The thirty-sixth section was read as follows:

Section 36 Who May Vote at Elections and Primaries Challenges Ballot Check List and Voting Check List Use of at Polls (a) Any person whose name is in the district register of any election district shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) Any person who is registered and also enrolled as a member of a political party may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot accordingly to any law providing for same at any primary election

(c) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his contined residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district

(d) The district register hereby provided for shall be used at each election and primary by the election officers in the place of the ballot check-list heretofore required by law

The county commissioners shall deliver to the election officers with the district register a corrected list of voters of the election district in the place of the list known as the voting check-list heretofore required by law which list of voters shall be called and used as the voting check-list As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting as marked on the said list of voters known as the voting check list and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The said voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 36, page 33, line 26, by inserting after the word "Primaries" the following: "Voter's Certificates to be Signed"

Amend Sec. 36, page 34, line 1, by inserting after the word "district" the following: "and who, upon applying to vote, shall have signed his name to a voter's certificate, in the form hereinafter provided for, as a means of identification, and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers"

Amend Sec. 36, page 34, by inserting between lines 7 and 8 the following: "(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered, or if, having been able to sign his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote, but each elector shall establish his identity to the satisfaction of the election officers, and, in such case, a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer."

"(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate."

Amend Sec. 36, page 34, line 8, by striking out the letter "(b)" and inserting in lieu thereof the letter: "(d)"

Amend Sec. 36, page 34, line 9, by inserting after the word "party" the following: "and who, upon applying to vote, shall have established his identity by signing his name, or otherwise, as herein required at elections, and is otherwise qualified,"

Amend Sec. 36, page 34, line 19, by striking out the letter "(c)" and inserting in lieu thereof the letter: "(e)"

Amend Sec. 36, page 35, by inserting between lines 9 and 10 the following: "(f) The county commissioners shall cause to be printed for each election district a suitable number of Voter's Certificates, which shall be, in form, approved by the Secretary of the Commonwealth substantially as follows:

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

"I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
.....Pennsylvania
Approved .....
Number of stub of ballot issued (or number of admission to voting machines) .....
(and party at primary)" .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder, to be furnished by the county commissioners. After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved, or, in the case of an elector who is unable to write, the notations hereinabove required have been made thereon, one of the election officers who made the comparison shall sign his name or initials thereon, and, if the elector's signature is not readily legible, shall print such elector's name over his signature. After the elector has been admitted to vote, the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder. One such file or binder shall be furnished for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List" and the name of the district and date of the primary or election. The voter's certificates, so bound, shall constitute the voting check list of the district. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list."

Amend Sec. 36, page 35, line 10, by striking out the letter "(d)" and inserting in lieu thereof the letter: "(g)"

Amend Sec. 36, page 35, lines 14 and 19, by striking out all of lines 14 to 18, both inclusive, and the word "check-list" in line 19.

Amend Sec. 36, page 35, line 28, by striking out the following: "said list of voters known as the"

Amend Sec. 36, page 36, line 4, by striking out the word "registration"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-seventh section was read as follows:

Section 37 Entry of Information in General Registers Following Election and Primaries (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates has voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 37, page 36, line 8, by inserting after the word "Primaries" the following: "Comparison of Signatures"

Amend Sec. 37, page 36, by inserting between lines 18 and 19 the following: "(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register, and shall report forthwith, in writing, to the district attorney any evidence or indication of probable fraud, personation, or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-eighth to forty-fifth sections (inclusive) were separately read and agreed to as follows:

Section 38 Cancellation of Registration Upon Failure to Vote Within Four Years Request For Reinstatement Within three months after the general election held in the year one thousand nine hundred and thirty-eight and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately pereceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years and that his resignation will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided Provided That the cancellation of the registration of any such elector for failure to vote within a period of four years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 39 Cancellation of Registration Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 40 Appeals to Court (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any county whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusal to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Provided That such appellant shall pay the prothonotary a fee of three dollars for filing such appeal and thereupon any judge of the said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court and proof of notice or the waiver thereof must be filed therein

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary and at the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the said court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The said court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 41 Production of Documents et cetera At Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 42 Subpoenas and Witness Fees (a) Any person filing any petition of any kind aforesaid with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners or other appropriating authority of the county in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas and the commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission and no such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it be issued shall have deposited with the said commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person aforesaid among those witnesses who have appeared in response to subpoenas issued as aforesaid and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission as aforesaid taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas and the accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners or other appropriating authority of the county shall be subject to audit from time to time by the county controller or auditors

Section 43 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or refuses to obey its subpoena duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who

knowingly accepts the vote of a person not registered in accordance with the provisions of this act except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars and to undergo an imprisonament of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform his said duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars ($500)

Section 44 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided therein this act shall be in force and take effect from and after the first day of June one thousand nine hundred and thirty-five

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 45 Repeal of Prior Law Proviso (a) The following acts of Assembly and parts of acts and any amendments and supplements thereto hereby repealed absolutely

(1) Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

(2) Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

(3) Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

(4) An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

(5) An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

(6) An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assessors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth one thousand eight hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

(7) An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

(8) Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

(9) An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

(10) An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for violation resides'" approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

(11) An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day

of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

(12) An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the date required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

(13) An act entitled "An act fixing the compensation of assessors and registry or assistant assesors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

(14) Section one two three four and six of the act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred thirty-four)

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein.

(1) Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

(2) Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

The title was read as follows:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

On the question,

Will the House agree to the title?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Title, page 1, line 3 of title, by inserting after the word "primaries" the following: "prescribing certain procedure for the conduct of the elections and primaries and the challenge and proof of qualifications of electors"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceded to the second reading and consideration of House Bill No. 1699, as follows:

An Act to amend section seven hundred and eighteen of the act aproved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred fifty-five) is hereby further amended to read as follows

Section 718 Training of Dogs on Certain Game During the period between one hour before sunrise and ten o'clock post meridian eastern standard time dogs when accompanied by and under control of their owner or handler may be trained upon any game in this Commonwealth excepting elk or deer or wilk turkey from the twentieth day of August to the last day of February next following Sundays excepted so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds This section does not prohibit the training of dogs on raccoons during the night time It shall also be lawful to hold field meets or trials for dogs with led game animals at any time between the first day of March and the twentieth day of August next following or field meets where [bird] dogs are permitted to work on liberated or native wild game [birds] in exhibition or contest at any time during daylight hours from the first day of March to the thirty-first day of March of each year Sundays excepted if a permit for such field meet of either kind or class has been applied for to the Board of Game Commissioners and issued by the board and a fee of [twenty] five dollars [($20)] ($5) has been paid by the applicant to the executive secretary of the board whose duty it shall be to supervise the holding of such field meet and to enforce the terms of the permits therefor and the rules and regulations of the board for the holding of such

meets "Under control" is hereby defined to mean within call except when actually on a trail or track of legal game

Any person who shall train a dog or dogs or permit a dog or dogs under his control to pursue or follow upon the track of any small game contrary to the foregoing provisions shall be liable to a fine of ten dollars for each offense

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceded to the second reading and consideration of House Bill No. 1683, as follows:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the low with reference thereto" is hereby amended to read as follows

Section 6 The provisions of the preceding section shall not apply to constables sheriffs prison or jail wardens or their deputies policemen of the Commonwealth or its political subdivisions or other law-enforcement officers or to members of the army navy or marine corps of the United States or of the national guard or organized reserves when on duty or to the regularly enrolled members of any organization duly authorized to purchase or recevie such weapons from the United States or from this Commonwealth or any organization incorporated under the laws of this Commonwealth engaged in target shooting with rifle pistol or revolver provided such members are at or are going to or from their places of assembly or target practice or to officers or employes of the United States duly authorized to carry a concealed firearm or to agents messenger and other employes of common carriers banks or business firms whose duties require them to protect moneys valuables and other property in the discharge of such duties from carrying any such firearm while actually engaged in such duties or to any person engaged in the business of manufacturing repairing or dealing in firearms or the agent or representative of any such person having in his possession using or carrying a firearm in the usual or ordinary course of such business or to any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another or to persons licensed to hunt or fish in this Commonwealth provided that such persons are actually hunting or fishing or are going to the places where they desire to hunt or fish or returning from such places or to persons training dogs Provided That such persons are actually training dogs during the regular training season or are going to or from their training grounds during the regular training season

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceded to the second reading and consideration of House Bill No. 1949, as follows:

An Act to further amend section one thousand one of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by authorizing the Board of Game Commissioners to prescribe by rule or regulation when and for what vermin bounties should be paid and the amounts thereof within certain limits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the fourteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) is hereby further amended to read as follows

Section 1001 [Bounties on Certain Animals] Authority to Pay Bounties on Vermin [A reward or bounty shall] Whenever it shall appear to the Board of Game Commissioners that it be necessary for the better protection of game that rewards or bounties be paid for the killing of any vermin within [the] this Commonwealth [only of] the said Board is hereby authorized to pay bounties for the extinction of such of the vermin and in such amounts as said Board shall by general rule or regulation prescribe Provided That any bounties authorized under this section shall not exceed the following amounts on the following animals For each Canada or bay lyn, commonly called bobcat or wildcat fifteen dollars for each gray fox four dollars for each weasel one dollar and for each goshawk [killed within the Commonwealth between the first day of November and the first day of May of the next following year and shipped to the office of the Board at Harrisburg within thirty-six hours after killing]five dollars All bounties authorized by said Board shall be paid only upon such conditions as may be prescribed in said regulations and upon such proofs and in such manner as is hereinafter provided

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceded to the second reading and consideration of House Bill No. 1340, as follows:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1001 Meeting General Duties Compensation The auditors of townships shall meet annually on the day following the day which is fixed by this act for the organization of the township commissioners and shall audit settle and adjust the accounts of the township commissioners township treasurer tax collector secretary and other officers and persons receiving and disbursing or authorizing the disbursement of the moneys of the township during the preceding fiscal year

The auditors shall make an audit of the dockets transcripts and other official records of the offices of the justice of the peace of the township to determine the amounts of fines and costs paid or due to the township All justices of the peace shall open and make available to the auditors their dockets transcripts records and all other official books or papers for the purpose of the audit Provided That in any case where a justice of the peace charges a fine contrary to ordinances or to any act which makes such fine payable to the township the said auditors have the power to surcharge such justices of the peace in any amount or amounts undercharged as set forth in said ordinances or act

Two auditors shall constitute a quorum Each auditor shall receive five dollars per diem for each day necessarily employed in the duties of his office to be paid out of the funds of the township

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 473, as follows:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemtiopns debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate lgacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refuding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventeen) is hereby further amended to read as follows

Section 41 (a) 1 [When a fiduciary shall have in his hands any moneys the principal or capital whereof is to remain for a time in his possession or under his control and the interest profits or income whereof are to be paid away or to accumulate or when the income of real estate shall be more than sufficient for the purpose of the trust such fiduciary may invest such moneys in the stock or public debt of the United States or in the public debt of this Commonwealth or in bonds or certificates of debt constituting the direct and general obligation of any of the counties cities boroughs townships school districts or poor districts of this Commonwealth or in first mortgages on real estate in this Commonwealth securing bonds or other obligations not exceeding in amount two-thirds of the fair value of such real estate or in ground rents in this Commonwealth or in bonds payable not more than twenty years after date of one or more individuals secured by a deed or deeds of unencumbered real estate in this Commonwealth conveyed to a corporation organized under the laws of this Commonwealth and authorized to act as trustee in trust for the benefit of all such bondholders but the total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing it and the trustee shall not be exempted by contract or otherwise from responsibility for performing the ordinary duties of trustees or in trust certificates issued by a trust company organized under the laws of this Commonwealth certifying that the holders thereof are respectively the owners of undivided interests in deposits with such trust company of securities in which trust funds may be invested under the preceding provisions of this clause Provided That nothing herein contained shall authorize any fiduciary to make any investment contrary to the directions contained in the will of the decedent in regard to the investment of such moneys

It shall be the duty of any trustee of any property securing any investment which may be made hereunder

at any time upon demand to disclose to any bondholder or certificate holder and to the representative of any public agency authorized by law to examine the affairs of the trustee any information which may be requested regarding any of the trust property in its possession

Within the meaning of this clause the "fair value" of real estate shall be the value placed thereon in writing by a reputable person who shall be especially familiar with real estate values shall have actually inspected the real estate before making his valuation and shall certify that his valuation was made after inspection of the premises]

Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Sub-Section (1) United States Obligations Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Sub-Section (2) Pennsylvania Obligations Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of the Commonwealth is pledged

Sub-Section (3) Local Government Obligations Bonds or other interest-bearing obligations of any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that at the date of the investment in such bonds or other interest-bearing obligations such political subdivision is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Sub-Section (4) Mortgages Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or it shall be amortized in installments totalling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Sub-Section (5) Ground Rents Ground rents secured upon unencumbered improved real estate situate within this Commonwealth provided that the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Sub-Section (6) Real Estate Bonds Bonds of one or more individuals or corporations secured by improved real estate situated within this Commonwealth not including real estate used as a theatre or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estate so conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of the investment if such mortgage bonds by such fiduciary provided that such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (7) Fractional Interests A fractional undivided interest in any investment in which a fiduciary is authorized by this section to invest trust funds apportioned to an estate of which the person or corporation creating such fractional undivided interest in the fiduciary

In the case of an investment in a fractional interest in a mortgage if the date of such investment is subsequent to the original date of the mortgage or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of such investment provided that such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds or other obligations secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (8) Railroad Obligations Railroad obligations subject to the following provisions

(a) As used in this sub-section the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-guage railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except di-

rectors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for any of such fiscal years ending during the period from December thirty-first one thousand nine hundred and thirty to December thirty-first one thousand nine hundred and thirty-five inclusive and shall have been not less than one and one-half times its fixed charges for any such fiscal year ending after December thirty-first one thousand nine hundred and thirty-five

(b) As used in this sub-section the words "railroad obligations" shall include and mean obligations which meet following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on not less than two-thirds of the total length of the railroad lines covered by its lien a part of which two-thirds shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census The railroad lines covered by the mortgage shall be either subject to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien then the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding fifteen years from the first date of issue of any thereof in approximately equal annual or semiannual installments beginning not later than three years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this sub-section The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged bonds and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this sub-section

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges Fixed charges shall be rent for leaser roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Sub-Section (9) Obligations of Gas Water and Electrical Companies The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from other corporations and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business or businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State or Commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted

regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of suc hsubsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars shall at some time than one million dollars or of an issue of which a total have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of seucrities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien gage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (10) Obligations of Telephone Companies The following obligations of any corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period provided such corporation shall file with the Federal Communications Commission or

a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay the interest thereon

(3) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said the proceeds of the new financing and for such five year securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year tion derived from telephone service shall have averaged period the gross operating revenues of any such corporaper year not less than five million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this sub-section have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be of and the total expense of maintaining and operating all respectively the total amount earned from the operation property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter.

(7) The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of section provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (11) General Provisions

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this section when such non-legal investment was received by such fiduciary pursuant to the terms of the will deed decree of court or other instrument or if such non-legal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such non-legal investment

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement by two reputable persons familiar with real estate values in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1615, as follows:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes

on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Geenral Assembly met and it is hereby enacted by the authority of the same That section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 412 Assessment of Seated Lands Divided by Township Lines Where seated lands are divided by the boundary line between [two townships or between] a township and a city borough or town and the mansion house is situate in a township the whole of such lands shall be assessed only in the township where the mansion house is situate Where the mansion house is situated in a city borough or town and the balance of such seated lands are located in one or more townships the land located in such township or townships shall be assessed therein and the land located in the city borough or town shall be assessed therein

Where seated lands are divided by the boundary line between two townships the land located in each township shall be assessed therein notwithstanding the situs of the residence or mansion house

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceded to the second reading and consideration of House Bill No. 1787, as follows:

An Act to amend section one thousand five hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by transferring from the State Treasurer to the State Workmen's Insurance Board the power and duty of drawing checks on the State Workmen's Insurance Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority the same That section one thousand five hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus lection and recovery of fees and other money or propand all other accounts due the Commonwealth the colerty due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 1503 Payments All payment out of the several funds in the State Treasury except the State Workmen's Insurance Fund shall be made by check of the Treasury Department signed by the State Treasurer or someone by him duly authorized or bearing a facsimile of the State Treasurer's signature The State Treasurer shall determine the form and method of issuing such checks

All payments out of the State Workmen's Insurance Fund shall be made by check of the State Workmen's Insurance Board signed by the chairman thereof or someone by him duly authorized or bearing a facsimile of the chairman's signature The State Workmen's Insurance Board shall determine the form and method of issuing such checks

All checks shall have imprinted upon their face a statement that they will not be honored unless presented within sixty days from their date but upon the surrender of any such check which shall have become void because of the failure of the holder to present it for payament within sixty days the Treasury Department or the State Workmen's Insurance Board as the case may be shall issue a new check to the payee or payees named in such check in the amount thereof

The Treasury Department or the State Workmen's Insurance Board as the case may be may if satisfied that a check has been lost or destroyed and after stopping payment thereof issue a duplicate

Section 2 This act shall become effective the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceded to the second reading and consideration of House Bill No. 2023, entitled:

An Act to amend an act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defin-

ing their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended by designating as public service companies persons partnerships associations and corporations engaged in selling liquid fuels and lubricating oils and also those engaged in leasing franchises rights powers immunities privileges or facilities to other public service companies and empowering the Public Service Commission to regulate the same and by requiring the approval of the public Service Commission of transactions between public service companies and holding companies or affiliated interests involving loans of money to such public service companies and of contracts for the acquisition and construction of certain facilities and permanent improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article one of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and labilities prescrbing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abilition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeals and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" at last amended by the act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand five hundred twenty-six) is hereby further amended to read as follows

Article I Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Public Service Company Law"

The term "Public Service Company" when used in this act includes all railroad corporations canal corporations street railway corporations stage line corporations express corporations baggage transfer corporations pipe line corporations ferry corporations common carriers Pullman car corporations dining car corporations tunnel Corporations turnpike corporations bridge corporations wharf corporations incline plan corporations grain ele-

vator corporations telegraph corporations telephone corporations natural gas corporations artificial gas corporations electric corporations water corporations water-power corporations heat corporations refrigerating corporations sewage corporations corporations engaged in selling liquid fuels as defined by law for taxation purposes or lubricating oils corporations renting leasing or in any manner assigning for a term franchises rights powers immunities privileges or facilities to other public service companies as herein defined doing business within this State and also all persons engaged for profit in the same kind of business this Commonwealth Provided however Persons and corporations of any of the above classes which do not furnish service within this State but whose rates charges facilities or service affect the rates charges facilities or service of a public service company furnishing service within this State shall be considered as doing business within this State for the purpose of this act And provided further That the provisions of this act shall not be so construed as to extend to any matter or thing excluded under the Federal Constitution or act of Congress of the United States And provided further That none of the provisions of this act shall apply to the generation transmission or distribution of electricity to the dstribution of water or to the producton delivery or furnishing of steam or any other substance for heat or power manufacture or distribution of gas to the furnishing or by a producer who is not otherwise a public service company for the sole use of such producer or for the use of tenants of such producer and not for sale to others

The term "Corporation" as used in this act shall be construed to include all bodies corporate joint stock companies or associations domestic or foreign their lessees assignees trustees receivers or other successors in interest having any of the powers or privileges of corporations not possessed by individuals or partnerships and shall not include municipal corporations except as otherwise provided in this act

The term "Municipal Corporation" as used in this act shall include all cities boroughs towns townships or counties created or organized under any general or special law of this Commonwealth

The term "Person" as used in this act means all individuals partnerships or associations other than corporations

The term "Railroad Corporation" as used in this act includes every corporation owning leasing operating or managing or controlling any railroad for public use within this Commonwealth

The term "Railroad" as used in this act includes every railroad other than a street railway by whatsoever power operated for public use in the conveyance of passengers or property or both with all bridges ferries tunnels facilities plant and equipment thereof

The term "Street Railway Corporation" as used in this act includes every corporation owning leasing operating or managing or controlling any street railway within this Commonwealth

The term "Street Railway" as used in this act includes every railroad and railway by whatsoever power operated or any extension or extensions thereof for public use in the conveyance of passengers or property or both being mainly or in part located upon over above below across through or along any street avenue road highway bridge or public place including the facilities plant and equipment thereof

The term "Common Carrier" as used in this act includes any and all common carriers whether corporations or persons engaged for profit in the conveyance of passengers or property or both between points within this Commonwealth by through over above or under land or water or both

The term "Conveyance of passengers or property" as used in this act includes any and all service in connection with the receiving transportation elevation transfer in transit ventilation refrigeration icing storage handling and delivering or property baggage or freight as well as any and all service in connection with the transportation or carrying of passengers

The term "Service" is used in this act in its broadest and most inclusive sense and includes any and all acts done rendered or performed and any and all things furnished or supplied directly or indirectly and all and every the facilities used or furnished or supplied by public service companies in the performance of their duties to their tenants lessees assignees patrons employes and the public as well as the interchange of facilities between two or more public service companies

The term "Facilities" as used in this act includes all plant and equipment of a public service company which includes all tangible real and personal property buildings materials easements rights of way rights of trackage subways tunnels railroads street railways tracks canals and all animals locomotives apparatus appliances devices instruments appurtenances freight cars refrigerator cars baggage cars express cars passenger cars drawing-room cars parlor cars sleeping cars dining cars rolling-stock carriages cabs hansoms taxicabs vehicles boats ships vessels bridges barges cables conduits converters transformers condensers wires poles structures telegraph lines telephone lines crossbars engines machines dynamos boilers motors storage batteries switchboards waterfalls water-power stations power stations pumping stations reservoirs purifiers oil tanks gas tanks holders retorts ducts pipes pipe galleries pipe lines mains meters lamps scrubbers wharves piers docks ferries incline planes side tracks spurs turn-outs switches systems stations depots terminals terminal facilities water or gas jet wells and any and all other means and instrumentalities in any manner owned operated leased licensed used controlled furnished or supplied for by or in connection with the business of any public service company Provided however That no property owned by the Commonwealth of Pennsylvania or municipality thereof at the date when this act becomes effective shall be subject to the Commission or to any of the terms of this act except as elsewhere provided herein

The term "Commission" when used in this act means the Public Service Commission created by this act

The term "Commissioner" when used in this act means one of the members of such commission

For the purposes of this act the terms "to issue" "issued" "issuing" and "issuance" when used herein in connection with securities mean and refer to securities executed by proper corporate action and duly authenticated irrespective of whether such securities are to be disposed of or held in the treasury of the public service company

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. RUTH. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for a public hearing on Wednesday, April 24th, 1935.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 247 as follows:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act

relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 348 Contracts All contracts made by the commissioners of any county involving an expenditure exceeding one hundred dollars except contracts for building rebuilding or repair of bridges or for painting or tightening the bolts of iron bridges as hereinafter provided for shall be in writing and shall immediately after their execution be filed with the controller No contract shall be made nor the payment thereof certified by the controller for over three hundred dollars unless made with the lowest and best bidder after due notice to be published by the controller when directed by the commissioners if he approves the purpose of the proposals invited All bids shall be received by the controller under seal and shall be opened in his presence by the commissioners and the contracts awarded thereon The controller shall keep a record of all such awards and shall certify no warrants for contracts not made agreeably thereto Provided however that on an appeal heretofore or hereafter taken from a controller's report the court shall not be required to enter or to sustain a surcharge for failure to comply with the provisions of this section where it appears that the county commissioners acted honestly and in good faith for the best interests of the county and where no loss or damage resulted to the county from such non-compliance

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1476, entitled:

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred three) is hereby further amended to read as follows

Section 40 Number of Fish Which May Be Caught No person except as in this article otherwise provided shall in any one day catch kill or have in possession more than the number of fish hereby designated for the respective species that is to say

(a) Charr or trout of the combined species [twenty] fifteen

(b) White bass rock-bass crappie strawberry or calico bass fifteen

(c) Small or large mouth bass ten

(d) Pike-perch otherwise called wall-eyed pike or Susquehanna salmon ten

(e) Pickerel fifteen

(f) Muscallonge western and northern pike three

(g) Yellow perch twenty-five

(h) Sunfish twenty-five

(i) Catfish twenty-five

(j) Suckers twenty-five

(k) Chubs twenty-five

(l) Fallfish twenty-five

(m) Rockfish or striped-bass five

(n) All other species of fish including bait fish not specifically mentioned in this section except eels fifty

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2, by inserting after line 27, the following section: "Section 2. This act shall become effective immediately upon final enactment."

On the question;

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows and agreed to.

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

And said bill having been read at length the first time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1623 as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding a new section providing for the payment over by county officers to the county treasurer of certain unclaimed moneys

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Geenral Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto a new section to read as follows

Section 65 Payment Over of Unclaimed Moneys Whenever any moneys shall be paid over to any county officer as witness fees costs commissions bail or for other purposes and such moneys do not legally belong to the county or to such officer and no claim for the payment over of the same shall be made by the party entitled thereto within the period of two years after the same has been paid to such county officer then it shall be the duty of such county officer to pay such moneys over to the county treasurer for the use of the county and the receipt of the county treasurer showing the payment over of such moneys shall fully discharge the officer mak-

ing such payment from all liability for the payment of the same If after any such moneys have been paid over to the county treasurer the person entitled thereto shall appear and claim the same the moneys shall be repaid from the county treasurer on warrant of the county commissioners after proof of claim to the satisfaction of the county commissioners The provisions of this section shall apply to all moneys in the hands of any county officer for a period of two years and more prior to the effective date of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1897, entitled:

An Act to amend paragraph (b) of section eleven of article three of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunction mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provides for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies or affiliated interests involving loans of money to such public service companies

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (b) of section eleven of article three of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporatons engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and dameges resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eight-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso clause of clause three and the pro-

visos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" which was added thereto by the act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand five hundred twenty-six) is hereby amended to read as follows

(b) Upon the approval of the commission evidenced by its certificate of public convenience first had and obtained and not otherwise it shall be lawful for any public service company to enter into any transaction with a holding company or affiliated interest as hereinafter in this section defined if such transaction involves (1) the loan of money by or to the public service company (2) the assumption of any obligation or liability whether as guarantor endorser or otherwise by the public service company or (3) the loan sale purchase pledge or exchange of stocks bonds notes or other evidences of indebtedness by the public service company

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of a public hearing.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1426, as follows:

An Act to amend section one thousand seven hundred and nine of the act aproved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing taxation upon either real property or occupations or both

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1709 Tax Levies The board of township commissioners may levy taxes upon all property [and] or upon all occupations or both within the township made taxable for township purposes as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied for the purposes and at the rate hereinafter specified Provided however That such valuation shall be subject to correction by the county commissioners of the several counties and to appeal by the taxable persons in accordance with existing laws

One An Annual tax for general township purposes not exceeding ten mills unless the board of township commissioners by majority action shall upon due cause shown by resolution petition the court of quarter sessions in which case the court may order a rate of not more than five mills aditional to be levied Further provided That if at the hearing before the court of quarter sessions upon said petition of which notice shall be given as the court may direct which hearing shall be held not less than ten nor more than fifteen days after said petition shall be presented the owners of real estate having assessed valuation of fifty per centum of the total assessed valuation of real estate in said township shall by petition object to the making of an order for any additional tax levy the court shall thereupon deny the prayer of said petition

Two A tax for the purpose of building and maintaining suitable places for the housing of fire apparatus—the receipts from said tax for maintenance to be divided among the places maintained

Three An annual tax not exceeding one-tenth of one mill for the purpose of caring for trees planted under the supervision of the shade-tree commission and for the purpose of publishing notices of meetings to consider the planting removing or changing of trees In lieu of the tax provided for in this clause the township commissioners may by specific appropriation provide for the maintenance of such trees from the general funds of the township

Four An annual tax so long as necessary not exceeding fifty per centum of the rate of assessment for township purposes for the purpose of procuring a lot and/or erecting a building thereon for a townhouse and for the payment of indebtedness incurred in connection therewith Provided The total indebtedness for the payment of which any such such tax shall be levied shall not exceed one-half one per centum of the assessed value of real estate in the township

Five An annual tax sufficient to pay interest on indebtedness and sinking fund charges

This section does not include the levy of any taxes upon particular districts or parts of any township for particular purposes nor special levies otherwise provided for in this act

And said bill having been read at length the second time and agreed to..

Ordered, To be transferred for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1865, entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-two entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating

the admissions of the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" is hereby amended to read as follows

Section 8 In order that the benefits of industrial training may be given to the children in its Soldiers' Orphan Schools the said [commission] board of trustees at its discretion is hereby empowered to extend the time of the discharge of such children from the Soldiers Orphans' Industrial School [for the space of two years after they reach the age of sixteen years] until the end of the school year during which a child reaches the age of nineteen years and for the purpose of this section the school year shall be deemed to commence the first day of September each year

Provided That all acts or parts of acts inconsistent herewith be and the same are hereby repealed

On the question,

Will the House agree to the section?

Mr. McHENRY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 6, by striking out the word "seventy-two)"; and insert in lieu thereof the following: "seventy-one"

Amend Sec. 1, page 2, line 19, by inserting before the word "is" and after the word "Schools," the following: "as amended by the act approved the seventeenth day of March, one thousand nine hundred and five, (P. L. 44)."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 172), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School; the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphans Schools," extending the time for the discharge of children from said school.

On the question,

Will the House agree to the title?

Mr. McHENRY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Title, page 1, line 3, by striking out the word "seventy-two)," and insert in lieu thereof the following: "seventy-one)"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 898, as follows:

An Act requiring all persons associations copartnerships and corporations conducting any business to have displayed at such business place the names of the owners or the names which the owners are lawfully entitled to use

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it is unlawful for any person association copartnership or corporation to carry on or conduct any business in this Commonwealth unless such place of business has displayed in prominent place at or near the main entrance thereof the correct name or names of the individual owner or owners or an assumed or fictitious name or the name of the association or corporation which such owner or owners may be lawfully entitled to use

Section 2 Any person association copartnership or corporation who or which establishes a new place of business or a business at a new location shall be entitled to ten days to comply with the provisions of this act before any failure so to do shall be deemed a violation of the act

Section 3 Any person association partnership or corporation who shall violate any of the provisions of this act shall upon conviction thereof in a summary proceding before any justice of the peace alderman or magistrate in the county in which the offense was committed be sentenced to pay a fine of not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars to be paid to said county and the costs of prosecution Upon conviction for a second like offense such person or persons association or associations copartnership corporation shall be fined not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars and costs or prosecution In default of payment of such fine and costs all offenders shall be sentenced to be confined in the proper county jail for a period of not more than thirty days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 67, as follows:

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled "An act to provide civil rights for all people regardless of race or color" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That [any person company corporation being owner lessee or manager of any restaurant

hotel railroad street railway omnibus line theatre concert hall or place of entertainment or amusement who shall refuse to accommodate convey or admit any person or persons on account of race or color over their lines or into their hotel or restaurant theatre concert hall or place of amusement shall upon conviction thereof be guilty of a misdemeanor and be punished by a fine not less than fifty dollars nor more than one hundred dollars] all persons within the jurisdiction of this Commonwealth shall be entitled to the full and equal accommodations advantages facilities and privileges of any places of public accommodation resort or amusement subject only to the conditions and limitations established by law and applicable alike to all persons No person being the owner lessee proprietor manager superintendent agent or employe of any such place shall directly or indirectly refuse withhold from or deny to any person any of the accommodations advantages facilities or privileges thereof or directly or indirectly publish circulate issue display post or mail any written or printed communication notice or advertisement to the effect that any of the accommodations advantages facilities and privileges of any such places shall be refused withheld from or denied to any person on account of race creed or color or that the patronage or custom thereat of any person belonging to or purporting to be of any particular race creed or color is unwelcome objectionable or not acceptable desired or solicited The production of any such written or printed communication notice or advertisement purporting to relate to any such place and to be made by any person being the owner lessee proprietor superintendent or manager thereof shall be presumptive vidence in any civil or criminal action that the same was authorized by such person A place of public accommodation resort or amusement within the meaning of this article shall be deemed to include inns taverns roadhouses hotels whether conducted for the entertainment of transient guests or for the accommodation of those seeking health recreation or rest or restaurants or eating houses or any place where food is sold for consumption on the premises buffets saloons barrooms or any store park or inclosure where spirituous or malt liquors are sold ice cream parlors confectioneries soda fountains and all stores where ice cream ice and fruit preparations or their derivatives or where beverages of any kind are retailed for consumption on the premises drug stores dispensaries clinics hospitals bathouses theatres motion picture houses airdromes roof gardens music halls race courses skating rinks amusement and recreation parks fairs bowling alleys gymnasiums shooting galleries billiard and pool parlors public libraries kindergartens primary and secondary schools high school academies colleges and universities extension courses and all educational institutions under the supervision of this Commonwealth garages and all public conveyances operated on land or water as well as the stations and terminals thereof Nothing herein contained shall be construed to include any institution club or place of accommodation which is in its nature distinctly private or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry

Any person who shall violate any of the provisions of this act or who shall aid or incite the violation of any said provisions shall for each and every violation thereof be liable to a penalty of not less than one hundred dollars nor more than five hundred dollars to be recovered by the person aggrieved thereby or of any resident of this Commonwealth to whom such person shall assign his cause of action in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside and shall also for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars or shall be imprisoned not less than thirty days nor more than ninety days or both such fine and imprisonment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1885, as follows:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 226 Unlawful to Fish Without License No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license hereinbefore provided be at such time continually kept about the person of the licensee and exhibited upon the request of any fish warden sheriff constable or other officer of the Commonwealth No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license button be at such time continually displayed on the outer garment in such manner that the license figures are plainly visible

The provisions of this section shall not apply to a person holding a fishing license issued pursuant to the laws of the State of New York when fishing by angling in that portion of the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of this State if the persons holding angling licenses issued pursuant to the provisions of this act when fishing by angling in the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of the State of New York are not required to have New York licenses

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1749, entitled:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one of the act approved the the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred ninteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections eight hundred and twelve and eight hundred and twenty-one of the act approved the fourth day of May one thousand nine hun-

dred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 812 ELECTION OF COUNCILMEN WHERE BOROUGH CONSOLIDATED Whenever two or more boroughs are consolidated the members of the council of [each of such boroughs] the borough having the largest population shall be members of the council of the new borough from the wards in which they respectively reside and shall hold their office until the expiration of their terms The members of the other borough or boroughs shall determine by lot the councilmen of such borough or boroughs who shall become members of the council of the consolidated borough and the number so determined shall be two less than the number of councilmen from the borough having the largest population The councilmen so selected by lot shall become members of the consolidated borough and shall hold their office until the expiration of their respective terms and the terms of the remaining members of the council or councils of such borough or boroughs shall cease and terminate

In consolidated boroughs divided into wards the number of councilmen in each ward shall be three

At the first municipal election next succeeding consolidation the qualified electors of such borough shall select a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed to serve for a term of four years from the first Monday of January next succeeding their election and where such entire number is seven nine or eleven and where the year in which such officers shall take office is divisible by four then sufficient to constitute three four or five as the case may be and where such year is an even-numbered year not divisible by four then sufficient to constitute four five or six At the second municipal election succeeding such consolidation the remaining number of councilmen to which such consolidated borough is entitled shall be elected to serve for a term of four years from the first Monday of January next succeeding In consolidated boroughs divided into wards the council shall be lots prior to the first municipal election succeeding such consolidation apportion the councilmen to be elected as above provided so that there shall be equal or as nearly equal as possible representation by wards Biennially thereafter at each municipal election a sufficient number of councilmen shall be elected to serve for a term of four years from the first Monday of January next succeeding to fill the places of those whose term shall expire on the first Monday of January next following such election and at the first municipal election after such consolidation also sufficient number for terms of four years each so that each ward will have its full representation of three councilmen unless the number of councilmen in a ward have been reduced as in this act provided

Section 812 Elections of Burgees When Boroughs Consolidated When two or more boroughs are consolidated the burgess of the borough which shall have the largest population shall be the burgess of the consolidated borough to serve until the expiration of his term [The burgess of the other borough shall become a member of the council of such consolidated borough from the ward in which he resides and shall continue a member thereof until the expiration of his term] The term of the burgess of the other borough shall cease and terminate when the consolidation is effected At the [first] municipal election [for the election of burgess in] preceding the expiration of the term of the burgess of the consolidated borough and quadriennally thereafter a burgess shall be elected in such consolidated borough for a term of four years from the first Monday of January next succeeding such election

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines four and five, by striking out the following: "and eight hundred and twenty-one"

Amend Sec. 1, page 3, line 9, by striking out the word "lots" and inserting in lieu thereof the following: "lot"

Amend Sec. 1, page 3, line 22, by inserting after the word "provided" the following paragraph: "Section 2. That section eight hundred and twenty-one of the said act as amended by the act approved the eight day of May, one thousand nine hundred and twenty-nine (P. L. 1658), is hereby amended to read as follows:"

Amend Sec. 1, page 3, line 23, by striking out the numeral "812", and inserting in lieu thereof the following: "821"

Amend Sec. 1, page 3, line 23 by striking out the word "Burgees" and by inserting in lieu thereof the following: "Burgess"

Amend Sec. 1, page 3, line 24, by striking out the word "when", and inserting in lieu thereof the following: "whenever"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers

On the question,

Will the House agree to the title?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Title, page 1, line 2, by inserting after the word "twenty-one", the following: "as amended"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1944 as follows:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That employes of the Department

of Military Affairs of this Commonwealth whose specific duty is to aid and assist veterans and their widows children and dependents in the prosecution of claims before the Veterans Administration or other branch of the Federal government are hereby authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning such claims

Section 2 Any person who shall falsely swear or affirm to any oath or affirmation before any such employe shall be deemed guilty of perjury and upon trial and conviction thereof shall be sentenced for such offense as provided by law

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1566 as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto the following section

Section 111 Records Open to Inspection The minute book and other records and documents of every county shall be open to the inspection of any taxpayer thereof his her or its agent upon demand therefor

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1565 as follows:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto "by requiring records of poor districts to be open to inspection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 221 MEETING RECORD OF PROCEEDINGS Such directors of the poor shall meet at least once a month at the poorhouse visit the apartments inspect the management of the work upon and about the real estate see that the poor are properly treated and hear all complaints and cause all grievances that may happen by neglect to be redressed They shall keep a record of their proceedings which shall be evidence of their action in any subsequent judicial proceedings The minute book and other records and documents of every poor district shall be open to the inspection of any taxpayer thereof his her or its agent upon demand therefor

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 893 as follows:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any policeman or fireman of any city borough town or township who is injured in the performance of his duties and by reason thereof is temporarily incapacitated from performing his duties shall be paid by the municipality by which he is employed his full rate of compensation until the disability arising therefrom has ceased All medical and hospital bills incurred in connection with any such injury shall be paid by such municipality

Section 2 No absence from duty of any such policeman or fireman by reason of any such injury shall in any manner be included in any period of sick leave allowed such policeman or fireman by law or by regulation of the police or fire department by which he is employed

Section 3 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1005, entitled:

An Act requiring tax collectors to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That all tax collectors before depositing any tax moneys in any banks banking institutions or trust companies shall secure from such depositories a bond or bonds to secure payment of the deposits of such tax moneys secured by a surety company authorized to transact business within the Commonwealth or in lieu of such surety bond or bonds the deposit of tax funds may be secured by the deposit with any bank or trust company other than the depository within the Commonwealth which may be agreed upon of bonds or other interest bearing obligations of the United States of the Commonwealth of Pennsylvania or of bonds of any city borough township or school district of the Commonwealth of Pennsylvania the total amount of such bonds or obligations thus deposited measured by their actual market value shall be equal at all times to one hundred twenty per centum of the amount of the deposits All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer and in the event of the failure of the depository to pay the full amount of such deposits such bonds and the proceeds of the sale thereof shall belong to the tax collector until he shall receive from the depository the full amount of the deposits made by him

On the question,

Will the House agree to the section?

Mr. GATES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 18, by inserting after the word "him" the following: "Provided, That any such tax moneys may be insured with the Federal Deposit Insurance Corporation, or any other corporation, hereafter organized by the United States for the purpose of insuring deposits up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name, and when so insured, the tax collector shall not require such banking institution to furnish additional bond insurance or security to cover the amount of such deposits so insured."

On the question;

Will the House agree to the amendment?

It was agreed to,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

An Act requiring tax collectors to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania or any city, borough, township or school district in the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensd with

The House proceeded to the second reading and consideration of House Bill No. 1613 entitled:

An Act to further amend clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing legislature journal reporters to become members of said retirement system and opening the system further for original members

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses six and nine of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one and two of the act approved the twelfth day of June one thonsand nine hundred and thirty-one (Pamphlet Laws five hundred nineteen) are hereby further amended to read as follows

6 "State employe" shall mean any person holding a State office under the Commonwealth of Pennsylvania or employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he

or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session as well as all persons employed by the Commonwealth as legislative journal reporters

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred and twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred and [thirty-one] thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred and thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 4, line 11, by striking out the word "as" and inserting in lieu thereof: "in the work of reporting and compiling the"

Amend Sec. 1, page 4, line 11, by striking out the word "reporters"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Section three of said act as last amended by section two of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred forty-four) is hereby further amended to read as follows

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 5, line 7, by inserting after the word "any" the following: "departmental administrative board or commission or of any"

Amend Sec. 2, page 6, line 9, by underscoring the words "nor any legislative Journal"

Amend Sec. 2, page 6, line 9, by inserting after the word "any" the following: "persons employed in the work of reporting and compiling the"

Amend Sec. 2, page 6, lines 9 and 10, by striking out the word "reporter"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsequent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first twelve months of employment as a State employe have the option of membership but after the first twelve months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative department nor the members of any independent administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any legislative journal reporter nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The title was read as follows:

An Act to further amend clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing legislative journal reporters to become members of said retirement system and opening the system further for original members

On the question,

Will the House agree to the title?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 16 of title, by striking out the words "legislature journal reporters" and inserting in lieu thereof: "persons employed in the work of reporting and compiling the legislative journal"

On the question;

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1837, entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is hereby amended by adding thereto the following routes

ADAMS COUNTY

Gettysburg Borough

Route 889 Extending Route 889 Beginning at a point on the Cumberland Township-Gettysburg Borough line thence over College Avenue and West Lincoln Avenue to an intersection with Routes 41 and 123 at Lincoln Avenue and Carlisle Street in the borough of Gettysburg Adams County a distance of about 0.36 of a mile

ALLEGHENY COUNTY

Brideville Borough

Route 02043 Extending Route 02043 Beginning at a point on the Collier Township-Bridgeville Borough line thence in a southeasterly direction over Pressley Street to an intersection with Route 108 at Pressley Street and Washington Avenue in the borough of Bridgeville Allegheny County a distance of about 0.44 of a mile

Coraopolis Borough

Application 793 Beginning at a point on the Moon Township-Coraopolis Borough line thence northeasterly on Maple State and Chestnut Streets to an intersection with Route 76 at Chestnut Street and Fifth Avenue in the borough of Coraopolis Allegheny County a distance of about 0.75 of a mile

Dormont Borough

Route 806 Extending Route 806 Beginning at a point on the Mount Lebanon Township-Dormont Borough line thence northeasterly on West Liberty Avenue to the Pittsburgh City line in the borough of Dormont Allegheny County a distance of about 0.74 of a mile

Route 02059 Extending Route 02059 Beginning at a point on the Mount Lebanon Township-Dormont Borough line thence northwesterly on Scott Road to a second point on the Mount Lebanon Township line in the borough of Dormont Allegheny County a distance of about 0.16 of a mile

Edgeworth Borough

Application 148 Beginning at a point on the line between Sewickley Heights Township and Edgeworth Borough thence southwesterly over Quaker Hollow Road to Woodland Road in the borough of Edgeworth Allegheny County a distance of about 0.34 of a mile

Etna Borough

Route 807 Extending Route 807 Beginning at a point on the Shaler Township-Etna Borough line thence southeasterly on Grant Avenue to Crescent Avenue thence continuing on Crescent Avenue to an intersection with Route 72 at Crescent Avenue and Butler Street in the Borough of Etna Allegheny County a distance of about 0.60 of a mile

Fox Chapel Borough

Route 02146 Extending Route 02146 Beginning at a point on the O'Hara Township-Fox Chapel Borough line thence in a northwesterly direction on Fairview Road to an intersection with the Fox Chapel Road in the borough of Fox Chapel Allegheny County a distance of about 0.23 of a mile

Greentree Borough

Route 802 Extending Route 802 Beginning at a point on the Scott Township-Greentree Borough line thence over Washington Avenue to the Pittsburgh City line in the borough of Greentree Allegheny County a distance of about 2.07 miles

Millvale Borough

Route 805 Extending Route 805 Beginning at a point on the Shaler Township-Millvale Borough line thence northerly through Millvale Borough on Evergreen Avenue and North Avenue to Route 805 at the northern line of Millvale Borough Allegheny County a distance of about 0.91 of a mile

Osborne Borough

Route 02096 Extending Route 02096 Beginning at a point on the Haysville Borough-Osborne Borough line thence in a southwesterly direction on River Avenue to an intersection with Beaver Road in the Borough of Osborne Allegheny County a distance of about 0.02 of a mile

Sharpsburg Borough

Route 810 Extending Route 810 Beginning at a point on the O'Hara Township-Sharpsburg Borough line thence in a southwesterly direction on North Canal Street to an intersection with Route 70 at North Canal and Main Streets in the borough of Sharpsburg Allegheny County a distance of about 0.38 of a mile

ARMSTRONG COUNTY

Applewold Borough

Route 03024 Extending Route 03024 Beginning at a point on the East Franklin Township-Applewold Borough line thence southerly on Allegheny Street to an intersection with Route 251 in the borough of Applewold Armstrong County a distance of about 0.01 of a mile

Dayton Borough

Route 534 Extending Route 534 Beginning at a point on the Dayton Borough-Waynes Township line thence in a northwesterly direction on State Street to an intersection with the continuation of Routes 03075 and 03095 at State and Main Streets in the borough of Dayton Armstrong County a distance of about 0.20 of a mile

BEAVER COUNTY

Aliquippa Borough

Application 3955 Extending Application 3955 Beginning at a point on the Hopewell Township-Aliquippa Borough line on Application 3955 thence northerly on Station Street to an intersection with Franklin Avenue thence westerly on Franklin Avenue to the intersection of Franklin and Hopewell Avenues in the borough of Aliquippa Beaver County a distance of about 2.54 miles

Koppel Borough

Route 04017 Extending Route 04017 Beginning at the west end of the bridge spanning the Beaver River at the east borough line of Koppel thence in a southwesterly direction on Fifth Avenue to an intersection with Arthur Street thence in a westerly direction on Arthur Street to an intersection with Route 77 in the borough of Koppel Beaver County a distance of about 0.82 of a mile

South Heights Borough

Route 445 Extending Route 445 Beginning at a point on Route 445 at the Hopewell Township-South Heights Borough line thence in a general easterly direction over Hill Road to an intersection with State-aid Application 3955 at Hill Road and North Jordan Street in South Heights Borough Beaver County a distance of about 0.60 of a mile

West Mayfield Borough

Route 04044 Extending Route 04044 Beginning at a point on the Big Beaver Township-West Mayfield Borough line thence in a southerly direction on a borough street to an intersection with Route 77 in the borough of West Mayfield Beaver County a distance of about 0.04 of a mile

BERKS COUNTY

St Lawrence Borough

Route 916 Extending Route 916 Beginning at a point on the Exeter Township-St Lawrence Borough line thence westerly on St Lawrence Avenue to an intersection with Route 146 at St Lawrence Avenue and Perkiomen Avenue in the borough of St Lawrence Berks County a distance of about 1.57 miles

Temple Borough

Route 157-Spur Beginning at a point on the southern line between Muhlenberg Township and Temple Borough thence northerly on Kutztown Road to the Northern borough line in the borough of Temple Berks County a distance of about 0.85 of a mile

BLAIR COUNTY

Hollidaysburg Borough

Route 883 Extending Route 883 Beginning at a point on the Blair Township-Hollidaysburg Borough line thence northerly on Bedford Street to an intersection with Route 07014 at Bedford and Newry Streets in the borough of Hollidaysburg Blair County a distance of about 0.41 of a mile

Route 884 Extending Route 884 Beginning at a point on the Blair Township-Hollidaysburg Borough line thence southerly on Juniata Street to an intersection with Route 53 at Juniata and Allegheny Streets in the borough of Hollidaysburg Blair County a distance of about 0.35 of a mile

Martinsburg Borough

Route 882 Extending Route 882 Beginning at a point on the North Woodbury Township-Martinsburg Borough line thence westerly on Allegheny Street to an intersection with Routes 286 and 734 at Allegheny and Market Streets in the borough of Martinsburg Blair County a distance of about 0.45 of a mile

Roaring Spring Borough

Route 880 Extending Route 880 Beginning at a point on the Taylor Township-Roaring Spring Borough line thence northwesterly on South Main Street to an intersection with Route 384 at Main and Bloomfield Streets in the borough of Roaring Spring Blair County a distance of about 0.24 of a mile

Tyrone Borough

Route 857 Extending Route 857 Beginning at a point on the Snyder Township-Tyrone Borough line thence easterly on Fifteenth Street to an intersection with Route 07032 at Fifteenth Street and Columbia Avenue in the borough of Tyrone Blair County a distance of about 0.44 of a mile

Route 858 Extending Route 858 Beginning at a point on the Snyder Township-Tyrone Borough line thence southerly on Adams Avenue to an intersection with Route 07032 at Adams Avenue and Decker Hollow Road in the borough of Tyrone Blair County a distance of about 0.03 of a mile

BRADFORD COUNTY

Sayre Borough

Route 08120 Extending Route 08120 Beginning at a point on the Athens Township-Sayre Borough line thence easterly over Lincoln Street to an intersection with Route 287 in the borough of Sayre Bradford County a distance of about 0.26 of a mile

Route 08120 Extending Route 08120 Beginning at a point on the Athens Township-Sayre Borough line at the end of Route 08120 thence westerly on Cayuta and Bradford Streets to an intersection with Route 287 at Bradford Street and Keystone Avenue in the borough of Sayre Bradford County a distance of about 1.29 miles

Application 5800 Beginning at the intersection of Thomas and Packer Avenues in the borough of Sayre Bradford County thence over Thomas and East Lockhart Avenues to a point on the west bank of the Susquehanna River a distance of about 0.50 of a mile

Wyalusing Borough

Application 1069 Beginning at a point on the Wyalusing Township-Wyalusing Borough line thence northeasterly on Bridge and Main Streets to an intersection with Route 14 at Main and Church Streets in the borough of Wyalusing Bradford County a distance of about 0.17 of a mile

BUCKS COUNTY

Bristol Borough

Application 3441 Beginning at a point on the Bristol Township-Bristol Borough line thence over Otter Mill and Radcliffe Streets to a point on the bridge over Adams Hollow Creek in the borough of Bristol Bucks County a distance of about 1.50 miles

Application 4948 Beginning at a point on the Bristol Township-Bristol Borough line thence over Radcliffe Street to a point on the bridge over Adams Hollow Creek in the borough of Bristol Bucks County a distance of about 0.79 of a mile

Application 6723 Beginning at the intersection of Radcliffe Street and Bloomsdale Road in the borough of Bristol thence over Bloomsdale Road to the State highway on the Bristol Borough-Bristol Township line in the borough of Bristol Bucks County a distance of about 0.60 of a mile

Hulmeville Borough

Application 2659 Beginning at a point on the Middletown Township-Hulmeville Borough line thence northwesterly on Main Street to Trenton Avenue thence from a point on Route 484 northeasterly on Trenton Avenue to the Middletown Township line in the borough of Hulmeville Bucks County a distance of about 0.08 of a mile.

Langhorne Borough

Application 405 Beginning at the intersection of Bellevue and Winchester Avenues thence northerly on Bellevue Avenue to Summit Avenue in the borough of Langhorne Bucks County a distance of about 0.08 of a mile

Morrisville Borough

Application 1302 Beginning at the intersection of Pennsylvania and Trenton Avenues the intersection of Applications 104 and 1809 thence southerly on Pennsylvania Avenue to the intersection with Routes 281 and 150 at Pennsylvania Avenue and Bridge Street in the borough of Morrisville Bucks County a distance of about 0.72 of a mile

Application 1809 Beginning at a point on the Falls Township-Morrisville Borough line thence over Trenton Avenue to an intersection with Route 252 at Trenton and Delmar Avenues in the borough of Morrisville Bucks County a distance of about 0.45 of a mile

Application 5715 Beginning at a point on the Falls Township-Morrisville Borough line thence northerly on Pennsylvania Avenue to an intersection with Route 150 at Pennsylvania and Philadelphia Avenues in the borough of Morrisville Bucks County a distance of about 0.53 of a mile

Perkasie Borough

Application 6426 Beginning at a point on Route 386 at the intersection of Ridge Road and Market Street thence southeasterly on Application 6426 for a distance of about 0.28 of a mile in the borough of Perkasie Bucks County

Quakertown Borough

Route 921 Extending Route 921 Beginning at a point on the Richland Township-Quakertown Borough line thence

northerly on Trumbauersville Pike and easterly on Mill Road to an intersection with Route 153 at Mill Road and Main Street in the borough of Quakertown Bucks County a distance of about 0.13 of a mile

Silverdale Borough

Application 1139 Beginning at a point on the Hilltown Township-Silverdale Borough line thence over Perkasie Road to the intersection of Route 270 in Silverdale Borough Bucks County a distance of about 0.27 of a mile

Trumbauersville Borough

Route 921 Extending Route 921 Beginning at a point on the Milford Township-Trumbauersville Borough line thence southwesterly on Quakertown Pike Street to an intersection with Route 09110 at Quakertown Pike and Broad Streets in the borough of Trumbauersville Bucks County a distance of about 0.14 of a mile

BUCKS AND MONTGOMERY COUNTIES

Telford and West Telford Boroughs

Applications 3771 and 4067 Beginning at a point on the line between Hilltown Township and Telford Borough Bucks County and Souderton and West Telford Boroughs Montgomery County thence over County Line Road to an intersection with Route 09011 and Application 463 in the boroughs of Telford Bucks County and West Telford Montgomery County a distance of about 1.09 miles

BUTLER COUNTY

East Butler Borough

Application 3663 Beginning at a point on the Summit Township-East Butler Borough line thence northeasterly over Tenth Street to an intersection with Route 10059 at Tenth and Grant Streets in the borough of East Butler Butler County a distance of about 0.26 of a mile

CAMBRIA COUNTY

Cresson Borough

Route 854 Extending Route 854 Beginning at a point on the Cresson Township-Cresson Borough line thence easterly on William Penn Highway to an intersection with Route 276 in the borough of Cresson Cambria County a distance of about 0.06 of a mile

Ebensburg Borough

Route 854 Extending Route 854 Beginning at a point on the Cambria Township-Ebensburg Borough line thence northwesterly on High Street to an intersection with Route 53 in the borough of Ebensburg Cambria County a distance of about 0.05 of a mile

Ferndale Borough

Route 851 Extending Route 851 Beginning at a point on the Upper Yoder Township-Ferndale Borough line thence northeasterly on Franklin Street to an intersection with Summit Avenue thence continuing on Franklin Street to the Johnstown City line in the borough of Ferndale Cambria County a distance of about 0.36 of a mile

Geistown Borough

Application 1591-B Extending Application 1591-B Beginning at a point on Stonycreek Township-Geistown Borough line thence over Locust Street Arbutus Park Road Belmont Street and Arbutus Park Boulevard to the intersection of Route 222 at Arbutus Park Boulevard and Bedford Pike in the borough of Geistown Cambria County a distance of about 1.51 miles

Lorain Borough

Application 1591-B Extending Application 1591-B Beginning at a point on the Stonycreek Township-Lorain Borough line thence in a northwesterly direction over Application 1591-A on Ohio Street to the Johnstown City line in the borough of Lorain Cambria County a distance of about 0.64 of a mile

Application 5801 Beginning at a point on the north Lorain Borough-Stonycreek Township line thence in a southwesterly direction on Oakland Avenue to an intersection with State-aid Application 1591-A at Oakland Avenue and Ohio Street in the borough of Lorain Cambria County a distance of about 0.55 of a mile

Wilmore Borough

Route 852 Extending Route 852 Beginning at a point on the Summerhill Township-Wilmore Borough line thence southerly on Main Street to an intersection with Routes 276 and 11017 at Main Street and Old Portage Road in the borough of Wilmore Cambria County a distance of about 0.17 of a mile

CENTRE COUNTY

Millheim Borough

Route 873 Extending Route 873 Beginning at a point on the Penn Township-Millheim Borough line thence in a northerly direction on Penn Street to an intersection with Routes 27 and 667 at Penn and Main Streets in the borough of Millheim Centre County a distance of about 0.40 of a mile

Philipsburg Borough

Application 1397 Beginning at a point on the Rush Township-Philipsburg Borough line thence southeasterly on Ninth Street to an intersection with Routh 107 at Ninth and Presque Isle Streets in the borough of Philipsburg Centre County a distance of about 0.50 of a mile

Application 5228 Beginning at a point on the Rush Township-Philipsburg Borough line thence southwesterly on Pine Street to an intersection with Application 1397 at Pine and Ninth Streets also from Fifteenth and Pine Streets over Fifteenth Street to the intersection of Fifteenth and Presque Isle Streets in the borough of Philipsburg Centre County a distance of about 0.50 of a mile

Unionville Borough

Route 869 Extending Route 869 Beginning at a point on the Union Township-Unionville Borough line thence in a southeasterly direction on Allegheny Street to an intersection with Route 107 at Allegheny and Union Streets in the borough of Unionville Centre County a distance of about 0.36 of a mile

CHESTER COUNTY

Downingtown Borough

Route 15095 Extending Route 15095 Beginning at a point on the East Caln Township-Downingtown Borough line thence in a westerly direction on Boot Road to an intersection with Route 137 at Boot Road and Brandywine Avenue in the Borough of Downingtown Chester County a distance of about 0.11 of a mile

Parkesburg Borough

Application 4814 Beginning at a point on the Sadsbury Township-Parkesburg Borough line thence westerly on First Avenue to Route 15062 at First Avenue and West Street in the borough of Parkesburg Chester County a distance of about 0.67 of a mile

CLARION COUNTY

Curllsville Borough

Route 551 Extending Route 551 Beginning at a point on the Curllsville Borough-Piney Township line thence in a southeasterly direction on Walnut Street to an intersection with Main Street thence southerly on Main Street to an intersection with Route 16022 at Main and Walnut Streets in the borough of Curllsville Clarion County a distance of about 0.36 of a mile

St Petersburg Borough

Application 1450 Beginning at a point on the Richland Township-St Petersburg Borough line thence over Main Street to an intersection with Route 251 at Main Street and Salem Avenue in the borough of St Petersburg Clarion County a distance of about 0.29 of a mile

CLEARFIELD COUNTY

Curwensville Borough

Application 1311 Beginning at a point on the Pike Township-Curwensville Borough line thence over Susquehanna Avenue to an intersection with Route 62-spur in the borough of Curwensville Clearfield County a distance of about 0.17 of a mile

Glen Hope Borough

Route 857 Extending Route 857 Beginning at a point on the southeastern line between Glen Hope Borough and Beccaria Township thence northwesterly over Janesville Road Cooper Avenue and Tyrone Turnpike to Route 857 at the northwestern borough line in the borough of Glen Hope Clearfield County a distance of about 1.8 miles

Grampian Borough

Route 857 Extending Route 857 Beginning at a point on the Penn Township-Grampian Borough line thence northerly on South and Main Streets to an intersection with Routes 59 and 62 at Main and First Streets in the Borough of Grampian Clearfield County a distance of about 0.33 of a mile

Lumber City Borough

Route 857 Extending Route 857 Beginning at a point on the Ferguson Township-Lumber City Borough line thence northeasterly on Bridge Street to a point on Route 62-spur thence from a second point on Route 62-spur northerly on Turnpike Street to Route 857 on the Lumber City Borough-Penn Township line in the borough of Lumber City Clearfield County a distance of about 1.06 miles

CUMBERLAND COUNTY

Carlisle Borough

Route 890 Extending Route 890 Beginning at a point on the dividing line between North Middleton and South Middleton Townships and Carlisle Borough thence easterly on West High Street to an intersection with Routes 34 35 and 125 at West High and Hanover Streets in the borough of Carlisle Cumberland County a distance of about 1.05 miles

New Cumberland Borough

Route 66003 Extending Route 66003 Beginning at a point on the Fairview Township (York County)-New Cumberland Borough line thence over Poplar and Third Streets to an intersection with Route 250 at Third and Bridge Streets in the borough of New Cumberland Cumberland County a distance of about 0.86 of a mile

Newville Borough

Route 891 Extending Route 891 Beginning at a point on the North Newton Township-Newville Borough line thence northeasterly on Big Spring Avenue to an intersection with Route 191 at Big Spring Avenue and South High Street in the borough of Newville Cumberland County a distance of about 0.58 of a mile

Shippensburg Borough

Route 21061 Extending Route 21061 Beginning at a point on the Shippensburg Township-Shippensburg Borough line thence over Roxbury Road and Spring Street to an intersection with Route 35 at Spring and King Streets in the borough of Shippensburg Cumberland County a distance of about 0.16 of a mile

West Fairview Borough

Application 394 Beginning at a point on the East Pennsboro Township-West Fairview Borough line thence southerly on the State road to an intersection with Route 30 in the borough of West Fairview Cumberland County a distance of about 0.36 of a mile

CUMBERLAND AND FRANKLIN COUNTIES

Shippensburg Borough

Applications 264 and 368 Beginning at a point on the Shippensburg Township-Shippensburg Borough line thence over North Morris Street to an intersection with Route 35 at Morris and King Streets in the borough of Shippensburg Cumberland and Franklin Counties a distance of about 0.12 of a mile

DELAWARE COUNTY

Trainer Borough

Application 1249 Beginning at a point on the Lower Chichester Township-Trainer Borough line thence northeasterly on Ridge Avenue and Ninth Street to the Chester City line in the borough of Trainer Delaware County a distance of about 0.79 of a mile

FRANKLIN COUNTY

Chambersburg Borough

Application 1027 Beginning at the intersection of Broad Street and Kenwood Road in the borough of Chambersburg thence over Scotland Avenue to an intersection with Application 228 at Scotland and College Avenues in the borough of Chambersburg Franklin County a distance of about 0.19 of a mile

Greencastle Borough

Route 887 Extending Route 887 Beginning at a point on the Antrim Township-Greencastle Borough line thence northeasterly on Carlisle Street to an intersection with Routes 36 and 224 at Carlisle and Baltimore Streets in the borough of Greencastle Franklin County a distance of about 0.75 of a mile

Mercersburg Borough

Application 1594 Beginning at a point on the Montgomery Township-Mercersburg Borough line thence northerly on Shimpstown Road to an intersection with Route 224 in the borough of Mercersburg Franklin County a distance of about 0.01 of a mile

Mt Alto Borough

Application 585 Beginning at a point on the Quincy Township-Mont Alto Borough line thence northeasterly on Main Street to an intersection with Route 28009 at Main Street and Fayetteville Road in the borough of Mont Alto Franklin County a distance of about 0.46 of a mile

Application 5503 Beginning at a point on the Quincy Township-Mont Alto Borough line thence northwesterly on Park Avenue to an intersection with Route 28009 at Park Avenue and Main Street in the borough of Mont Alto Franklin County a distance of about 0.94 of a mile

Waynesboro Borough

Route 888 Extending Route 888 Beginning at a point on the Washington Township-Waynesboro Borough line thence northeasterly on Potomac Avenue to an intersection with Route 224 at Potomac Avenue and Main Street in the borough of Waynesboro Franklin County a distance of about 1.09 miles

FULTON COUNTY

McConnellsburg Borough

Route 29017 Extending Route 29017 Beginning at a point on the southern McConnellsburg Borough-Ayr Township line thence in a northerly direction on Cito Road to an intersection with Route 37 at Cito Road and Water Street in the borough of McConnellsburg Fulton County a distance of about 0.05 of a mile

HUNTINGDON COUNTY

Broad Top City Borough

Application 2845 Beginning at a point on the Carbon Township-Broad Top City Borough line thence in an easterly direction on Railroad Street to a point on the Broad Top City Borough-Wood Township line in Broad Top City Borough Huntingdon County a distance of about one mile

Application 4973 Beginning at a point on the Carbon Township-Broad Top City Borough line thence in a southerly direction on Broad Street to Route 31012 in the borough of Broad Top City Huntingdon County a distance of about 0.78 of a mile

INDIANA COUNTY

Blairsville Borough

Application 694 Beginning at a point on the southern line of Blairsville Borough thence over Moorewood Avenue Johnson Avenue Walnut Street and Main Street to an intersection with Route 32005 at Main and Liberty Streets in the borough of Blairsville Indiana County a distance of about 0.78 of a mile

JEFFERSON COUNTY

Big Run Borough

Route 847 Extending Route 847 Beginning at a point on the Henderson Township-Big Run Borough line thence southwesterly on Caroline Street to an intersection with Route 189 at Caroline and Main Streets in the borough of Big Run Jefferson County a distance of about 0.23 of a mile

Punxsutawney Borough

Application 854 Beginning at the intersection of Ridge Avenue (Route 189) and Elk Street thence over Elk Street to the intersection of Route 997 and Application 5456 at Elk Street and Graffius Avenue in the borough of Punxsutawney Jefferson County a distance of about 0.1 of a mile

Application 5456 Beginning at the intersection of Front Street and Graffius Avenue thence over Graffius Avenue to an intersection with Route 358 at Graffius Avenue and Orchard Street in the borough of Punxsutawney Jefferson County a distance of about 0.4 of a mile

Sykesville Borough

Route 60-Spur Extending Route 60-Spur Beginning at a point on the Sykesville Borough-Winslow Township line thence in a southeasterly direction on Park Street to an intersection with Route 338 in the borough of Sykesville Jefferson County a distance of about 0.31 of a mile

LACKAWANNA COUNTY

Blakely Borough

Route 954 Extending Route 954 Beginning at a point on the Scott Township-Blakely Borough line thence southeasterly to an intersection with Route 533 in the borough of Blakely Lackawanna County a distance of about 0.08 of a mile

Application 5702 Beginning at a point on Route 322 at North Main and Ridge Streets thence over Ridge Street to Main Street in the borough of Blakely Lackawanna County a distance of about 0.37 of a mile

Clarks Summit Borough

Application 5 Beginning at a point on the South Abington Township-Clarks Summit Borough line thence over State Street to an intersection with Route 9 at State Street and Lake Winola Road in the borough of Clarks Summit Lackawanna County a distance of about 0.51 of a mile

Clarks Summit and Clarks Green Boroughs

Route 953 Extending Route 953 Beginning at a point on the South Abington Township-Clarks Summit-Clarks Green Borough line thence northerly on Abington Road to an intersection with Route 365-Spur in the boroughs of Clarks Summit and Clarks Green Lackawanna County a distance of about 0.53 of a mile

Dalton Borough

Application 309 Beginning at a point on the Glenburn Township-Dalton Borough line thence northerly over the old Abington turnpike to the Dalton Borough-LaPlume Township line in the borough of Dalton Lackawanna County a distance of about 1.54 miles

Application 4356 Beginning at a point on the Abington Township-Dalton Borough line thence northwesterly on Main Street to Application 309 in the borough of Dalton Lackawanna County a distance of about 0.9 of a mile

Dunmore Borough

Route 5 Beginning at a point on the Scranton City-Dunmore Borough line thence northeasterly on Third Street to Cherry Street thence northwesterly on Cherry Street to Short Street thence northerly on Short Street to South Blakely Street thence northeasterly on South Blakely Street to a point where it intersects Route 168 in Dunmore Borough Lackawanna County a distance of about 0.92 of a mile

Gouldsboro Borough

Route 45039 Extending Route 45039 Beginning at a point on the Monroe County-Gouldsboro Borough line at the end of Route 45039 thence in a northerly direction on Locust Ridge Road to Main Street thence northeasterly on Main Street to an intersection with Route 665 at Main Street and Bear Lake Road in the borough of Gouldsboro Lackawanna County a distance of about 0.7 of a mile

LANCASTER COUNTY

Manheim Borough

Route 812 Extending Route 812 Beginning at a point on the Rapho Township-Manheim Borough line thence over Penn and Colebrook Streets to an intersection with Route 138 at Colebrook and Main Streets in the borough of Manheim Lancaster County a distance of about 0.38 of a mile

Mount Joy Borough

Application 288 Beginning at a point on the East Donegal Township-Mt Joy Borough line thence over West Donegal Street to the intersection with Route 36002 in the borough of Mt Joy Lancaster County a distance of about 0.2 of a mile

LAWRENCE COUNTY

New Wilmington Borough

Route 43005 Extending Route 43005 Beginning at a point on the New Wilmington Borough-Wilmington Township (Mercer County) line thence in a southerly direction on North High Street to an intersection with Route 80 at North High Street and Neshannock Avenue in the borough of New Wilmington Lawrence County a distance of about 0.34 of a mile

LEBANON COUNTY

Cornwall Borough

Application 4668-A Beginning at a point on the South Lebanon Township-Cornwall Borough line thence southwesterly on Schaefferstown Road for a distance of about 173 feet in the borough of Cornwall Lebanon County

LUZERNE COUNTY

Laurel Run Borough

Route 933 Extending Route 933 Beginning at a point on the Bear Creek Township-Laurel Run Borough line thence northerly on Northampton Street to an intersection with Route 40039 in the borough of Laurel Run Luzerne County a distance of about 0.89 of a mile

MERCER COUNTY

Greenville Borough

Application 265 Extending Application 265 Beginning at a point on the Hempfield Township-Greenville Borough line thence westerly on South Main and Main Streets to an intersection with Route 82 at Main and College Streets in the borough of Greenville Mercer County a distance of about 0.8 of a mile

Wheatland Borough

Application 6532 Beginning on Route 238-Spur D at the intersection of Mercer and Broadway Streets thence northeasterly over Mercer Street to an intersection with Route 238-Spur A at Mercer Street and Council Avenue in the borough of Wheatland Mercer County a distance of about 0.4 of a mile

MONROE COUNTY

Mt Pocono Borough

Route 949 Extending Route 949 Beginning at a point on the Coolbaugh Township-Mt Pocono Borough line thence southerly on Sterling Road to an intersection with Route 168 at Sterling Road and Main Street in the borough of Mt Pocono Monroe County a distance of about 0.93 of a mile

MONTGOMERY COUNTY

East Greenville Borough

Application 721 Beginning at a point on the Upper Hanover Township-East Greenville Borough line thence over Water Street to the Pennsburg Borough line in the borough of East Greenville Montgomery County a distance of about 0.6 of a mile

Narberth Borough

Application 552 Beginning at a point on the western line between Lower Merion Township and Narberth Borough thence over Wynnewood Avenue to the southern borough line in the borough of Narberth Montgomery County a distance of about 0.33 of a mile

Rockledge Borough

Application 7180 Beginning at a point on the Abington Township-Rockledge Borough line thence over Fox Chase Road to an intersection with Route 362 in the borough of Rockledge Montgomery County a distance of about 0.06 of a mile

NORTHAMPTON COUNTY

Chapman Borough

Application 3908 Beginning at a point on the southern line between Moore Township and Chapman Borough thence northwesterly over Application 3908 to the western borough line in the borough of Chapman Northampton County a distance of about 0.34 of a mile

PERRY COUNTY

Bloomfield Borough

Route 50005 Extending Route 50005 Beginning at a point on the dividing line between Bloomfield Borough and Centre Township thence southerly over a borough street to Route 122 in Bloomfield Borough Perry County a distance of about 0.1 of a mile

PIKE COUNTY

Milford Borough

Route 942 Extending Route 942 Begining at a point on the Dingman Township-Milford Borough line thence northerly on Harford Street to an intersection with Route 167 at Harford and Mott Streets in the borough of Milford Pike County a distance of about 0.27 of a mile

POTTER COUNTY

Galeton Borough

Application 380 Beginning at a point on Route 52018 at the intersection of West and Union Streets in Galeton Borough thence over Union Street and Germania Avenue to an intersection with Route 565 at Germania Avenue and Fifth Street in the borough of Galeton Potter County a distance of about 0.48 of a mile

SCHUYLKILL COUNTY

Ringtown Borough

Application 844 Beginning at the intersection of Routes 755 and 53067 in the borough of Ringtown Schuylkill County thence westerly on Main Street for a distance of about 565 feet

SNYDER COUNTY

Middleburg Borough

Route 54035 Extending Route 54035 Beginning at a point on the Franklin Township-Middleburg Borough line thence southwesterly on a borough street to an intersection with Route 26 in the borough of Middleburg Snyder County a distance of about 0.02 of a mile

SOMERSET COUNTY

Berlin Borough

Route 308 Extending Route 308 Beginning at a point on the Brothers Valley Township-Berlin Borough line thence northerly on Cumberland Street to an intersection with Route 55039 at Cumberland and Main Streets thence from an intersection with Routes 51 and 55039 at Broadway and Main Street westerly on Main Street to Route 808 on the Berlin Borough-Brothers Valley Township line in the borough of Berlin Somerset County a distance of about 0.37 of a mile

Confluence Borough

Route 55113 Extending Route 55113 Beginning at a point on the Addison Township-Confluence Borough line thence northerly over Yough and Baxter Streets to the intersection with Route 55018 at Baxter Street and Latrobe Avenue in the borough of Confluence Somerset County a distance of about 0.45 of a mile

New Centerville Borough

Route 55042 Extending Route 55042 Beginning at a point on the New Centerville Borough-Milford Township line thence in a westerly direction on Main Street to an intersection with Route 50 in the borough of New Centerville Somerset County a distance of about 0.03 of a mile

Somerset Borough

Route 55111 Extending Route 55111 Beginning at a point on the Somerset Township-Somerset Borough line thence northerly on Center Street to an intersection with Route 50 at Center and Patriot Streets in the borough of Somerset Somerset County a distance of about 0.31 of a mile

Stoyestown Borough

Route 849 Extending Route 849 Beginning at a point on the Quemahoning Township-Stoyestown Borough line thence southwesterly on Somerset Street to an intersection with Route 119 and 55077 in the borough of Stoyestown Somerset County a distance of about 0.22 of a mile

Wellersburg Borough

Route 808 Extending Aoute 808 Beginning at a point on the Southampton Township-Wellersburg Borough line thence in a general southerly direction on Main Street to the Maryland State line in Wellersburg Borough Somerset County a distance of about 1.53 miles

SULLIVAN COUNTY

Dushore Borough

Route 895 Extending Route 895 Beginning at a point on the southeastern Cherry Township-Dushore Borough line thence northwesterly on Turnpike Street to Route 17-Spur at Main Street thence from Route 56023 Main Street northerly on Turnpike Street to Route 895 at the northern Dushore Borough-Cherry Township line in the borough of Dushore Sullivan County a distance of about 1.05 miles

Eagles Mere Borough

Applications 5459 and 6740 Beginning at a point on Route 321 at the intersection of Pennsylvania and Eagles Mere Avenues thence over Pennsylvania and Lakewood Avenues to an intersection with Route 321 at Lakewood and Eagles Mere Avenues in the borough of Eagles Mere Sullivan County a distance of about 1.93 miles

SUSQUEHANNA COUNTY

Hopbottom Borough

Route 941 Extending Route 941 Beginning at a point on the Lenox Township-Hopbottom Borough line thence northerly on Glenwood Street to an intersection with Route 9 at Glenwood Street and Lackawanna Trail in the borough of Hopbottom Susquehanna County a distance of about 0.42 of a mile

Friendsville Borough

Route 944 Extending Route 944 Beginning at a point on the Apolacon Township-Friendville Borough line thence in a southeasterly direction on Turnpike Street to Route 944 at the Friendsville Borough-Forest Lake Township line in the borough of Friendsville Susqeuhanna County a distance of about 1.56 miles

Montrose Borough

Route 842 Extending Route 842 Beginning at a point on the Bridgewater Township and southerly Montrose Borough line thence northerly on Main Street to an intersection with Route 12 near Wilson and Main Streets thence from a point on Route 57024 northerly on Chenango Street to Route 842 at the northern borough line in the borough of Montrose Susqeuhanna County a distance of about 0.60 of a mile

Route 944 Extending Route 944 Beginning at a point on the Bridgewater Township and western Montrose Borough line thence easterly on Owego Street to an intersection with Route 57078 and Owego Street thence from a point on Route 57025 southeasterly on Bank Street to Route 944 at the southern borough line in the borough of Montrose Susquehanna County a distance of about 0.28 of a mile

New Milford Borough

Route 945 Extending Route 945 Beginning at a point on the New Milford Township-New Milford Borough line thence northerly on Main Street to an intersection with Route 10 at Main and Summit Streets in the borough of New Milford Susquehanna County a distance of about 0.41 of a mile

Application 593 Beginning at a point on the New Milford Township-New Milford Borough line thence over Montrose Street to an intersection with Routes 10 and 474 in the borough of New Milford Susquehanna County a distance of about 0.42 of a mile

Susquehanna Depot and Lanesboro Boroughs

Route 946 Extending Route 946 Beginning at a point on the dividing line between Oakland and Harmony Townships at the southwesterly corner of Lanesboro Borough thence northly on Harmony Street to an intersection with Route 296 at Harmony and Main Streets in the boroughs of Susquehanna Depot and Lanesboro Susquehanna County a distance of about 0.99 of a mile

TIOGA COUNTY

Mansfield Borough

Application 5762 Beginning at a point on Route 58063 at the intersection of Elmira and Coles Streets in Mansfield Borough thence over Coles Street to an intersection with Route 212 at Coles and Sullivan Streets in the borough of Mansfield Tioga County a distance of about 0.14 of a mile

WASHINGTON COUNTY

Bentleyville Borough

Application 508 Beginning at a point on the Ellsworth-Bentleyville Borough line thence northerly to an intersection with Route 118 in the borough of Bentleyville Washington County a distance of about 0.45 of a mile

Ellsworth Borough

Application 515 Beginning at a point on the West Pike Run Township-Ellsworth Borough line thence over a borough street to the Bentleyville Borough line in the borough of Ellsworth Washington County a distance of about 0.61 of a mile

Huston Borough

Route 802 Extending Route 802 Beginning at a point on the Chartiers Township-Huston Borough line thence northeasterly on Pike Street to an intersection with Route 62090 at Pike and Main Streets in the borough of Huston Washington County a distance of about 0.45 of a mile

Midway Borough

Application 178 Extending Application 178 Beginning at a point on the Robinson Township-Midway Borough line thence over Montgomery Street to an intersection with a county road in the borough of Midway Washington County a distance of about 0.14 of a mile

WAYNE COUNTY

Bethany Borough

Route 950 Extending Route 950 Beginning at a point on the eastern line between Dyberry Township and Bethany Borough thence northwesterly on Wayne Street to an unnamed street thence westerly on said un-named street to Spruce Street thence northerly on Spruce Street to an un-named street thence northeasterly on said unnamed street to Wayne Street thence northweasterly on Wayne Street to Route 950 at the northwestern line between Bethany Borough and Dyberry Township in the borough of Bethany Wayne County a distance of about 1.40 miles

Route 963 Extending Route 963 Beginning at a point on Dyberry Township-Bethany Borough line thence northerly on Spruce Street to an intersection with the continuation of Route 950 in the borough of Bethany Wayne County a distance of about 0.02 of a mile

Honesdale Borough

Route 960 Extending Route 960 Beginning at a point on the Texas Township-Honesdale Borough line thence easterly on Maple Avenue to an intersection with Route 6 at Maple Avenue and Park Street in the borough of Honesdale Wayne County a distance of about 0.30 of a mile

Starrucca Borough

Route 57054 Extending Route 57054 Beginning at a point on Route 57054 at the Susquehanna-Wayne County line thence in a southeasterly direction over the Depot Road to an intersection with State Highway Route 296 in Starrucca Borrough Wayne County a distance of about 0.4 of a mile

Waymart Borough

Route 949 Extending Route 949 Beginning at a point on the Canaan Township-Waymart Borough line thence northerly on Belmont Street to Route 949 on the Waymart Borough-Clinton Township line in the Borough of Waymart Wayne County a distance of about 1.37 miles

WESTMORELAND COUNTY

South Greensburg Borough

Route 64111 Extending Route 64111 Beginning at a point on the Hempfield Township-South Greensburg Borough line thence in a southeasterly direction over a borough street to a point on the South Greensburg Borough-Hempfield Township line in the borough of South Greensburg Westmoreland County a distance of about 0.10 of a mile

WYOMING COUNTY

Factoryville Borough

Application 531 Beginning at a point on the line between Factoryville Borough and Lackawanna County thence over Academy and Main Streets to the Clinton Township line in the borough of Factoryville Wyoming County a distance of about 0.98 of a mile

Laceyville Borough

Route 08032 Extending Route 08032 Beginning at a point on the Bradford County-Laceyville Borough line at the end of Route 08032 thence in a southerly direction on Church Street to anintersection with Route 241 at Church and Main Streets in the borough of Laceyville Wyoming County a distance of about 0.29 of a mile

Nicholson Borough

Route 939 Extending Route 939 Beginning at a point on the Nicholson Township-Nicholson Borough line thence northerly on Bridge Street to Route 479 at Bridge and Bacon Streets thence from a second point on Route 479 northerly on Bacon and Quarry Streets to Route 939 at the Nicholson Borough-Nicholson Township line in the borough of Nicholson Wyoming County a distance of about 0.88 of a mile

YORK COUNTY

Fawn Grove Borough

Application 2974 Beginning at a point on the Maryland State-Fawn Grove Borough line thence over Belair Road to an intersection with Route 66067 at Belair Road and Main Street in the borough of Fawn Grove York County a distance of about 0.47 of a mile

Glen Rock Borough

Application 2339 Beginning at a point on the Shrewsbury Township-Glen Rock Borough line thence over Baltimore Street to an intersection with Route 441 and Route 715 at Baltimore Manchester and Main Streets in the borough of Glen Rock York County a distance of about 0.4 of a mile

Goldsboro Borough

Route 892 Extending Route 892 Beginning at a point on the Newberry Township-Goldsboro Borough line thence in a general southerly direction on Railroad Zeigler and North York Streets to an intersection with Routes 449 and 66003 at North York Street and Broadway in the borough of Goldsboro York County a distance of about 0.71 of a mile

Jefferson Borough

Application 2003 Beginning at a point on the Codorus Township-Jefferson Borough line thence over Baltimore and York Streets to the Jefferson Borough-North Codorus Township line in the borough of Jefferson York County a distance of about 0.81 of a mile

New Freedom Borough

Application 2002 Beginning at a point on the Shrewsbury Township-New Freedom Borough line thence over East Main Street to an intersection with Route 66073 at Main Street and Shrewsbury Avenue in the borough of New Freedom York County a distance of about 0.66 of a mile

Application 4929 Beginning at a point on the Shrewsbury Township-New Freedom Borough line thence over Front Street to an intersection with Route 66073 at Front and Main Streets in the borough of New Freedom York County a distance of about 1.02 miles

Red Lion Borough

Application 3941 Beginning at a point on the Windsor Township-Red Lion Borough line thence northerly on Main Street to an intersection with Route 333 in the borough of Red Lion York County a distance of about 0.17 of a mile

Windsor Borough

Application 401 Beginning at a point on the western Windsor Township-Windsor Borough line at the end of Application 402 thence over Main Street to Route 714 at the eastern borough line in the borough of Windsor York County a distance of about 1.01 miles

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of amendment.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1916 (Senate Bill No. 141), entitled:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district( except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided and if the taxes are due on such real estate for the tax year one thousand nine hundred and thirty-five are paid at the time prescribed by law for the payment of taxes

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six twenty per centum on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine

If any taxpayer availing himself of the provisions of this act shall fail to pay any instalment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for non payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

On the question,

Will the House agree to the section?

Mr. LOVETT. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 11, by striking out the words "and if"

Amend sec. 1, page 1, line 11, by striking out the words "the taxes due on"

Amend sec. 1, page 2, line 1, by striking out the words "such real estate"

Amend sec. 1, page 2, line 2, by placing a bracket before the word "for" thus "["

Amend sec. 1, page 2, lines 3 and 4, by striking out the words "thirty-five are paid at the time prescribed by law for the payment of taxes"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

## MOTION TO RECOMMIT

Mr. WOODSIDE. Mr. Speaker, inasmuch as there has been a committee appointed to consider the subject with which this bill deals, I move that the bill be recommitted to the Committee on Counties for further study.

On the question,

Will the House agree to the motion?

Mr. ANDREWS. Mr. Speaker, Senate Bill 141 is a measure dealing with a matter of primary importance, a measure that this House has been awaiting from the Senate, a measure upon which there is general agreement that there should be legislative action. There is no reason, no urge that this be sent back to committee. Indeed of all the bills on the calendar, this is the one bill that should not go back to committee, because this is the one bill upon which the taxpayers are looking to us for action.

I hope that the House will not send this bill back to committee.

Mr. WOODSIDE. Mr. Speaker and members of the House, this bill in its present form is exactly the same as the Pearson bill, which was amended by this House.

When I presented the amendments to that bill, I spoke on the amendments and it was the opinion of this House that those amendments should be adopted. This bill as it now stands is practically the same as the Pearson bill before the amendments were adopted.

There were and there are quite a number of bills dealing with this subject, and for that reason this House saw fit to have a committee appointed which would deal with all of the bills which had to do with the abatement of tax penalties. I agree with the gentleman from Cambria that the taxpayers should have some relief from the excessive interest and excessive penalties which are now on certain of the taxes, but I do not agree that a person should be permitted to pay 1930 taxes as late as 1939 without paying a cent's worth of interest or a cent's worth of taxes, and I think the committee which was appointed by this House to consider another similar bill should have an opportunity to consider them and to work out a plan which will be satisfactory and which will be fair and to submit that plan to this House to be voted upon and then adopted.

Therefore, I think that this bill should be referred to the committee pending the action of the committee which is now dealing with this subject.

Mr. ANDREWS. Mr. Speaker and members of the House. I submit to the membership of the House that the members of this House are quite competent to take jurisdiction of this measure, which has come over to us from the Senate after careful consideration and the bill being within our jurisdiction I am convinced that the interest of the taxpayers will be conserved keeping the bill within the jurisdiction of the House.

Mr. REISING. Mr. Speaker and members of the House, this is one opportunity that this House has to do something for the distressed and delinquent taxpayers. It would appear to me that the good judgment of each and every Representative can plainly see the necessity for helping the distressed taxpayers, and it would be far better until nineteen thirty-nine to get these taxes than not to get them at all, which will be the case if we do not do something that will be helpful.

I would ask, after all the things that have been said here since the beginning of this session, that we attempt at least once if never again to do something for the man that needs to have something done for him, and that is the fellow who is trying to save his home and his farm and his business at this time in the face of the heavy tax load that has been placed upon him. I will ask you on both sides of the House, who have had much to say with regard to your desires, to help the fellow that is down. Let us be serious with this matter and do the things that are necessary to be done to help the fellow that is down, and that is the taxpayer.

I will ask that we do not put this bill back into Committee but let it stay here and let us pass it as soon as we can.

Mr. BLUMBERG. Mr. Speaker and members of the House, I merely want to pass the information on here that last week the Speaker of this House, in response to a resolution, appointed five members of this House to act with a similar Committee appointed by the Senate for the purpose of discussing all the tax abatement bills now before both Houses. There are seven of those bills. This is not the first tax abatement bill before the House. There are two of them that have passed this House and are now awaiting action by the Senate. There are other Senate bills to come over to this House. It was felt by all interested parties that this committee would get together and approve one bill or two bills applying to the whole state including Philadelphia or excluding Philadelphia, to meet their peculiar situation and to recommend one bill or two bills to both House for passage.

The Committee appointed last week meets tomorrow at two o'clock in the Senate. The sponsor of this Senate Bill is Senator Huffman who is a member of that Committee. From the House on that Committee there are Representatives Burke, VanSickle and Pearson on the Democratic side and Mr. Wood and myself on the Republican side. It would seem to me under those circumstances that we might very well postpone action on this bill with a view to ascertaining whether or not Senator Huffman himself desires the passage of the bill.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. Mr. Speaker, I will.

Mr. ANDREWS. Mr. Speaker, would the gentleman from Dauphin be content to place this bill upon the postponed calendar until the Committee, to which he has referred, has reported, instead of sending it back to Committee?

Mr. WOODSIDE. I would, Mr. Speaker.

## BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker, I withdraw my previous motion and move that this bill be placed upon the postponed calendar.

The motion was agred to.

## RECONSIDERATION OF HOUSE BILL NO. 1737

Mr. SCHWARTZ. Mr. Speaker, I move that the vote by which House Bill No. 1737, Printer's No. 515, entitled:

An Act To amend the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by extending the scope of the title defining and further prohibiting the practice of law and providing additional penalties including the forfeiture of corporate charters for violations of the act.

was defeated on third reading and final passage on Tuesday, April 9, 1935, be reconsidered.

Mr. TUMELTY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Schwartz, vote on the final passage of this bill?

Mr. SCHWARTZ. Mr. Speaker, I voted "no."

The SPEAKER. How did the gentleman from Philadelphia, Mr. Tumelty, vote on the final passage of this bill?

Mr. TUMELTY. Mr. Speaker, I voted "no."

On the question,

Will the House agree to the motion?

It was agreed to,

On the question recurring,

Shall the bill pass finally?

## RECONSIDERATION OF VOTE

Mr. SCHWARTZ. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SCHWARTZ. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 4, line 17, by striking out at the end of the line after the word "others" the words: "[exclusive of]"

Amend section 2, page 4, by striking out lines 18, 19, 20 and 21, and inserting in lieu thereof the following: "Provided, That nothing contained in this clause or in any other provision of this act shall be construed as affecting or in any wise limiting or restricting the right of a duly licensed real estate broker, partnership, association or corporation to prepare deeds, mortgages, leases and other papers relating to, or arising out of, or connected with a real estate and conveyancing business, or to give advice in connection with real estate or conveyancing services."

Amend section 2, page 4, line 25, by striking out after the word "corporation" and before the word "for" the word: "[either]"

Amend section 2, page 4, line 25, by striking out after the word "for" and before the word "compensation" the words: "[or without]"

Amend section 2, page 4, line 27, by adding at the end hereof after the word "others" the following: "Provided that nothing contained in this clause shall apply to a duly incorporated real estate board."

Amend section 2, page 5, by inserting at the end of line 20, after the word "interest" the following: "Provided, That nothing herein contained shall be deemed to prohibit any physician or other person upon request from reducing to writing the will of any person who is unable to do so because of the extremity of his last sickness or to prohibit any person from acting as the amanuensis of any person making his own will."

Amend section 2, page 6, line 8, by striking out after the word "acts" and before the word "services" the word: "of" and inserting in lieu thereof the word: "or"

Amend section 2, page 6, by inserting at the end of line 12, after the word "acts" the words: "or services"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## RESOLUTION

### GENERAL ASSEMBLY TO REMAIN IN SESSION

Mr. RUTH asked and obtained unanimous consent to offer a resolution.

The resolution was twice read by the Clerk as follows:

In the House of Representatives, April 15, 1935.

Whereas, An emergency exists in the fiscal affairs of the Commonwealth which threatens to prejudice the ability of the Commonwealth to obtain funds from the Federal Government for relief purposes and

Whereas, the General Assembly to this date has passed no taxing legislation and

Whereas, The fifteenth day of April has been fixed as the dead line for the furnishing of Federal funds unless appropriate action is taken by the Legislature demonstrating good faith in this critical situation.

Now, Therefore Be It Resolved, by the House of Representatives (if the Senate concur) that the General Assembly remain in session during the present week for sufficient number of legislative days in which to pass adequate taxing legislation which will inidcate to the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL ON SECOND READING

Mr. ANDREWS. Mr. Speaker, I desire to call up at this time House Bill No. 932, Printer's No. 383, on page 15, of today's calendar, bills on second reading postponed.

## BILL ON SECOND READING

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. ANDREWS and

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House resumed the consideration on second reading of House Bill No. 932, as follows:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

Article I

Procedure for Adoption or Discontinuance

Section 101 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in pursuance of the authority granted by section one of article fifteen of the Constitution of the Commonwealth any city of third class may adopt the city manager plan of government by the following procedure

Section 102 Question to be Voted on for Adoption Any city of the third class shall become subject to all the provisions of this act upon submission to the electors of such city at a public election and the adoption by a majority vote of the electors voting thereon of the following question

"Shall the city of .....adopt the city manager plan of government"

Section 103 Procedure for Securing Submission The county commissions of the proper county shall submit such question to the electors of such city upon the adoption of a resolution by the council of such city requesting the holding of such an election and the filing of a duly certified copy thereof with the county commissioners or upon the filing with the county commissioners of a petition making such request signed by qualified electors of the city equal in number to at least ten per centum of the population of the city according to the last United States census

Section 104 Regulations Concerning Petitions for Submission Petitions for such purpose shall be signed in ink or indelible pencil Each elector signing shall give his occupation place of residence and date of signing No signature shall be valid unless affixed thereto within thirty days of the filing thereof Any number of such petitions may be circulated among the electors contemporaneously and all separate original petitions when filed shall be treated together as one original petition Each separate petition paper shall be verified by the affidavit of the circulator thereof before any officer authorized to administer oaths Such affidavit shall set forth the residence of the circulator by street and number or other description sufficient to identify the place and shall state that each signature on the nomination paper was made in his presence on the date indicated and is the genuine signature of the person whose name it purports to be

Section 105 Time and Manner of Submission The question shall be submitted to the electors at the next general or municipal election occurring not less than sixty days after the filing of the petition or resolution The question shall be placed on the ballot votes cast thereon and returns made and computed in the manner and under the regulations provided by law for the submission of constitutional amendments or other questions to a vote of the people

Section 106 Resubmission Permitted The failure of the electors to adopt the city manager plan at any election shall not prevent the submission of the question under the provisions hereof at any general or municipal election occurring at least three years thereafter

Section 107 Effective of Adoption If the electors of the city vote affirmatively on the adoption of the city manager plan the city shall thereafter be governed under the provisions of Article II of this act which shall take effect therein on the first Monday of January following the next succeeding election of city councilmen

Section 108 Transition to Manager Plan All officers and employes of any city holding office at the time the city manager plan goes into effect therein under the provisions of this act shall continue in office until superseded by the appointment or election of their successors or the termination of their offices as herein provided The council shall have power to provide by ordinance for any details of the transition to the manager plan not specified by law

Section 109 Procedure for Discontinuance Any city which has adopted the city manager plan may discontinue its use by a vote of the electors thereof initiated by a resolution or petition requesting such a vote under the requirements prescribed herein for a vote on the adoption of the plan The question printed on the ballot in such cases shall be

"Shall the city manager plan of government be continued in the City of ....."

No proceedings shall be taken to discontinue the plan until it has been in effect at least two years

Section 110 Effect of Discontinuance If the electors of the city vote against continuing the city manager plan of government the city shall cease to be governed by the provisions of Article II of this act on the first Monday in January following the next succeeding election of city councilmen and the city shall then be governed as provided by general law The city council shall have power to provide for the transition by ordinance A city which has adopted the city manager plan of government under the provisions of this act and subsequently discontinued it may readopt it by the same procedure as that provided for its original adoption but no proceedings shall be taken to readopt the plan until at least two years after it has been discontinued

Section 111 Notice of Election Notice by advertisement of the holding of each election for the adoption or discontinuance of the city manager plan shall be given in the manner and under the regulations provided by law for the giving of notice of the holding of elections for the election of public officers and the adoption of constitutional amendments or other questions

Section 112 Watchers Electors filing petitions for the adoption or discontinuance of the city manager plan under the provisions of this act may in any such petition designate not less than three nor more than twenty-five of their number as a political committee which committee shall have the same rights as political parties to appoint watchers in the manner required by law at any election to be held for the adoption or discontinuance of the city manager plan under the provisions of this act Such a political committee with the same power to appoint watchers may also be designated by a petition filed with the county commissioners for that purpose and signed by qualified electors of the city at least equal in number to one-tenth of the number required for submission of the question of adoption or discontinuance of the city manager plan by petition under the provisions of this act Any such petition shall be signed verified and filed in the manner prescribed for petitions requesting the submission of the said question Watchers appointed under the provisions of this section shall have the same rights as watchers appointed under the general laws regulating general and municipal elections except that they shall serve without compensation and need not be residents of the election districts in which they serve

Article II

The City Manager Plan

Section 201 Short Ballot In a city in which the city manager plan is in effect under the provisions of this act no city officials shall be elected at the polls except members of the council (including the mayor) and in the discretion of council the controller All other officials (including the treasurer after the expiration of the term of the treasurer in office at the time of the adoption of the city manager plan) shall be appointed as hereinafter provided The controller holding office at the time of the adoption of the city manager plan shall complete his term but thereafter the duties of controller may be performed by a controller or other officer appointed by the city manager as the council may by ordinance prescribe In case the controller is not elected at the polls there shall be an annual independent audit of the city's finances as provided in section two hundred and fifteen

Section 202 City Manager The council of any city in which the city manager plan is in effect under the provisions of this act shall appoint by majority vote of all its members a city manager who shall be the chief executive and administrative officer of the city The manager shall receive such compensation as the council shall determine He shall be chosen solely on the basis of his executive and administrative qualifications and need not be at the time of his appointment a resident of the city or of the state He shall not engage in any other business or profession so long as he shall hold the office of city manager No person elected to the council shall be eligible for the office of city manager during the term for which he was elected

Section 203 Removal of Manager The manager shall hold office for an indefinite term but may be removed at any time by vote of a majority of all members of the council Provided however That he shall not be removed until the reasons for his proposed removal have been placed of record on the minutes of council and a copy thereof has been furnished him and until he has received a public hearing thereon before the council if he so requests Pending and during such a hearing the council may suspend him from office for a period not exceeding thirty-days

Section 204 Powers and Duties of Manager The manager shall be responsible to the council for the entire administration of the city government except as herein otherwise provided He shall

I Prepare and recommend to council an annual budget

II Execute and enforce all laws ordinances and contracts of the city

III Appoint and remove the heads of all departments boards and bureaus and all other officers and employes of the city except those elected at the polls and except as

otherwise provided in this act and supervise and control his appointees

IV Make such recommendations to council as he may deem expedient or necessary make reports or recommendations to council upon request and at least once a year present a record of his work for the information of council and of the public and

V Perform such other duties as may be required by ordinance or resolution of council

Section 205 Control of Manager and his Subordinates by Council Neither the council nor any of its committees or members shall direct or dictate the appointment of any person to or his removal from office by the manager or any of his subordinates Except for the purpose of inquiry or receiving information or advice council and its members shall deal with the administrative services under the manager solely through the manager and neither the council nor any member thereof shall give orders to any of the manager's subordinates

Section 206 Attendance of Officials at Council Meetings The manager and such other officers as the council shall determine shall meet regularly with the council and have full privilege of discussion but no vote

Section 207 Temporary Appointments In case of absence or disability of the manager the council may appoint a qualified person to perform the duties of manager temporarily If the office of manager becomes vacant the council shall appoint without delay either a new manager or an acting manager to fill the office until a new manager is chosen

Section 208 Appointments by Council In Addition to the city manager the council shall appoint the city clerk or clerk of council and such other officers of council and committees thereof as it shall deem necessary or advisable The appointment of a city solicitor by the city manager shall be subject to confirmation by the council

Section 209 Mayor The mayor shall continue to be the titular head of the city government and its representative at public functions but shall have no administrative duties and shall make no appointments in the administrative service

Section 210 Transfer of Administrative Functions No member of the council shall have any administrative powers or duties Any such powers or duties vested in members of the council before the adoption of the city manager plan of government shall be transferred by ordinance to the city manager or his subordinates

Section 211 Combination of Offices The council may authorize the manager to act himself in the capacity of any appointive officer or officers of the city or to combine the functions of any two or more such officers in any one of his appointees

Section 212 Reorganization of City Government the council may by ordinance from time to time on recommendation of the manager create new departments bureaus and offices under the manager fix the powers duties number of employes and compensation therefor abolish any existing departments bureaus or appointive offices not specifically provided for in this act or redistribute the powers and duties of existing departments bureaus and appointive officers When any department bureau or office is thus abolished any duties performed thereby which are required of the city by law shall be allotted by ordinance to some other department bureau or office under the manager or to the manager himself

Section 213 Term of Office of Manager's Appointees All officers appointed by the manager shall hold office for an indefinite term and shall be subject to removal by the manager at any time

Section 214 Elective Officers Except as herein otherwise provided officers elected at the polls shall continue to enjoy the powers and perform the duties of their offices as theretofore

Section 215 Independent Audit As soon as practicable after the close of each fiscal year an independent audit may be made and if there is no elective controller shall be made of all accounts of the city government by qualified public accountants selected by the council who have no personal interest directly or indirecIty in the financial affairs of the city government or of any of its officers The results of this audit shall be made public immediately upon its completion

Section 216 Salaries The compensation of all officers and employes of the city shall be fixed by ordinance but shall not exceed any maximum limits imposed by law for the same officers in cities which have not adopted the city manager plan The compensation of any officer or employe may be changed at any time but any increase in the salary of councilmen shall not take effect until the terms of a majority of the members of the council making the increase have expired All councilmen shall receive the same salary except that a greater salary not to exceed the maximum allowed in cities which have not adopted the manager plan may be given the mayor

Section 217 Courts and Schools not Affected This act shall not affect the organization of the courts or of the public schools

Section 218 Laws and Ordinances to Remain in Effect All laws affecting the city now or hereafter enacted and all ordinances previously enacted by the legislative body thereof shall remain in effect until amended or repealed except in so far as they are inconsistent with the provisions of this act

Article III

General Provisions

Section 301 Application of General Laws No provision of any law hereafter enacted which conflicts or is inconsistent with any of the provisions of this act shall affect the government of cities in which the city manager plan of government is in effect under the provisions of this act unless such law specifically designates such cities and general references in such conflicting or inconsistent provisions to all cities or to cities of a class shall not be deemed to include cities in which the manager plan is in effect under the provisions of this act

General provisions of law relating to cities which are not in conflict or inconsistent with the provisions of this act shall apply to all cities which come under the terms thereof including those in which the city manager plan is in effect under the provisions of this act

Section 302 Legislative Intent in Case of Partial Invalidity It is the intention of the general assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 303 Meaning of Terms Wherever used in this act masculine pronouns shall be deemed to include the feminine A reference to the council of a city shall be deemed to refer to the legislative body thereof whether ordinarily designated by that term or not A reference to any county official shall be deemed to refer to the specified official of the county in which the city concerned is situated

Section 304 Short Title This act may be known and cited as the City Manager Act for Third Class Cities

Section 305 Effective Date This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

## BILL ON FINAL PASSAGE

Mr. SPROUL. Mr. Speaker, I desire to call up at this time House Bill No. 1477, Printer's No. 504, on page 17 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SPROUL,

The House resumed the consideration on final passage of House Bill No. 1477, entitled:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions by popular election and for the appointment of their members by the courts of common pleas and prescribing the powers and duties of such commissions the county commissioners and the State Secretary of Agriculture.

On the question recurring,

Shall the bill pass finally?

## RECONSIDERATION OF VOTE

Mr. SPROUL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SPROUL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 5, page 4, by inserting between lines 12 and 13 the following: "Any water in which mosquito larvae breed is hereby declared a nuisance, and subject to abatement as such. Whenever any such breeding place exists on any lands in the county, which should, in the opinion of the mosquito extermination commission, be abated, the county commissioners shall, in writing, order the owner or owners of such lands to abate the same within a period to be specified in such order. If, at the expiration of such period, such order has not been complied with, or if the owner or owners of the land cannot be ascertained or found, the county commissioners shall at once abate said nuisance."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and con-

The House proceeded to the third reading and consideration of House Bill No. 914, entitled:

An Act to supplement an act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred seventy-five) entitled "An act to amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five)"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Fenko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 976, as follows:

An Act To amend article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" making provisions for declaring vacant the office of councilman for refusal or neglect to qualify attend meetings or to act in his official capacity

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto after section nine hundred and three the following new sections to read as follows

Section 904 RIGHT OF COUNCIL TO DECLARE SEAT OF COUNCILMAN VACANT FOR FAILURE TO QUALIFY If any person elected or appointed as member of council who has been notified of his election or appointment shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of his term of office unless prevented by sickness the remaining members of the borough council may declare his office as member of council vacant

Section 905 RIGHT OF COUNCIL TO DECLARE

SEAT OF COUNCILMAN VACANT FOR FAILURE TO ATTEND MEETINGS If any person having qualified as member of council shall neglect or refuse to attend two successive regular meetings unless detained by sickness or prevented by necessary absence from the borough or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council the remaining members of the borough council may declare his office as member of council vacant

And said bill having been read at length time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P. | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1130, entitled:

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1459, entitled:

An Act to further amend sections one and two, and to add sections two A, two B, two C and two D, to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs for and as fresh, that are not fresh eggs, or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," providing standards for fresh eggs and prohibiting illegal sales and misbranding.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 754, entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two clauses (a) and (b) of section one thousand eight hundred and three, and section one thousand eight hundred and six as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Forests and Waters to acquire lands by purchase, gift, condemnation and lease for State forest, park and recreational purposes, and to maintain, develop and re-lease such lands.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1188, as follows:

An Act To amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended requiring that bond be filed by political bodies filing nomination papers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as last amended by the act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-five) is hereby further amended to read as follows

Section 3 Nominations of candidates for any public office may also be made by nomination papers signed by qualified electors of the State or of the electoral district or division thereof for which the nomination is made and filed in the proper office as provided in section five of this Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth and no other form than the ones so prescribed shall be used for such purposes Where the nomination is for any office to be filled by the voters of the State at large the number of qualified electors of the State signing such nomination paper shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for In the case of all other nominations the number of qualified electors of the electoral district or division signing such nomination paper shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made Each elector signing a nomination paper shall add to his signature his place of residence and occupation and no person may subscribe to more than one nomination for each office to be filled The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof which affidavit shall accompany the nomination paper and with such nomination papers shall also be filed a good and sufficient bond in the amount of two thousand five hundred dollars ($2,500) conditioned upon such political body polling at least two per centum of the entire vote cast for such office or offices for which such political body shall have filed nomination papers and in the event of said political body failing to poll the above required percentage of votes then that said bond shall be forfeited to the Commonwealth Provided That if five of the electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy subject to the limitations of this act regarding the selection of names that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body And provided further That if five electors composing any political body as hereinbefore provided shall file an affidavit as aforesaid setting forth that they have adopted a certain political name or appellation to designate their policy for the purpose of making nominations for ward officers or officers to be elected in any ward such affidavit shall give to such body of electors the exclusive right to use the said name or appellation for the nomination of any candidates for any precinct or other subdivision of such ward for the election for which such nominations are made

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. HAGERTY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1140, entitled:

An Act to further amend section three hundred five of the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by increasing the requirements to be met by employers desiring to be self-insurers, and providing for better enforcement of the provisions of the act by conferring additional powers upon the Department of Labor and Industry and by prescribing and changing certain presumptions, rules of evidence, and penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |

| | | | |
|---|---|---|---|
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1724, as follows:

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" is hereby amended to read as follows:

Section 3 If the report of the examination by the psychiatrist shows that the defendant though not insane is so mentally ill or mentally deficient as to make it advisable for the welfare of the defendant or the protection of the community that he or she be committed to some institution other than the county prison workhouse or a penitentiary the trial judge shall have power by virtue of this act to commit such defendant to any State or county institution provided for the reception care treatment and maintenance of such cases or similar mental cases in lieu of a sentence to a county prison workhouse or penitentiary where required by a relevant act of Assembly or by law and to direct the detaining of the defendant in such institution until further order of the court The trial judge at the time of such commitment make an order upon the defendant or such person or persons responsible for the support of the defendant or upon the county or the Commonwealth as may be proper in such case for the cost of admission care and discharge of such defendant.

From any order of commitment heretofore or hereafter made by the court to any State or county institution provided for the reception care treatment and maintenance of mental patients an appeal shall lie in the same manner and with like effect as if sentence to a prison workhouse or penitentiary had been imposed in the case. Such appeal may be taken by either the defendant or the attorney for the defendant.

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1747 entitled:

An Act making the insurer of defendant in an action in torts involving the operation of a motor vehicle a party defendant with the defendant and providing for the effect of such joinder

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, will the gentleman from Philadelphia, Mr. Ominsky, explain the provisions of this bill.

Mr. OMINSKY. I will, Mr. Speaker. House 1747, makes the insurer of the defendant in an action in court, that is where an accident is involved, in the operation of a motor vehicle a party defendant with the defendant and providing for the effect of such joinder. In other words this bill joins any company which insures the policyholder in case of an accident, so that in the event there is a judgment of credit against a defendant the insurance company will not be able to say afterwards that they had some excuse for not paying the judgment. It also provides that the insurance company may try the issue as to whether they are liable under the policy before the question of the accident will be tried in the courts.

I believe this is a social and progressive measure that should be enacted by this House, and the Senate, if possible, because it will give the policyholders their money's worth. In other words as it is at the present time, even though you pay for it, there may be a possibility that after a judgment is obtained against the insured, the company will try to get out from under and not pay the claim and thus leave the defendant, who has paid for insurance, with a judgment against him.

It will also prevent the courts from declaring mistrials in case the words "insurance company" are used during the trial of a case. Under the present law if through some inadvertense, that there is insurance involved in the case the courts must declare a mistrial. This bill will present the recurring of mistrials and in that way avert many actions which otherwise would not come up.

This bill would also require juries to give proper verdicts under the circumstances. As it stands today, juries know practically in every case that comes up for litigation where insurance companies are involved. This bill will not cause them to give any greater verdicts as some of the opponents of the bill have mentioned will happen because of this bill. As a matter of fact, in compensation claims the insurance company at the present time is joined in with the defendant, and I think this is another piece of progressive and social legislation which commends itself to the approval of everyone in this House. I, therefore, ask every member of this House to vote for this bill.

Mr. McDEVITT. Mr. Speaker and members of the House, the gentleman from Philadelphia evidently is not entirely familiar with the procedure or the provisions of an insurance policy. A liability insurance policy for property damage or anything of that character is purely a contract between the man who takes out the policy and the company and any third party who might suffer injury either personally or damage to his property who has any interest at all in the policy and the company pays him no money until such time that there shall be a judgment against the defendant and not against the insurance company. The insurance company agrees to indemnify the insured against loss. It also agrees to defend him.

There was a remark made that the insurance company will have no excuse for refusing to pay and thereby the insured would receive better protection. That is hardly the case in actual practice, because if the insured complies with the policy, and furthermore if the insurance company wants to defend then the insurance company must necessarily pay any judgment that provided, for, provided, of course, they are solvent.

Now, the other point, that there might be some mystery to the issue or that there might be a mistrial. If the gentleman from Philadelphia is familiar with the Supreme Court decisions in the matter, he knows that if the defendant in any way tries to take advantage of the situation and opens it up himself so that as a result there might be a mistrial and in that way stop the issue, the Court may allow the case to proceed and simply tell the jury to disregard the remarks. Now, in ten years in Philadelphia County, where there are probably more cases tried than in any other county in this state, I don't believe that I have heard six cases which resulted in mistrials because of the mention of the words "insurance company." It is an understood fact, all the witnesses know, that it will happen and out of thousands of cases the word is never put forward.

If you feel it necessary or that it will be helpful to anybody to have the name of the insurance company as a party defendant and thereby think the jury will render a greater verdict, you are, of course, not taking any money from the insurance company because they are simply going to raise the premium.

I think it is just about time that this House realizes that anyone who has the right to fix rates is not going to suffer that loss, because if they suffer a loss in the first instance they are going to put up their rates. There are many cars operating on the streets of Philadelphia that don't have insurance because the people can not afford to pay for it. Therefore, if you are going to bring about a condition that is unfair and unwarranted, thereby causing the raising of the rates, you are simply going to have more cars on the streets that are without insurance and the pedestrians are going to have less protection.

I can see no justification for this bill and I can not see where it is fair at all. We have gone on this way for many years trying a case between the plaintiff and the defendant, why we should bring the insurance company in; why by statute should we give a person a right which they don't have under the contract; why we should bring them in under a contract between two people is something I can't understand. I have not heard any reasons at all that would justify a bill of this character.

Mr. OMINSKY. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. McDevitt.

The SPEAKER. Will the gentleman from Philadelphia, Mr. McDevitt, permit himself to be interrogated?

Mr. McDEVITT. Mr. Speaker, I will.

Mr. OMINSKY. Will the gentleman from Philadelphia tell the members of this House whether at any time he has defended cases on behalf of insurance companies?

Mr. McDEVITT. Mr. Speaker, I, of course, knew that that question would be asked. Lawyers are not allowed to advertise, but I will say that we have one of the largest Court practices in Philadelphia, representing plaintiffs, defendants, insurance companies, railroads, poor people, rich people, and everybody. If that has anything to do with this bill, I can't see it.

Mr. OMINSKY. Mr. Speaker and members of the House. Regarding the raising of the rates, I might say just one word, that in every measure, progressive measure

or social measure that we try to enact in this House there is always heard the cry that it will raise rates or that we will have to pay more. I say that if they give you full value for what you are paying for there would be no necessity, after this bill is passed, to raise the rates.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—112

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Male, | Shaw, |
| Alexander, | Downey, J. J., | McDermott, | Shepard, |
| Allen, | Eroe, | McElroy, | Siegel, |
| Arnold, | Falkenstein, | McHenry, | Simon, |
| Aukerman, | Finnerty, | Melchiorre, | Sinwell, |
| Baine, | Fitch, | Moomaw, | Smith, J. A., |
| Baker, J J., | Flanagan, | Mooney, | Smith, W. G., |
| Blumberg, | Forrest, | Moran, | Sowers, |
| Bradley, | Furman, | Moul, | Stank, |
| Brancato, | Gerard, | Nagel, | Stevens, |
| Brown, H. S., | Greenstein, | O'Keefe, | Stone, |
| Brown, J. E., | Hagerty, | Ominsky, | Sumney, |
| Brownfield, | Haluska, | O'Neill, | Surface, |
| Brumbaugh, | Hamilton, F. P., | Panton, | Tahl, |
| Burke, | Harkins, | Patterson, C., | Tronzo, |
| Cannon, | Harmuth, | Patterson, J. W., | Tumelty, |
| Caputo, | Hetrick, | Pfaff, | Van Allsburg, |
| Carr, | Hirsch, | Piole, | Van Sickle, |
| Carson, | Holland, | Powers, | Walker, |
| Coakley, | Holstrom, | Reising, | Wasserman, |
| Cochran, | Kelso, | Robinson, | Weiss, |
| Cohen, | Kilroy, | Ruffennach, | Welliver, |
| Coleman, | Klingler, | Ruth, | Welsh, |
| Condon, | Kobelak, | Sarraf, | Westrick, |
| Coolahan, | LaRue, | Scanlon, | Witkin, |
| Decker, | Long, | Schrope, | Zappala, |
| Diehl, | Lovett, | Schwab, | Sarig, |
| Dilley, | Lynch, | | |

NAYS—79

| | | | |
|---|---|---|---|
| Altenburg, | Gates, | McCreary, | Shreiner, |
| Andrews, | Gillette, | McDevitt, | Shugarts, |
| Baker, F. T., | Green, | McKinney, | Simpson, |
| Baldi, | Habbyshaw, | Mentzer, | Snyder, F. E., |
| Barber, | Hamilton, R. S., | Merrell, | Sproul, |
| Barnhardt, | Hart, | Moore, | Stewart, |
| Bernhard, | Hartman, | Muir, | Stott, |
| Boose, | Hefferon, | Murrin, | Trout, |
| Boyd, R., | Hermansen, | Nothnagle, | Turner, |
| Boyer, | Hoffner, | Parks, | Wall, |
| Brennan, | Hoopes, | Perry, | Weidemann, |
| Conner, | Horst, | Peters, | White, |
| Cordier, | Jackson, | Phillips, | Wickersham, |
| Davies, | Jones, | Reynolds, | Wilson, |
| Denning, | Kane, | Roan, | Winner, |
| Duffort, | Kelder, | Rooney, | Wood, |
| Eberharter, | Kinney, | Root, | Woodside, |
| Ferko, | Linderman, | Schrock, | Yeakel, |
| Flinchbaugh, | Longaker, | Schwartz, | Yourishin, |
| Flynn, | Mason, | Shortz, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON THIRD READING

Mr. COHEN. Mr. Speaker, I desire to call up at this time House Bill No. 1082, Printer's No. 475, on page 27, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Cohen.

The House resumed the consideration on third reading of House Bill No. 1082, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

On the question,

Will the House agree to the bill on third reading?

Mr. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, Page 2, by striking out with heavy faced brackets all of Lines twenty-five (25) and twenty-six (26).

Amend Section 1, Page 3, line 1 by striking out with heavy faced brackets the figure "(b)."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1155, entitled:

An Act imposing upon employers subject to the Workmen's Compensation Law or their workmen's compensation insurance carriers including the State Workmen's Insurance Fund expenses and costs incurred by the Commonwealth in administering and enforcing certain laws for the benefit of those injured in industry and for the benefit of the dependents of those killed in industry

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—139

| | | | |
|---|---|---|---|
| Achterman, | Downey, G. E., | Kinney, | Scanlon, |
| Alexander, | Downey, J. J., | Klingler, | Schrope, |
| Allen, | Eberharter, | Kobelak, | Schwab, |
| Andrews, | Eroe, | Long, | Shaw, |
| Arnold, | Falkenstein, | Lovett, | Shepard, |
| Aukerman, | Ferko, | Male, | Shortz, |
| Baine, | Finnerty, | McCreary, | Shugarts, |
| Baker, J J., | Fitch, | McDermott, | Simon, |
| Barber, | Flanagan, | McHenry, | Sinwell, |
| Barnhardt, | Flinchbaugh, | McKinney, | Smith, J. A., |
| Bernhard, | Furman, | Moomaw, | Smith, W. G., |
| Brancato, | Gates, | Mooney, | Snyder, F. E., |
| Brown, H. S., | Gerard, | Moran, | Snyder, J. L., |
| Brown, J. E., | Green, | Moul, | Sowers, |
| Brownfield, | Greenstein, | Murrin, | Spangler, |

| | | | |
|---|---|---|---|
| Brumbaugh, | Haberlen, | Nagel, | Stank, |
| Burke, | Hagerty, | O'Keefe, | Stevens, |
| Cannon, | Haluska, | Ominsky, | Stewart, |
| Caputo, | Hamilton, F. P., | O'Neill, | Stone, |
| Carr, | Hamilton, R. S., | Panton, | Stott, |
| Carson, | Harkins, | Patterson, C., | Sumney, |
| Chervenak, | Hartman, | Patterson, J. W., | Surface, |
| Coakley, | Hermansen, | Pfaff, | Tronzo, |
| Cochran, | Hetrick, | Phillips, | Tumelty, |
| Cohen, | Hindman, | Piole, | Van Allsburg, |
| Coleman, | Hirsch, | Powers, | Van Sickle, |
| Condon, | Holland, | Reising, | Walker, |
| Coolahan, | Holstrom, | Rhys, | Welliver, |
| Cordier, | Hoopes, | Rinn, | Welsh, |
| Davies, | Jackson, | Roan, | Westrick, |
| Decker, | Jones, | Robinson, | Wilson, |
| Denning, | Kane, | Ruffennach, | Winner, |
| Dent, | Kelder, | Ruth, | Yourishin, |
| Diehl, | Kelso, | Sarraf, | Zappala, |
| Dilley, | Kilroy, | | |

NAYS—20

| | | | |
|---|---|---|---|
| Baker, F. T., | Gillette, | Perry, | Terry, |
| Baldi, | Habbyshaw, | Peters, | Trout, |
| Boyd, R., | Hart, | Root, | Turner, |
| Flynn, | McDevitt, | Schrock, | Wood, |
| Forrest, | Muir, | Shreiner, | Yeakel, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1748, entitled:

An Act to limit the personal liability of owners of real estate for taxes thereon

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baker, F. T., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holland, | Piole, | Walker, |
| Chervenak, | Holstrom, | Powers, | Wall, |
| Coakley, | Hoopes, | Reising, | Wasserman, |
| Cochran, | Horst, | Reynolds, | Weidemann, |
| Cohen, | Jackson, | Rhys, | Weiss, |
| Coleman, | Jones, | Rinn, | Welliver, |
| Condon, | Kane, | Roan, | Welsh, |
| Conner, | Kelder, | Robinson, | Westrick, |
| Coolahan, | Kelso, | Rooney, | White, |
| Cordier, | Kilroy, | Root, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Wilson, |
| Decker, | Klingler, | Ruth, | Winner, |
| Denning, | Kobelak, | Sarraf, | Witkin, |
| Dent, | LaRue, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig, |
| Eroe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 479, entitled:

An Act providing for the imposition collection and lien of charges for sand gravel and coal taken removed or dredged from the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth title to which is in the Commonwealth requiring persons associations copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue and providing penalties

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—162

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Male, | Schwab, |
| Alexander, | Finnerty, | Mason, | Shaw, |
| Allen, | Fitch, | McCreary, | Shepard, |
| Altenburg, | Flanagan, | McDermott, | Shortz, |
| Andrews, | Flinchbaugh, | McElroy, | Shugarts, |
| Arnold, | Forrest, | McHenry, | Siegel, |
| Atkins, | Furman, | Melchiorre, | Simon, |
| Aukerman, | Gerard, | Mentzer, | Sinwell, |
| Baine, | Gillette, | Merrell, | Sloan, |
| Baker, J J., | Green, | Moomaw, | Smith, J. A., |
| Barber, | Greenstein, | Mooney, | Smith, W. G., |
| Barnhardt, | Haberlen, | Moran, | Snyder, F. E., |
| Bernhard, | Hagerty, | Murrin, | Snyder, J. L., |
| Boyd, R., | Haluska, | Nagel, | Sowers, |
| Boyer, | Hamilton, F. P., | O'Keefe, | Spangler, |
| Bradley, | Hamilton, R. S., | Ominsky, | Stank, |
| Brancato, | Harkins, | O'Neill, | Stevens, |
| Brown, H. S., | Harmuth, | Panton, | Stone, |
| Brown, J. E., | Hart, | Parks, | Stott, |
| Brownfield, | Hartman, | Patterson, C., | Sumney, |
| Brumbaugh, | Hefferon, | Patterson, J. W., | Tahl, |
| Burke, | Hermansen, | Peters, | Tronzo, |
| Cannon, | Hetrick, | Pfaff, | Tumelty, |
| Caputo, | Hindman, | Phillips, | Van Allsburg, |
| Carr, | Hirsch, | Piole, | Van Sickle, |
| Carson, | Hoffner, | Powers, | Walker, |
| Chervenak, | Holland, | Reising, | Wall, |
| Coakley, | Holstrom, | Reynolds, | Wasserman, |
| Cohen, | Hoopes, | Rhys, | Weidemann, |
| Coleman, | Horst, | Rinn, | Weiss, |
| Coolahan, | Jones, | Roan, | Welliver, |
| Cordier, | Kane, | Robinson, | Welsh, |
| Davies, | Kelso, | Rooney, | Westrick, |
| Denning, | Kilroy, | Root, | Wilson, |
| Dent, | Kinney, | Ruffennach, | Winner, |
| Diehl, | Klingler, | Ruth, | Witkin, |
| Dilley, | Kobelak, | Sarraf, | Yourishin, |
| Downey, G. E., | LaRue, | Scanlon, | Zappala, |
| Downey, J. J., | Long, | Schrock, | Zimmerman, |
| Eberharter, | Lovett, | Schrope, | Sarig, |
| Eroe, | Lynch, | | |

NAYS—38

| | | | |
|---|---|---|---|
| Baker, F. T., | Flynn, | Moul, | Surface, |
| Baldi, | Gates, | Muir, | Terry, |
| Blumberg, | Habbyshaw, | Nuehnagle, | Trout, |
| Boose, | Jackson, | Perry, | Turner, |
| Brennan, | Kelder, | Schwartz, | White, |
| Cochran, | Linderman, | Shreiner, | Wickersham, |
| Conner, | Longaker, | Simpson, | Wood, |
| Decker, | McDevitt, | Sproul, | Woodside, |
| Duffort, | McKinney, | Stewart, | Yeakel, |
| Ferko, | Moore, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1894, as follows:

An Act to amend section thirteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended providing that at primary elections in boroughs towns or townships any elector not enrolled as a member of a political party or whose name is not on the assessors registry list may vote by proving his right thereto in the same manner as at general elections and making affidavit as to his party membership

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as last amended by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 635) is hereby further amended to read as follows

Section 13 No official ballots shall be taken or detached from its stub in any book of ballots except by an election officer when a person desiring to vote has been found to be a qualified elector entitled to vote as hereinafter stated and not more than one ballot shall be removed at any one time or given to any voter except when a voter inadvertently spoils a ballot and immediately returns it to the election officers for cancellation in which case he may be given another Any person removing any ballot from any book of official ballots except in the manner aforesaid shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment for not more than one year or both at the discretion of the court for each offense

Qualifications of electors entitled to vote at a primary shall be the same as the qualifications of the electors entitled to vote at elections [with] within the election district where the primary is held [except that with respect to the payment of taxes it shall be sufficient if an elector shall have paid within two years before the next succeeding election a State or county tax which shall have been assessed at least two months before the said election and paid on or before the day of the primary and in cases where personal registration is required on or before the registration day on which the elector registers] Provided That no elector who is not registered and enrolled as a member of a designated political party in accordance with the law requiring such registration and enrollment now or hereafter in force shall be permitted to vote the ballot of such party or any other party ballot at any primary except in the following cases [where an] (a) Any elector of a borough town or township who is twenty-one years of age and under twenty-two whose name does not appear on the registry of voters and who has all the other qualifications to vote [except as to the payment of taxes In such cases the elector] may declare his party preference and prove his right to vote in the same manner as he would be called upon to do at a general election (b) Any elector of a borough town or township whose name does not appear on the registry of voters may prove his right to vote in the same manner as he would be called upon to do at a general election and his party membership in the same manner as herein provided for persons challenged regarding their party membership (c) any elector of a borough town or township whose name is on the registry of voters but not enrolled as a member of any particular party may declare his party and prove his membership therein in the same manner as herein provided for persons challenged regarding their party membership Whereupon [he] in each of such cases the elector shall be entitled to vote the ballot of such party Each elector may be challenged and if challenged shall prove the aforesaid qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are or hereafter may be required by law to prove their qualifications or identity on election day except that in cases as in cities of the first second and third classes where personal registration is required all challenges respecting party membership must be made at the time of such registration and in such cases the designation of the political party of the elector on the register shall be conclusive evidence of such membership at the succeeding primary or primaries In other cases where personal registration is not required as in districts other than said cities if an elector although enrolled as a member of any particular party is challenged regarding such membership he shall be required to make oath or affirmation that at the last preceding election at which he voted he voted for a majority of the candidates of said party and upon executing such affidavit he shall be entitled to receive and vote the ballot of such party but if he is unable or unwilling to make such affidavit he shall be denied the right to receive such ballot but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason of having asked for a ballot of the party with which he is enrolled

If such last preceding election at which such elector voted was a general election at which Presidential electors were voted for he shall in determining the number of candidates for which he voted thereat count the group of Presidential electors as two candidates

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, J J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Terry, |
| Brumbaugh, | Hefferon, | Patterson, C., | Tronzo, |
| Burke, | Hermansen, | Patterson, J. W., | Trout, |
| Cannon, | Hetrick, | Perry, | Tumelty, |
| Caputo, | Hindman, | Peters, | Turner, |
| Carr, | Hirsch, | Pfaff, | Van Allsburg, |
| Carson, | Hoffner, | Phillips, | Van Sickle, |
| Chervenak, | Holland, | Piole, | Walker, |
| Coakley, | Holstrom, | Powers, | Wall, |
| Cochran, | Hoopes, | Reising, | Wasserman, |
| Cohen, | Horst, | Reynolds, | Weidemann, |
| Coleman, | Jackson, | Rhys, | Weiss, |
| Condon, | Jones, | Rinn, | Welliver, |
| Conner, | Kane, | Roan, | Welsh, |
| Coolahan, | Kelder, | Robinson, | Westrick, |
| Cordier, | Kelso, | Rooney, | White, |
| Davies, | Kilroy, | Root, | Wickersham, |
| Decker, | Kinney, | Ruffennach, | Wilson, |
| Denning, | Klingler, | Ruth, | Winner, |
| Dent, | Kobelak, | Sarraf, | Witkin, |
| Diehl, | LaRue, | Scanlon, | Wood, |
| Dilley, | Linderman, | Schrock, | Woodside, |
| Downey, G. E., | Long, | Schrope, | Yeakel, |
| Downey, J. J., | Longaker, | Schwab, | Yourishin, |
| Duffort, | Lovett, | Schwartz, | Zappala, |
| Eberharter, | Lynch, | Shaw, | Zimmerman, |
| Eroe, | Male, | Shepard, | Sarig, |

NAYS—1

Baker, F. T.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1807, entitled:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holland, | Piole, | Walker, |
| Chervenak, | Holstrom, | Powers, | Wall, |
| Coakley, | Hoopes, | Reising, | Wasserman, |
| Cochran, | Horst, | Reynolds, | Weidemann, |
| Cohen, | Jackson, | Rhys, | Weiss, |
| Coleman, | Jones, | Rinn, | Welliver, |
| Condon, | Kane, | Roan, | Welsh, |
| Conner, | Kelder, | Robinson, | Westrick, |
| Coolahan, | Kelso, | Rooney, | White, |
| Cordier, | Kilroy, | Root, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Wilson, |
| Decker, | Klingler, | Ruth, | Winner, |
| Denning, | Kobelak, | Sarraf, | Witkin, |
| Dent, | LaRue, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig, |
| Eroe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1260, entitled:

An Act limiting the questions to be determined on new trials in certain cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |

| | | | |
|---|---|---|---|
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holland, | Piole, | Walker, |
| Chervenak, | Holstrom, | Powers, | Wall, |
| Coakley, | Hoopes, | Reising, | Wasserman, |
| Cochran, | Horst, | Reynolds, | Weidemann, |
| Cohen, | Jackson, | Rhys, | Weiss, |
| Coleman, | Jones, | Rinn, | Welliver, |
| Condon, | Kane, | Roan, | Welsh, |
| Conner, | Kelder, | Robinson, | Westrick, |
| Coolahan, | Kelso, | Rooney, | White, |
| Cordier, | Kilroy, | Root, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Wilson |
| Decker, | Klingler, | Ruth, | Winner, |
| Denning, | Kobelak, | Sarraf, | Witkin, |
| Dent, | LaRue, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig, |
| Eroe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1590, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shortz, |
| Alexander, | Falkenstein, | Mason, | Shreiner, |
| Allen, | Ferko, | McCreary, | Shugarts, |
| Altenburg, | Finnerty, | McDermott, | Siegel, |
| Andrews, | Fitch, | McDevitt, | Simon, |
| Arnold, | Flanagan, | McElroy, | Simpson, |
| Atkins, | Flinchbaugh, | McHenry, | Sinwell, |
| Aukerman, | Flynn, | McKinney, | Sloan, |
| Baine, | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J. J., | Gates, | Merrell, | Snyder, F. E., |
| Baldi, | Gerard, | Moomaw, | Snyder, J. L., |
| Barber, | Gillette, | Mooney, | Sowers, |
| Barnhardt, | Green, | Moore, | Spangler, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Habbyshaw, | Moul, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Hamilton, R. S., | Ominsky, | Sumney, |
| Brennan, | Harkins, | O'Neill, | Surface, |
| Brown, H. S., | Harmuth, | Panton, | Tahl, |
| Brown, J. E., | Hart, | Parks, | Terry, |
| Brownfield, | Hartman, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, J. W., | Trout, |
| Burke, | Hermansen, | Perry, | Tumelty, |
| Cannon, | Hetrick, | Peters, | Turner, |
| Caputo, | Hindman, | Pfaff, | Van Allsburg, |
| Carr, | Hirsch, | Phillips, | Van Sickle, |
| Carson, | Hoffner, | Piole, | Walker, |
| Chervenak, | Holland, | Powers, | Wall, |
| Coakley, | Holstrom, | Reising, | Wasserman, |
| Cochran, | Hoopes, | Reynolds, | Weidemann, |
| Cohen, | Horst, | Rhys, | Weiss, |
| Coleman, | Jackson, | Rinn, | Welliver, |
| Condon, | Jones, | Roan, | Welsh, |
| Conner, | Kane, | Robinson, | Westrick, |
| Coolahan, | Kelder, | Rooney, | White, |
| Cordier, | Kelso, | Root, | Wickersham, |
| Davies, | Kilroy, | Ruffennach, | Wilson, |
| Decker, | Kinney, | Ruth, | Winner, |
| Denning, | Klingler, | Sarraf, | Witkin, |
| Dent, | Kobelak, | Scanlon, | Wood, |
| Diehl, | LaRue, | Schrock, | Woodside, |
| Dilley, | Linderman, | Schrope, | Yeakel, |
| Downey, G. E., | Long, | Schwab, | Yourishin, |
| Downey, J. J., | Longaker, | Schwartz, | Zappala, |
| Duffort, | Lovett, | Shaw, | Zimmerman, |
| Eberharter, | Lynch, | Shepard, | Sarig, |

NAYS—1

Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1592, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shortz, |
| Alexander, | Falkenstein, | Mason, | Shreiner, |
| Allen, | Ferko, | McCreary, | Shugarts, |
| Altenburg, | Finnerty, | McDermott, | Siegel, |
| Andrews, | Fitch, | McDevitt, | Simon, |
| Arnold, | Flanagan, | McElroy, | Simpson, |
| Atkins, | Flinchbaugh, | McHenry, | Sinwell, |
| Aukerman, | Flynn, | McKinney, | Sloan, |
| Baine, | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J. J., | Gates, | Merrell, | Snyder, F. E., |
| Baldi, | Gerard, | Moomaw, | Snyder, J. L., |
| Barber, | Gillette, | Mooney, | Sowers, |
| Barnhardt, | Green, | Moore, | Spangler, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Habbyshaw, | Moul, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Hamilton, R. S., | Ominsky, | Sumney, |
| Brennan, | Harkins, | O'Neill, | Surface, |
| Brown, H. S., | Harmuth, | Panton, | Tahl, |

| | | | |
|---|---|---|---|
| Brown, J. E., | Hart, | Parks, | Terry, |
| Brownfield, | Hartman, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, J. W., | Trout, |
| Burke, | Hermansen, | Perry, | Tumelty, |
| Cannon, | Hetrick, | Peters, | Turner, |
| Caputo, | Hindman, | Pfaff, | Van Allsburg, |
| Carr, | Hirsch, | Phillips, | Van Sickle, |
| Carson, | Hoffner, | Piole, | Walker, |
| Chervenak, | Holland, | Powers, | Wall, |
| Coakley, | Holstrom, | Reising, | Wasserman, |
| Cochran, | Hoopes, | Reynolds, | Weidemann, |
| Cohen, | Horst, | Rhys, | Weiss, |
| Coleman, | Jackson, | Rinn, | Welliver, |
| Condon, | Jones, | Roan, | Welsh, |
| Conner, | Kane, | Robinson, | Westrick, |
| Coolahan, | Kelder, | Rooney, | White, |
| Cordier, | Kelso, | Root, | Wickersham, |
| Davies, | Kilroy, | Ruffennach, | Wilson, |
| Decker, | Kinney, | Ruth, | Winner, |
| Denning, | Klingler, | Sarraf, | Witkin, |
| Dent, | Kobelak, | Scanlon, | Wood, |
| Diehl, | LaRue, | Schrock, | Woodside, |
| Dilley, | Linderman, | Schrope, | Yeakel, |
| Downey, G. E., | Long, | Schwab, | Yourishin, |
| Downey, J. J., | Longaker, | Schwartz, | Zappala, |
| Duffort, | Lovett, | Shaw, | Zimmerman, |
| Eberharter, | Lynch, | Shepard, | Sarig, |

NAYS—1

Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1596, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to employes receiving compensation from the Fish Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boone, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Surface, |
| Brown, J. E., | Hart, | Panton, | Tahl, |
| Brownfield, | Hartman, | Parks, | Terry, |
| Brumbaugh, | Hefferon, | Patterson, C., | Tronzo, |
| Burke, | Hermansen, | Patterson, J. W., | Trout, |
| Cannon, | Hetrick, | Perry, | Tumelty, |
| Caputo, | Hindman, | Peters, | Turner, |
| Carr, | Hirsch, | Pfaff, | Van Allsburg, |
| Castor, | Hoffner, | Phillips, | Van Sickle, |
| Chervenak, | Holland, | Piole, | Walker, |
| Coakley, | Holstrom, | Powers, | Wall, |
| Cochran, | Hoopes, | Reising, | Wasserman, |
| Cohen, | Horst, | Reynolds, | Weidemann, |
| Coleman, | Jackson, | Rhys, | Weiss, |
| Condon, | Jones, | Rinn, | Welliver, |
| Conner, | Kane, | Roan, | Welsh, |
| Coolahan, | Kelder, | Robinson, | Westrick, |
| Cordier, | Kelso, | Rooney, | White, |
| Davies, | Kilroy, | Root, | Wickersham, |
| Decker, | Kinney, | Ruffennach, | Wilson, |
| Denning, | Klingler, | Ruth, | Winner, |
| Dent, | Kobelak, | Sarraf, | Witkin, |
| Diehl, | LaRue, | Scanlon, | Wood, |
| Dilley, | Linderman, | Schrock, | Woodside, |
| Downey, G. E., | Long, | Schrope, | Yeakel, |
| Downey, J. J., | Longaker, | Schwab, | Yourishin, |
| Duffort, | Lovett, | Schwartz, | Zappala, |
| Eberharter, | Lynch, | Shaw, | Zimmerman, |
| Eroe, | Male, | Shepard, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1597, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boone, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holland, | Piole, | Walker, |
| Chervenak, | Holstrom, | Powers, | Wall, |
| Coakley, | Hoopes, | Reising, | Wasserman, |
| Cochran, | Horst, | Reynolds, | Weidemann, |
| Cohen, | Jackson, | Rhys, | Weiss, |
| Coleman, | Jones, | Rinn, | Welliver, |
| Condon, | Kane, | Roan, | Welsh, |
| Conner, | Kelder, | Robinson, | Westrick, |
| Coolahan, | Kelso, | Rooney, | White, |

| | | | |
|---|---|---|---|
| Cordier, | Kilroy, | Root, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Wilson, |
| Decker, | Klingler, | Ruth, | Winner, |
| Denning, | Kobelak, | Sarraf, | Witkin, |
| Dent, | LaRue, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman |
| Eberharter, | Male, | Shepard, | Sarig, |
| Eroe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1588, entitled:

An Act making an appropriation from the Banking Department to the State Employes Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shortz, |
| Alexander, | Falkenstein, | McCreary, | Shreiner, |
| Allen, | Ferko, | McDermott, | Shugarts, |
| Altenburg, | Finnerty, | McDevitt, | Siegel, |
| Andrews, | Fitch, | McElroy, | Simon, |
| Arnold, | Flanagan, | McHenry, | Simpson, |
| Atkins, | Flinchbaugh, | McKinney, | Sinwell, |
| Aukerman, | Flynn, | Melchiorre, | Sloan, |
| Baine, | Forrest, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Furman, | Merrell, | Smith, W. G., |
| Baker, J J., | Gates, | Moomaw, | Snyder, F. E., |
| Baldi, | Gerard, | Mooney, | Snyder, J. L., |
| Barber, | Gillette, | Moore, | Sowers, |
| Barnhardt, | Green, | Moran, | Spangler, |
| Bernhard, | Greenstein, | Moul, | Sproul, |
| Blumberg | Habbyshaw, | Muir, | Stank, |
| Boose, | Haberlen, | Murrin, | Stevens, |
| Boyd, R., | Hagerty, | Nagel, | Stewart, |
| Boyer, | Haluska, | Nothnagle, | Stone, |
| Bradley, | Hamilton, F. P., | O'Keefe, | Stott, |
| Brancato, | Hamilton, R. S., | Ominsky, | Sumney, |
| Brennan, | Harkins, | O'Neill, | Surface, |
| Brown, H. S., | Harmuth, | Panton, | Tahl, |
| Brown, J. E., | Hart, | Parks, | Terry, |
| Brownfield, | Hartman, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, J. W., | Trout, |
| Burke, | Hermansen, | Perry, | Tumelty, |
| Cannon, | Hetrick, | Peters, | Turner, |
| Caputo, | Hindman, | Pfaff, | Van Allsburg, |
| Carr, | Hirsch, | Phillips, | Van Sickle, |
| Carson, | Hoffner, | Piole, | Walker, |
| Chervenak, | Holland, | Powers, | Wall, |
| Coakley, | Holstrom, | Reising, | Wasserman, |
| Cochran, | Hoopes, | Reynolds, | Weidemann, |
| Cohen, | Horst, | Rhys, | Weiss, |
| Coleman, | Jackson, | Rinn, | Welliver, |
| Condon, | Jones, | Roan, | Welsh |
| Conner, | Kane, | Robinson, | Westrick, |
| Coolahan, | Kelder, | Rooney, | White, |
| Cordier, | Kelso, | Root, | Wickersham, |
| Davies, | Kilroy, | Ruffennach, | Wilson, |
| Decker, | Kinney, | Ruth, | Winner, |
| Denning, | Klingler, | Sarraf, | Witkin, |
| Dent, | Kobelak, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1589, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Gates, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gerard, | Merrell, | Smith, W. G., |
| Baker, J J., | Gillette, | Moomaw, | Snyder, F. E., |
| Baldi, | Green, | Mooney, | Snyder, J. L., |
| Barber, | Greenstein, | Moore, | Sowers, |
| Barnhardt, | Habbyshaw, | Moran, | Sproul, |
| Bernhard, | Haberlen, | Moul, | Stank, |
| Blumberg, | Hagerty, | Muir, | Stevens, |
| Boose, | Haluska, | Murrin, | Stewart, |
| Boyd, R., | Hamilton, F. P., | Nagel, | Stone, |
| Boyer, | Hamilton, R. S., | Nothnagle, | Stott, |
| Bradley, | Harkins, | O'Keefe, | Sumney, |
| Brancato, | Harmuth, | Ominsky, | Surface, |
| Brennan, | Hart, | Panton, | Tahl, |
| Brown, H. S., | Hartman, | Parks, | Terry, |
| Brown, J. E., | Hefferon, | Patterson, C., | Tronzo, |
| Brownfield, | Hermansen, | Patterson, J. W., | Trout, |
| Brumbaugh, | Hetrick, | Perry, | Tumelty, |
| Burke, | Hindman, | Peters, | Turner, |
| Cannon, | Hirsch, | Pfaff | Van Allsburg, |
| Caputo, | Hoffner, | Phillips, | Van Sickle, |
| Carr, | Holland, | Piole, | Walker, |
| Carson, | Holstrum, | Powers, | Wall, |
| Chervenak, | Hoopes, | Reising, | Wasserman, |
| Coakley, | Horst, | Reynolds, | Weidemann, |
| Cochran, | Jackson, | Rhys, | Weiss, |
| Cohen, | Jones, | Rinn, | Welliver, |
| Coleman, | Kane, | Roan, | Welsh, |
| Condon, | Kelder, | Robinson, | Westrick, |
| Conner, | Kelso, | Rooney, | White, |
| Coolahan, | Kilroy, | Root, | Wickersham, |
| Cordier, | Kinney, | Ruffennach, | Wilson, |
| Davies, | Klingler, | Ruth, | Winner, |
| Decker, | Kobelak, | Sarraf, | Witkin, |
| Denning, | LaRue, | Scanlon, | Wood, |
| Dent, | Linderman, | Schrock, | Woodside, |
| Diehl, | Long, | Schrope, | Yeakel, |
| Dilley | Longaker, | Schwab, | Yourishin, |
| Downey, G. E., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig, |
| Eroe | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1599, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

And said bill having been read at length the third time, considered an dagreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shreiner, |
| Altenburg, | Finnerty, | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McElroy, | Simon, |
| Atkins, | Flinchbaugh, | McHenry, | Simpson, |
| Aukerman, | Flynn, | McKinney, | Sinwell, |
| Baine, | Forrest, | Melchiorre, | Sloan, |
| Baker, F. T., | Furman, | Mentzer, | Smith, J. A., |
| Baker, J. J., | Gates, | Merrell, | Smith, W. G., |
| Baldi, | Gerard, | Moomaw, | Snyder, F. E., |
| Barber, | Gillette, | Mooney, | Snyder, J. L., |
| Barnhardt, | Green, | Moore, | Sowers, |
| Bernhard, | Greenstein, | Moran, | Spangler, |
| Blumberg, | Habbyshaw, | Moul, | Sproul, |
| Boose, | Haberlen, | Muir, | Stank, |
| Boyd, R., | Hagerty, | Murrin, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stone, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brennan, | Harkins, | Ominsky, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Tahl, |
| Brown, J. E., | Hart, | Panton, | Terry, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—1

Fattore,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1606, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

And said bill having been read at length the third time, considered an dagreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holland, | Piole, | Walker, |
| Chervenak, | Holstrom, | Powers, | Wall, |
| Coakley, | Hoopes, | Reising, | Wasserman, |
| Cochran, | Horst, | Reynolds, | Weidemann, |
| Cohen, | Jackson, | Rhys, | Weiss, |
| Coleman, | Jones, | Rinn, | Welliver, |
| Condon, | Kane, | Roan, | Welsh, |
| Conner, | Kelder, | Robinson, | Westrick, |
| Coolahan, | Kelso, | Rooney, | White, |
| Cordier, | Kilroy, | Root, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Wilson, |
| Decker, | Klingler, | Ruth, | Winner, |
| Denning, | Kobelak, | Sarraf, | Witkin, |
| Dent, | LaRue, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig, |
| Eroe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1607, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Male, | Shepard, |
| Alexander, | Falkenstein, | Mason, | Shortz, |
| Allen, | Ferko, | McCreary, | Shugarts, |
| Altenburg, | Finnerty, | McDermott, | Siegel, |
| Andrews, | Fitch, | McDevitt, | Simon, |
| Arnold, | Flanagan, | McElroy, | Simpson, |
| Atkins, | Flinchbaugh, | McHenry, | Sinwell, |
| Aukerman, | Flynn, | McKinney, | Sloan, |
| Baine, | Forrest, | Melchiorre, | Smith, J. A., |
| Baker, F. T., | Furman, | Mentzer, | Smith, W. G., |
| Baker, J. J., | Gates, | Merrell, | Snyder, F. E., |
| Baldi, | Gerard, | Moomaw, | Snyder, J. L., |
| Barber, | Gillette, | Mooney, | Sowers, |
| Barnhardt, | Green, | Moore, | Spangler, |
| Bernhard, | Greenstein, | Moran, | Sproul, |
| Blumberg, | Habbyshaw, | Moul, | Stank, |
| Boose, | Haberlen, | Muir, | Stevens, |
| Boyd, R., | Hagerty, | Murrin, | Stewart, |
| Boyer, | Haluska, | Nagel, | Stone, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stott, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Sumney, |
| Brennan, | Harkins, | Ominsky, | Surface, |
| Brown, H. S., | Harmuth, | O'Neill, | Tahl, |
| Brown, J. E., | Hart, | Panton, | Terry, |
| Brownfield, | Hartman, | Parks, | Tronzo, |
| Brumbaugh, | Hefferon, | Patterson, C., | Trout, |
| Burke, | Hermansen, | Patterson, J. W., | Tumelty, |
| Cannon, | Hetrick, | Perry, | Turner, |
| Caputo, | Hindman, | Peters, | Van Allsburg, |
| Carr, | Hirsch, | Pfaff, | Van Sickle, |
| Carson, | Hoffner, | Phillips, | Walker, |
| Chervenak, | Holland, | Piole, | Wall, |
| Coakley, | Holstrom, | Powers, | Wasserman, |
| Cochran, | Hoopes, | Reising, | Weidemann, |
| Cohen, | Horst, | Reynolds, | Weiss, |
| Coleman, | Jackson, | Rhys, | Welliver, |
| Condon, | Jones, | Rinn, | Welsh, |
| Conner, | Kane, | Roan, | Westrick, |
| Coolahan, | Kelder, | Robinson, | White, |
| Cordier, | Kelso, | Rooney, | Wickersham, |
| Davies, | Kilroy, | Root, | Wilson, |
| Decker, | Kinney, | Ruffennach, | Winner, |
| Denning, | Klingler, | Ruth, | Witkin, |
| Dent, | Kobelak, | Sarraf, | Wood, |
| Diehl, | LaRue, | Scanlon, | Woodside, |
| Dilley, | Linderman, | Schrock, | Yeakel, |
| Downey, G. E., | Long, | Schrope, | Yourishin, |
| Downey, J. J., | Longaker, | Schwab, | Zappala, |
| Duffort, | Lovett, | Schwartz, | Zimmerman, |
| Eberharter, | Lynch, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1790, entitled:

An Act transferring money from the Motor License Fund to the General Fund

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TROUT. Mr. Speaker, I desire to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, I would like to ask the gentleman from Berks, Mr. Ruth, whether this transferring of funds from the motor license fund to the general fund is anticipated revenue?

Mr. RUTH. Mr. Speaker, it is anticipated revenue from the registration fees of trucks and busses and from the port of entry bill.

Mr. TROUT. Have the bills providing for this revenue passed finally?

Mr. RUTH. Mr. Speaker, all but the port of entry bill, House Bill No. 1631. The others have passed and are in the Senate.

Mr. TROUT. Mr. Speaker, I would like to take this occasion to place certain facts before this body as well as before the general public—facts which are important at this time. There is apparently much misunderstanding about our State's financial condition and about some of our special funds in particular. I refer specifically to the Motor License Fund.

Many people have the mistaken idea that the State collects millions of dollars annually from the motorists and in turn spends this money solely for the pleasure of the automobilist. Based upon this erroneous idea, proposoals are made to tap the motor Fund without full knowledge of what such action really means, without any consideration for the dangers and the penalties involved, without any thought of the thousands upon thousands of Pennsylvania citizens, who would be forced out of an honest job onto relief rolls by such action.

Gentlemen, let us consider some of the real facts in the case.

You have seen the statement that the biennial income of the Motor License Fund will be $113,000,000. Do you know that that figure is an estimate only, which may or may not be fulfilled? Do those who advocate taking large sums from this amount realize that it is made up in part by anticipated Federal grants for highways over which the Commonwealth of Pennsylvania has no jurisdiction whatsoever, and which must be matched by other funds? Do they realize that overhead and operating expenditures—the money spent to hire men to repair the holes in the road YOU drive, to paint white lines around curves, to cinder icy roads, clear away the snow and drag the farmer's dirt road and such necessary work—that all this requires about 2/3 of the entire income?

I said that the State was required to match ordinary regular Federal aid allotments. When this has been done, it is doubtful if even $10,000,000 per year of State highway funds will remain. Mark that figure well. I have mentioned penalties. I quote from Regulation 19 of the regulations for the use of Federal highway funds, issued last February by the Secretary of Agriculture of the United States.

"Section 1—As soon as practicable after the approval of these rules and regulations, the Secretary shall determine, as of June 18, 1934, what amounts of the revenue derived from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor

vehicle owners and operators in the various states are required by the laws of each state to be applied to highway purposes, including the retirement of bonds for the payment of which such revenues have been pledged. If he shall find at any time that lesser amounts of such revenues in any state are required by its laws to be applied to such purposes than were required to be so applied by the laws of such states on June 18, 1934, he shall take such action as he shall deem necessary to comply with the provisions of Section 12 of the Act of June 18, 1934 (48 Stat. 995) by reducing the apportionment of Federal funds to such state by not to exceed one-third of the amount to which it would otherwise be entitled for any fiscal year in which such finding may be made."

I repeat, "One-third of all Federal funds for highways may be withheld." My investigations show that Pennsylvania will be allotted some 50 odd millions of dollars for highways out of the recently enacted Federal work relief bill. If we followed the mistaken advice of those who would tap the Motor Fund, we would automatically be penalized over 17 millions of dollars. And, furthermore, conferences with the Federal Bureau of Public Roads officials show that if the loans made from the Motor and Liquid Fuels Tax Funds are not repaid, there is a strong likelihood that we shall lose an additional $3,000,000.

Tapping the Motor Fund, as is so glibly proposed, would then cost us a total of $20,000,000, for which we could get $20,000,000 over a two-year period. I say that, were there no other reason why these funds should be left intact and the loans repaid, the price alone of $20,000,000 is too high for any reasonable consideration. It would be throwing away $20,000,000, which could be used to provide honest jobs for the unemployed; throwing it away for what? For the PRIVILEGE of again throwing men out of work by shutting down on the State's own highway program.

Highway construction is the best known form of relieving unemployment. Do you know that after careful study, the Federal Bureau of Public Roads established the fact that 91c out of every dollar spent on high-type road construction goes into salaries and wages? Road building makes jobs in almost every Pennsylvania industry. Behind every man you see on the job are from two to five other men supplying him with materials and tools; men in the mines and mills and quarries; men on the railroads and trucks; men in the oil fields, in the paper mills. Five carloads of coal are burned up in producing the cement for one mile of concrete road. I say that to deprive these men of work and throw them upon relief rolls is un-American. Our problem is to bring labor and industry closer together.

There are thousands of miles of our main roads that should be rebuilt. Death traps in the form of narrow bridges and dangerous curves and especially grade crossings should be eliminated. Bottle-necks and narrow city streets cry for improvement. Yet we are advised to spend this money for direct relief.

Will more than 91c out the relief dollar reach the laboring man? Will the citizens of Pennsylvania receive some lasting benefit from money spent on direct relief?

I say, gentlemen, I believe that the diverting of funds from the motor fund to the general fund is contrary to the best interests of the citizens of Pennsylvania, and I think this bill should be defeated.

Mr. RUTH. Mr. Speaker, I do not believe that this is diverting funds from the motor license fund. It does not take anything out of the fund that is in there, but that which comes in by present legislation. It is only taking out money that shall come from the increased registration fees of trucks and busses and from the port of entry. It is only the increased taxes that will be taken out to replace the money that was taken out of the motor fund last year and replaced this year. I think we should all vote for this bill. It is an innocent bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—120

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | Lynch, | Ruth, |
| Alexander, | Eberharter, | Male, | Sarraf, |
| Allen, | Eroe, | McCreary, | Scanlon, |
| Andrews, | Falkenstein, | McDermott, | Schrope, |
| Arnold, | Finnerty, | McElroy, | Schwab, |
| Aukerman, | Fitch, | McHenry, | Shaw, |
| Baine, | Flanagan, | Melchiorre, | Shepard, |
| Baker, J J., | Flinchbaugh, | Mentzer, | Shugarts, |
| Barber, | Furman, | Moomaw, | Siegel, |
| Bradley, | Gerard, | Mooney, | Simpson, |
| Brancato, | Haberlen, | Moran, | Sinwell, |
| Brown, H. S., | Hagerty, | Moul, | Smith, J. A., |
| Brown, J. E., | Haluska, | Munley, | Smith, W. G., |
| Brownfield, | Hamilton, F. P., | Murrin, | Stank, |
| Brumbaugh, | Harkins, | Nagel, | Stevens, |
| Burke, | Harmuth, | O'Keefe, | Stone, |
| Cannon, | Hartman, | Ominsky, | Sumney, |
| Caputo, | Hetrick, | O'Neill, | Tronzo, |
| Carson, | Hindman, | Panton, | Tumelty, |
| Castor, | Hirsch, | Patterson, C., | Van Allsburg, |
| Chervenak, | Holland, | Patterson, J. W., | Van Sickle, |
| Coakley, | Holstrom, | Pfaff, | Walker, |
| Cochran, | Hoopes, | Piole, | Weise, |
| Cohen, | Kelso, | Powers, | Welliver, |
| Coleman, | Kilroy, | Reising, | Welsh, |
| Condon, | Kinney, | Rhys, | Westrick, |
| Coolahan, | Klingler, | Rinn, | Wilson, |
| Decker, | LaRue, | Robinson, | Yourishin, |
| Diehl, | Long, | Rooney, | Zappala, |
| Downey, G. E., | Lovett, | Ruffennach, | Sarig, |

NAYS—58

| | | | |
|---|---|---|---|
| Altenburg, | Habbyshaw, | Perry, | Surface, |
| Baker, F. T., | Hefferon, | Peters, | Tahl, |
| Baldi, | Hermansen, | Phillips, | Terry, |
| Barnhardt, | Hoffner, | Schrock, | Trout, |
| Boose, | Horst, | Shortz, | Turner, |
| Boyd, R., | Jones, | Shreiner, | Wall, |
| Boyer, | Kane, | Simon, | Wasserman, |
| Brennan, | Linderman, | Sloan, | Weidemann, |
| Duffort, | Longaker, | Snyder, F. E., | White, |
| Ferko, | McKinney, | Snyder, J. L., | Winner, |
| Flynn, | Merrell, | Sowers, | Wood, |
| Forrest, | Moore, | Sproul, | Woodside, |
| Gates, | Muir, | Stewart, | Yeakel, |
| Gillette, | Nothnagle, | Stott, | Zimmerman, |
| Green, | Parks, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1879, entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holland, | Piole, | Walker, |
| Chervenak, | Holstrom, | Powers, | Wall, |
| Coakley, | Hoopes, | Reising, | Wasserman, |
| Cochran, | Horst, | Reynolds, | Weidemann, |
| Cohen, | Jackson, | Rhys, | Weiss, |
| Coleman, | Jones, | Rinn, | Welliver, |
| Condon, | Kane, | Roan, | Welsh, |
| Conner, | Kelder, | Robinson, | Westrick, |
| Coolahan, | Kelso, | Rooney, | White, |
| Cordier, | Kilroy, | Root, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Wilson, |
| Decker, | Klingler, | Ruth, | Winner, |
| Denning, | Kobelak, | Sarraf, | Witkin, |
| Dent, | LaRue, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig, |
| Eroe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RECONSIDERATION OF VOTE

Mr. KANE. Mr. Speaker, I move that the vote by which House Bill No. 473, Printer's No. 596, was ordered to be transcribed for third reading this evening be reconsidered.

The motion was agreed to.

Mr. KANE. Mr. Speaker, I move that the vote by which this bill was agreed to on second reading be reconsidered.

The motion was agreed to.

Mr. KANE. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

The motion was agreed to.

Mr. KANE. Mr. Speaker, I move that the vote by which the House agreed to the first section be reconsidered.

The motion was agreed to.

## TIME EXTENDED ON BILL

Mr. SCHWARTZ. Mr. Speaker, I move that the time on House Bill No. 357, Printer's No. 278, entitled:

An Act to amend clause (b) of section eight hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by requiring front registration plates to be illuminated.

on page 16 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. HOFFNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HOFFNER. Mr. Speaker, on page 1624, of the Legislative Journal of April 1st, on House Bill No. 178, I am recorded as voting "no". I voted "aye" and wish to be so recorded.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Jaurnal.

## REPORT FROM COMMITTEE

Mr. ROBINSON, from the Committee on Municipal Corporations, reported as committed, House Bill No. 2122, entitled:

An Act providing for the annual registration with the Department of Labor and Industry of establishments where persons are employed; requiring certain statistical data relating to employment and accidents to be furnished the department; authorizing the department to prescribe an annual registration fee; and imposing a penalty for violation of the act.

## LEAVE OF ABSENCE

The Chair asked and obtained leave of absence for Mr. DENT who was called home on account of the illness of his mother.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1479.

An Act to amend the title and section three of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg, Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

HOUSE BILL No. 609.

An Act to further amend section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," permitting the assignment of rights by members in certain cases.

With the information that the Senate has passed the same without amendment.

## SENATE MESSAGE

### TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 15, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 22 at nine o'clock; and that when the House of Representatives adjourns this week, it reconvene on Monday evening, April 22, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## ANNOUNCEMENTS

There will be a public hearing on House Bill No. 950 before the Committee on Public Utilities in Room 521 at 3 o'clock P. M., Tuesday, April 16, 1935.

There will be a meeting of the Federal Relations Committee at 9 o'clock A. M., Tuesday, April 16, 1935.

The Committee on Agriculture will not meet tomorrow. The meeting of this committee will be announced for a later day in the week.

There will not be a meeting of the Elections Committee Tuesday, April 16, 1935.

There will not be a meeting of the Cities Committee on Tuesday, April 16, 1935.

Members of the fourth class counties, namely Washington, Berks, Cambria, Dauphin, Erie, Fayette, Lancaster, Lehigh, Northampton, Schuylkill and York are requested to meet Tuesday morning at 9:30 in Room 324 for the purpose of preparing county salary reduction legislation.

There will be a meeting of the Committee on Appropriations in Room 326 at 9 o'clock A. M. tomorrow.

There will be a meeting of the Ways and Means Committee tomorrow at 10 o'clock A. M. in Room 323.

There will be a meeting of the Highways Committee tomorrow at 10 o'clock A. M. in Room 326.

There will be a meeting of the Judiciary General Committee tomorrow at 10 o'clock A. M. in Room 325.

There will be a meeting of the Labor Committee tomorrow after the morning session in Room 325.

There will be a meeting of the Committee on State Government tomorrow after the morning session in Room 324.

There will be a meeting of the Committee on Banking tomorrow after the morning session in Room 323.

## ADJOURNMENT

Mr. KELDER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 12:58 A. M.) the House adjourned until Tuesday, April 16, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, APRIL 16, 1935 No. 46

## SENATE

TUESDAY, April 16, 1935.

The Senate met at 1 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

At this season of the year, O God, our hearts are mystified and thrilled by the thought and fact of life. Winter, the season of death, is being transformed into the life of spring. Brown fields are becoming verdant; bare trees are showing buds soon to burst into foliage; dreary, lonely hills and mountains give promise of far-reaching vistas of beauty and grandeur; birds are rendering a prelude to the chorus of matchless music they are soon to sing.

Our Father, we cannot solve the mystery of life; whence it comes or whither it goes we know not, except that it emanates from Thee. We have faith to believe that the winter of human death, like nature's death in winter time, shall bring us truer, higher life as the fruition of our existence.

Grant us grace so to spend the time allotted to us here that we may enter into a more glorious and blessed life when the Sun of Eternity breaks through the clouds of Time.

Graciously strengthen this Senate for meeting the tasks facing it this day. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

### PETITIONS

#### FAVORING SENATE BILL NO. 147

Mr. RODGERS presented to the Senate petition from the Seventh Ward Democratic Club, Pittsburgh, favoring Senate Bill No. 147.

Which was referred to the Committee on Constitutional Changes.

#### PROTESTING AGAINST SENATE BILL NO. 204

He also presented to the Senate petitions from the Borough of Oakmont, Allegheny County, and Carnegie School District, Carnegie, protesting against Senate Bill No. 204.

Which were referred to the Committee on County Government.

#### PROTESTING AGAINST SENATE BILL NO. 759

He also presented to the Senate petition signed by numerous residents of Pittsburgh protesting against Senate Bill No. 759.

Which was referred to the Committee on Judiciary Special.

#### FAVORING PENDING LEGISLATION

He also presented to the Senate petition from the Mount Oliver Borough Democratic Committee favoring pending tax legislation.

Which was referred to the Committee on Finance.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 479 (Senate Bill No. 903), entitled:

An Act providing for the imposition, collection and lien of charges for sand, gravel and coal taken, removed or dredged from the beds of streams, lakes, and other bodies of waters, wholly or partly within, or forming part of the boundary of, this Commonwealth, title to which is in the Commonwealth; requiring persons, associations, copartnerships and a corporations to secure permits from the Water and Power Resources Board, and to file bonds with the Department of Revenue; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 754 (Senate Bill No. 904), entitled:

An Act to amend clause (a) and (c) of section one thousand eight hundred and two, clause (a) and (b) of section one thousand eight hundred and three, and section one thousand eight hundred and six as amended, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," authorizing the Department of Forests and Waters to acquire lands by purchase, gift, condemnation and lease for State forest, park and recreational purposes, and to maintain, develop and re-lease such lands.

Which was committed to the Committee on State Government.

House Bill No. 914 (Senate Bill No. 905), entitled:

An Act to supplement an act approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 975), entitled "An act to amend section six of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055)."

Which was committed to the Committee on Judiciary General.

House Bill No. 976 (Senate Bill No. 906), entitled:

An Act to amend article nine of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," making provision for declaring vacant the office of councilman for refusal or neglect to qualify, attend meetings or to act in his official capacity.

Which was committed to the Committee on Municipal Government.

House Bill No. 1130 (Senate Bill No. 907), entitled:

An Act prescribing the courts to which successive appeals, by the same or different parties but involving the same questions, shall be taken, regulating the disposition of such appeals, and repealing certain acts and parts of acts

Which was committed to the Committee on Judiciary General.

House Bill No. 1140 (Senate Bill No. 908), entitled:

An Act to further amend Section three hundred five of the act approved the second day of June, one thousand nine hundred fifteen, (P. L. 736), entitled "Workmen's Compensation Act of 1915," by increasing the requirements to be met by employers desiring to be self-insurers, and providing for better enforcement of the provisions of the act by conferring additional powers upon the Department of Labor and Industry and by prescribing and changing certain presumptions, rules of evidences, and penalties.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1155 (Senate Bill No. 909), entitled:

An Act imposing upon employers subject to the Workmen's Compensation Law or their workmen's compensationtion insurance carriers, including the State Workmen's Insurance Fund, expenses and costs incurred by the Commonwealth in administering and enforcing certain laws for the benefit of those injured in industry and for the benefit of the dependents of those killed in industry.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1260 (Senate Bill No. 910), entitled:

An Act limiting the questions to be determined on new trials in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 1459 (Senate Bill No. 911), entitled:

An Act to further amend sections one and two, and to add sections two A, two B, two C and two D, to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs for and as fresh, that are not fresh eggs, or of branding or of labeling or marketing eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," providing standards for fresh eggs and prohibiting illegal sales and misbranding.

Which was committed to the Committee on Agriculture.

House Bill No. 1588 (Senate Bill No. 912), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1589 (Senate Bill No. 913), entitled:

An Act making an appropriation from the Manufacturing Fund of the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1590 (Senate Bill No. 914), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1592 (Senate Bill No. 915), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Which was committed to the Committee on Appropriations.

House Bill No. 1596 (Senate Bill No. 916), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employees receiving compensation from the Fish Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1597 (Senate Bill No. 917), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1599 (Senate Bill No. 918), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Which was committed to the Committee on Appropriations.

House Bill No. 1606 (Senate Bill No. 919), entitled :

An Act making an appropriation from the State Workmne's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1607 (Senate Bill No. 920), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

Which was committed to the Committee on Appropriations.

House Bill No. 1724 (Senate Bill No. 921), entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiarists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 1747 (Senate Bill No. 922), entitled:

An Act making the insurer of defendant in an action in torts involving the operation of a motor vehicle a party defendant with the defendant; and providing for the effect of such joinder.

Which was committed to the Committee on Judiciary General.

House Bill No. 1748 (Senate Bill No. 923), entitled:

An Act to limit the personal liability of owners of real estate for taxes thereon.

Which was committed to the Committee on Judiciary General.

House Bill No. 1790 (Senate Bill No. 924), entitled:

An Act transferring money from the Motor License Fund to the General Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1807 (Senate Bill No. 925), entitled:

An Act to further amend section three hundred eight of the act, approved the twenty-fourth day of May, one thousand nine hundred twenty-three (P. L. 359), entitled "Game Law," by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1879 (Senate Bill No. 926), entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

Which was committed to the Committee on Appropriations.

House Bill No. 1894 (Senate Bill No. 927), entitled:

An Act to amend section thirteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "Uniform Primary Election Law," as amended, providing that at primary elections in boroughs, towns, or townships any elector not enrolled as a member of a political party or whose name is not on the assessors registry list may vote by proving his right thereto in the same manner as at general elections and making affidavit as to his party membership.

Which was committed to the Committee on Elections.

## HOUSE MESSAGES

### TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 16, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 22, at nine o'clock; and that when the House of Representatives adjourns this week, it reconvene on Monday evening, April 22, at nine o'clock.

## RESOLUTION RELATIVE TO ADJOURNMENT

He also presented extract from the Journal of the House, which was read as follows:

In the House of Representatives, April 15, 1935.

Whereas, an emergency exists in the fiscal affairs of the Commonwealth which threatens to prejudice the ability of the Commonwealth to obtain funds from the Federal Government for relief purposes and

Whereas, the General Assembly to this date has passed no taxing legislation and

Whereas, the fifteenth day of April has been fixed as the deadline for the furnishing of Federal funds unless appropriate action is taken by the Legislature demonstrating good faith in this critical situation.

Now, Therefore Be It Resolved, by the House of Representatves (if the Senate concur) that the General Assembly remain in session during the present week for sufficient number of legislative days in which to pass adequate taxing legislation which will indicate to the Federal Government that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

On the question,

Will the Senate agree to the resolution?

Mr. CAVALCANTE. Mr. President, I move that the resolution be laid on the table.

Mr. PYTKO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

Mr. CAVALCANTE. Mr. President, I withdraw my moiton, to move that we immediately adopt the resolution.

The PRESIDENT. Does the seconder of the motion concur in the withdrawal of the motion?

Mr. PYTKO. Mr. President, I concur.

Mr. BUCKMAN. Mr. President, I move that the resolution be referred to the Committee on Finance.

Mr. OWLETT. Mr. President, I second the motion.

On the question

Will the Senate agree to the motion?

## POINT OF ORDER

Mr. CAVALCANTE. Mr. President, this resolution is a privileged resolution under Rule 39, and I ask for its immediate consideration.

The PRESIDENT. There is no question about the resolution being privileged, but the motion made by the Senator from Bucks, Mr. Buckman, is entirely in order for consideration.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. BUCKMAN,

Mr. THOMPSON. (Centre). Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—26

| | | | |
|---|---|---|---|
| Aron, | Coyne, | Mallery, | Shapiro, |
| Batchelor, | Ealy, | McClure, | Sordoni, |
| Bean, | Gelder, | Norton, | Thompson, |
| Bennett, | Graff, | Owlett, | (Westmoreland) |
| Buckman, | Homsher, | Pierson, | Trainer, |
| Chapman, | Howell, | Reed, | Woodward, |
| Clark, | Hunsicker, | (Dauphin) | Ziesenheim, |

NAYS—21

| | | | |
|---|---|---|---|
| Baumer, | Lanius, | Rankin, | Rupp, |
| Cavalcante, | McCreesh, | Reed, | Sones, |
| Frey, | McGinnis, | (Washington) | Staudenmeier, |
| Harris, | Miller, | Rice, | Thompson, |
| Huffman, | Prince, | Roberts, | (Centre) |
| Kahle, | Pytko, | Rodgers, | |

So the question was determined in the affirmative.

## POINT OF ORDER

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, my point of order is that this being a privileged resolution it requires a two-thirds vote of this body to change the rule.

The PRESIDENT. The Chair has discussed the point of order raised by the Senator from Monroe, Mr. Huffman, with both sides, and after reading the rule the Chair is of the opinion that the point of order is well taken, that the resolution is privileged, and as such, is entitled to immediate consideration by the Senate, and a vote; and that to refer it to a committee would require a two-thirds vote on the motion. The Chair so rules.

Mr. BUCKMAN. Mr. President, in view of the importance of the ruling just handed down by the Chair, as it may be held to apply to future resolutions, I respectfully appeal from the decision of the Chair.

The appeal by the Senator from Bucks, Mr. Buckman, from the decision of the Chair, was seconded by the Senator from Philadelphia, Mr. Hunsicker, the Senator from Somerset, Mr. Ealy, the Senator from Dauphin, Mr. Reed.

## RECESS

Mr. THOMPSON (Centre) Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

The PRESIDENT. In the disposition of the appeal from the decision of the Chair now pending before the Senate, in line with custom, tradition and rulings, the presiding officer who made the decision will turn the gavel over to the President Pro Tempore of the Senate.

The PRESIDENT PRO TEMPORE (Mr. John G. Homsher) in the Chair.

Mr. BUCKMAN. Mr. President, in connection with the appeal from the decision of the Chair I have just taken, I desire to file the appeal in writing.

The appeal was read as follows:

To the President of the Senate of Pennsylvania:

I, Clarence J. Buckman, Senator of the Tenth District of Pennsylvania, do hereby respectfully appeal from the decision of the Chair in sustaining the point of order just raised by the Senator from Monroe, Mr. Huffman, wherein you decided that a two-thirds vote of the Senate is necessary to commit to committee, the resolution relating to the date of adjournment for the present week.

Respectfully submitted,

CLARENCE J. BUCKMAN.

Mr. EALY. Mr. President, I second the motion.

Mr. REED (Dauphin). Mr. President, I second the motion.

Mr. OWLETT. Mr. President, I second the motion.

Mr. HUNSICKER. Mr. President, I second the motion.

The PRESIDENT. The question is upon the appeal from the decision of the President of the Senate. Those who vote "aye" will sustain the President; those who vote "no" will vote against his decision.

The yeas and nays were required by Mr. BUCKMAN and Mr. CLARK.

Mr. HUFFMAN. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—22

| | | | |
|---|---|---|---|
| Baumer, | Lanius, | Pytko, | Rodgers, |
| Cavalcante, | Law, | Rankin, | Rupp, |
| Frey, | McCreesh, | Reed, | Sones, |
| Harris, | McGinnis, | (Washington) | Thompson, |
| Huffman, | Miller, | Rice, | (Centre) |
| Kahle, | Prince, | Roberts, | Trainer, |

NAYS—26

| | | | |
|---|---|---|---|
| Aron, | Coyne, | McClure, | Sordoni, |
| Batchelor, | Ealy, | Norton, | Staudenmeier, |
| Bean, | Gelder, | Owlett, | Thompson, |
| Bennett, | Graff, | Pierson, | (Westmoreland) |
| Buckman, | Howell, | Reed, | Woodward, |
| Chapman, | Hunsicker, | (Dauphin) | Ziesenheim, |
| Clark, | Mallery, | Shapiro, | Homsher, Pres. Pro. Tem. |

The PRESIDENT. On the question of sustaining the decision of the Chair, the "yeas" are twenty-two (22) and the "nays" twenty-six (26). The decision of the President is, therefore, not sustained.

Mr. CAVALCANTE. Mr. President, I rise to a point of order. Since the subject matter of the point of order was upon a matter involving the necessity of a two-thirds vote of this Senate on the appeal from the President's decision on the point of order, the order must be sustained by a two-thirds vote of the Senate.

The PRESIDENT. The Chair rules that the point of order is not well taken; the decision requires a majority vote of a quorum of the Senate.

## RECESS

Mr. BUCKMAN. Mr. President, I move that the Senate do now take a recess until five o'clock this afternoon.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT (Lieutenant-Governor Thomas Kennedy in the Chair).

The time of recess having elapsed the Senate will be in order.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 609, entitled:

An Act to further amend section seventeen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three, (P. L. 858), entitled "State Employes' Retirement Law," permitting the assignment of rights by members in certain cases.

House Bill No. 1479, entitled:

An Act to amend the title and section three of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

Senate Bill No. 41, entitled:

An Act to amend section six of the act, approved the eighteenth day of June, one thousand nine hundred and twenty-three (P. L. 840), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," further defining the circumstances under which the remedy provided is available.

Senate Bill No. 87, entitled:

An Act to further amend clause (a) of section six, and sections ten and eleven of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties, regulating the procedure therein, and providing for the expenses thereof," by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars; by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleased by defendants by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate; by changing the effect of appeals from the county court upon judgments of that court; by regulating executions issued by the court of common please upon transcribed judgments of the county court rendered after trial before a judge without a jury, and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

Senate Bill No. 152, entitled:

An Act authorizing the exoneration of taxes assessed or levied against any property, purchased for hospital uses, upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes.

Senate Bill No. 223, entitled:

An Act to establish jurisdiction in cases of kidnapping [cases] and murder perpetrated in kidnapping.

Senate Bill No. 256, entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit.

Senate Bill No. 561, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation for county purposes, and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes, respectively, and regulating the discounts therefrom and penalties thereon.

Whereupon, The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## HOUSE MESSAGES

### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1480

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1480, entitled:

An Act to amend the title and section one as amended, and section three, of the act, approved the tenth day of April, one thousand nine hundred and thirty-one (P. L. 23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Pennsylvania Historical Commission; providing for cooperation by the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by transferring the control and supervision of said park to the Department of Forests and Waters.

### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 450

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 16, 1935.

Resolved (if the Senate concur), That House Bill No. 450, Printer's No. 100, entitled:

An Act to amend section two of the act approved the twenty-eighth day of June, one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act, entitled, 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved

the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," as amended; providing for payments to relief fund associations of fire departments and fire companies of cities, boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1082 (Senate Bill No. 928), entitled:

An Act to amend section one, and sections five, six, nine, eleven and twelve as amended, of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "Optometrists Licensure Law" by further defining optometry; prescribing the qualifications of schools and courses in optometry; and further regulating the practice of optometry.

Which was committed to the Committee on Public Health.

House Bill No. 1477 (Senate Bill No. 929), entitled:

An Act providing for the eradication of mosquitoes; authorizing the establishment of county mosquito extermination commissions by popular election, and for the appointment of their members by the courts of common pleas; and prescribing the powers and duties of such commissions, the county commissioners and the State Secretary of Agriculture.

Which was committed to the Committee on Public Health.

House Bill No. 1721 (Senate Bill No. 930), entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1933-34 Pamphlet Laws, one hundred seventy-four) entitled "Milk Control Board Law," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; providing new and changing existing penalties; and making an appropriation.

Which was committed to the Committee on Agriculture.

House Bill No. 1737 (Senate Bill No. 931), entitled:

An Act to amend the title and the act, approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by extending the scope of the title; defining and further prohibiting the practice of law; and providing additional penalties, including the forfeiture of corporate charters for violations of the act.

Which was committed to the Committee on Judiciary General.

## COMMITTEE ASSIGNMENTS

The PRESIDENT. The President Pro Tempore announces the assignment of the Senator from Montgomery, Mr. Bean, to the following committee: Appropriations, Constitutional Changes, Elections, Finance, Labor and Industry, Pensions, Public Health and Public Utilities.

## REPORTS FROM COMMITTEE

Mr. CHAPMAN from the Committee on Public Health reported as amended, Senate Bill No. 769, entitled:

An Act to amend sections four, five, seven and twelve of the act, approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a Bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," as amended; changing the requirements of medical educational institutions and applicants for examinations and licensure; and defining new ground for the refusal or revocation of licenses.

Mr. STAUDENMEIER from the Committee on County Government, re-reported as amended, Senate Bill No. 581, entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation.

Mr. BATCHELOR from the Committee on Public Health, reported as committed, Senate Bill No. 865, entitled:

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent.

Also from the Committee on Education, reported as committed, Senate Bill No. 608, entitled:

An Act to amend article twenty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; by

prescribing the powers and duties of the boards of trustees of State Teachers Colleges and the Cheyney Training School for Teachers; repealing inconsistent legislation.

Mr. EALY from the Committee on Highways, reported as committed, Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases.

Mr. CLARK from the Committee on Agriculture, reported as committed, Senate Bill No. 911 (House Bill No. 1459),entitled:

An Act to further amend sections one and two and to add sections two A two B two C and two D to the act approved the tenth day of July, one thousand nine hundred and nineteen (P.L. 900) entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" providing standards for fresh eggs and prohibiting illegal sales and misbranding.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 856 (House Bill No. 1143), entitled:

An Act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 89, 1933-1934) entitled "An act appropriating the moneys in The State Stores Fund" making appropriations for the payment of refunds.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 879, entitled:

An Act making an appropriation to the Western Pennsylvania Hospital, Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 880, entitled:

An Act making an appropriation to the Montefiore Hospital Association of Western Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 881, entitled:

An Act making appropriation to the Pittsburgh Homeopathic Medical and Surgical Hospital, Pittsburgh, Pennsylvania.

Mr. BUCKMAN from the Committee on Highways, reported as committed, Senate Bill No. 666, entitled:

An Act regulating the motor vehicle junk business; requiring a certificate of approval from the local authorities, and a license from the Secretary of Revenue to conduct such business, and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

Mr. FREY from the Committee on Municipal Government, reported as committed, Senate Bill No. 746 (House Bill No. 1156), entitled:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act

Mr. REED (Washington), from the Committee on Education, reported as committed, Senate Bill No. 835 (House Bill No. 1789), entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P.L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties.

Mr. RICE from the Committee on Highways, reported as committed, Senate Bill No. 824 (House Bill No. 1021), entitled:

An Act to amend section three of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 801), entitled "An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and townships to purchase, or condemn by the right of eminent domain, free and unobstructed view over and across lands at certain highway, railroad, and railway intersections and curves, so as to prevent and permit removal of interference with an obstruction of the vision of users of said highways; and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view," by providing for condemnation proceedings and assessment of damages.

Mr. LANIUS from the Committee on Highways reported as committed., Senate Bill No. 781 (House Bill No. 1236), entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Depart-

ment of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing certain exemptions from the payment of fees provided for therein.

Mr. HUFFMAN from the Committee on Banking reported as committed, or as amended, Senate Bill No. 252 (House Bill No. 39), entitled:

An Act to promote the objects of the National Housing Act by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to make loans pursuant to titles one and two of the National Housing Act by authorizing executors administrators guardians trustees building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in mortgages insured and in debentures issued by the Federal Housing Administrator by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in securities of national mortgage associations and by providing for the use of such bonds debentures and other securities as collateral or deposit security.

Mr. WOODWARD from the Committee on State Government reported as committed the following Resolution, which was laid upon the table:

JOINT LEGISLATIVE COMMISSION ON INTERSTATE COOPERATION

In the Senate, March 25, 1935.

Resolved, (if the House of Representatives concur) That there is hereby established the Joint Legislative Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding, and cooperation between the State of Pennsylvania and the other states of the Union, both regionally and nationally;

The Commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. Its members shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this resolution. It may employ a secretary and such other assistants as are needed in the performance of its duties, or it may share the expense of such employment with similar commissions of other states. An item of appropriation shall be inserted in the general appropriation law to pay such expenses and secretarial and clerical assistance;

The said Commission shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate;

The five members of the Committee on Interstate Cooperation of the House of Representatives, and

Five officials of the State named by the Governor, one of whom shall be designated by him as the chairman of the Commission;

The Secretary of the Commonwealth shall forthwith communicate the text of this measure to the legislature of each of the other states of the Union, with the respectful request that each legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, and conflict.

Mr. CLARK from the Committee on Agriculture, reported as committed, Senate Bill No. 930 (House Bill No. 1721), entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred twenty-two one thousand nine hundred thirty-four P. L. 174) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations providing new and changing existing penalties and making an appropriation

Mr. ZIESENHEIM from the Committee on Municipal Government, re-reported as committed, Senate Bill No. 669 (House Bill No. 224), entitled:

An Act requiring certain cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

Mr. REED (Dauphin) from the Committee on Municipal Government, reported as committed Senate Bill No. 801 (House Bill No. 1152), entitled:

An Act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants.

Also from the Committee on Municipal Government reported as committed Senate Bill No. 800 (House Bill No. 1151), entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and nonresidents and providing further exception to the tax on transient merchants.

Also from the Committee on Municipal Government, reported as committed Senate Bill No. 870 (House Bill No. 1153), entitled:

An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one

thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Wiliam A Barrickman, Clairton.
Miss Elizabeth C. Ritz, Peoples Bank Building, Pittsburgh.

PHILADELPHIA COUNTY

Robert Armstrong, Jr., 7121 Woodland Avenue, Philadelphia.
George W. Hamm, 400 Chestnut Street, Philadelphia.
Miss Helen G. Youell, N. W. Corner Broad and Walnut Streets, Philadelphia.
Louis Howard Zeff, 3015 Ridge Avenue, Philadelphia.

SCHUYLKILL COUNTY

George R. Stitzel, Pottsville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

SCHUYLKILL COUNTY

Miss Mary M. Boyle, Coaldale, April 14, 1935.

ALLEGHENY COUNTY

Harry Easton, Pittsburgh, April 21, 1935.

PHILADELPHIA COUNTY

Samuel J. Taylor, Philadelphia, April 23, 1935.

ALLEGHENY COUNTY

Miss Faye E. Miller, Pittsburgh, April 27, 1935.
Howard I. Hausman, Pittsburgh, April 27, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

Miss Rose Squires, Philadelphia, April 20, 1935.

ALLEGHENY COUNTY

H. Stewart Dunn, Pittsburgh, April 21, 1935.
C. M. Labriola, Pittsburgh, April 22, 1935.
Julius C. Hamrock, Homestead, April 23, 1935.

PHILADELPHIA COUNTY

Bronislaw Andruskiewicz, Philadelphia, April 30, 1935.

LACKAWANNA COUNTY

I. Edward Nasoni, Scranton, May 4, 1935.

ALLEGHENY COUNTY

Miss Margaret Kenny, Dormont, May 6, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

A. A. Alles, 1504 Federal St., Pittsburgh.
Miss E. R. Auslander, McKeesport.
Walter S. Klemans, 527 Park Bldg., Pittsburgh.
Miss Edna K. Schoeneweis, Law and Finance Bldg., Pittsburgh.

BEAVER COUNTY

D. M. Carver, Beaver.
Miss B. M. Dunne, Ambridge.

CHESTER COUNTY

J. Smedley Thomas, Avondale.
Saml. Wharry, Avondale.

DELAWARE COUNTY

Matthew (Mack) Margoline, Chester.

McKEAN COUNTY

Harold C. Cole, Bradford.

MIFFLIN COUNTY

Howard E. Stine, Lewistown.

PHILADELPHIA COUNTY

Harry J. Baird, Richmond and Tioga Sts., Philadelphia.
James H. Bell, Land Title Bldg., Philadelphia.
Charles S. W. Donaghy, 401 Walnut St., Philadelphia.
Miss Anna C. Donohue, 4007 Chester Ave., Philadelphia.
Miss Esther M. Jackson, 11 W. Rittenhouse St., Philadelphia.
Miss Beatrice M. Lynch, 700 Integrity Bldg., Philadelphia.
Owen P. Marchand, 8046 Frankford Ave., Philadelphia.
Fred D. Rice, 125 S. 4th St., Philadelphia.
Miss Gertrude P. Sahle, 1616 Walnut St., Philadelphia.
John E. Stimmler, 627 E. Gerhard St., Philadelphia.
Oliver C. Traver, 6901 Elmwood Ave., Philadelphia.
Mrs. Marion L. Webster, 260 S. Broad St., Philadelphia.

SCHUYLKILL COUNTY

Bart J. Wishing, Mahony City.

VENANGO COUNTY

A. C. W. Smith, Jr., Oil City.

WARREN COUNTY

John J. Retzer, Warren.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. BAUMER. Mr. President, I second the motion.

It was agreed to.

## BILLS INTRODUCED

Mr. OWLETT (on behalf of himself and Mr. Gelder) read in his place and presented to the Chair, Senate Bill No. 932, entitled:

An Act to reenact the title and reenact and amend the act, approved the second day of January, one thousand nine hundred and thirty-four (P. L. 174, 1933-34), entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protoection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," extending the provisions of the act for a further period; making an additional appropriation; removing the exemption from the filing of bonds by certain dealers; and conferring power upon the Governor to suspend the act under certain circumstances.

Which was committed to the Committee on Agriculture.

Mr. SHAPIRO read in his place and presented to the Chair, Senate Bill No. 933, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers, establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, liabilities and immunities of building and loan associations, and of their officers, directors, shareholders, solicitors, and other employes, and further regulating the merger and consolidation of building and loan associations and the creating of building and loan associations by merger, consolidation or conversion.

Which was committed to the Committee on Banking.

Mr. LANIUS read in his place and presented to the Chair, Senate Bill No. 934, entitled:

An Act to establish as a State highway a certain section of public road in the County of York, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. RODGERS read in his place and presented to the Chair, Senate Bill No. 935, entitled:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought.

Which was committed to the Committee on Judiciary General.

Mr. ROBERTS read in his place and presented to the Chair, Senate Bill No. 936, entitled:

An Act to amend section six of the act, approved the seventh day of June, one thousand nine hundred seventeen, (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor."

Which was committed to the Committee on Judiciary General.

Mr. NORTON read in his place and presented to the Chair, Senate Bill No. 937, entitled:

An Act to amend Sections 5 and 8 of the act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916) entitled, "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and

certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies to report to and be supervised by, the Insurance Commissioner; and repealing existing laws" to permit such societies to issue certificates of endowment insurance.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 938, entitled:

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance caried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 939, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the reguation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new sub-division and section providing for the licensing of foreign mutual casualty insurance companies.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 940, entitled:

An act to amend section twenty-five of the act approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 916) entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violation of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws," as amended, providing penalties for societies violating certain provisions of the act, and authorizing the Insurance Commissioner to deny such societies a license or right to do business in the Commonwealth.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 941, entitled:

An Act to further amend Section 23 of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 916), entitled "An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervsed by, the Insurance Commissioner; and repealing existing laws" to require such societies to file with the Insurance Commissioner on or before the first day of March, succeeding the submission of the last preceeding annual report, a valuation report of its benefit fund obligations in force.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 942, entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds, associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 943, entitled:

An Act to further amend Section 17 of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 916), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by, the Insurance Commissioner; and repealing existing laws" to require such societies seeking admission to this Commonwealth to file a valuation report.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 944, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies other than life, for admission to do business in this Commonwealth.

Which was committed to the Committee on Insurance.

Also (By Request) read in his place and presented to the Chair, Senate Bill No. 945, entitled:

An Act to further amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations, or exchanges; providing penalties; and repealing existing laws," by further regulating the licensing and business of insurance agents and brokers, and regulating the licensing and business of insurance solicitors.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 946, entitled:

An Act relating to the buying, selling and transportation of live and dressed poultry; requiring poultry dealers to be licensed; requiring records of sales and purchases of poultry to be kept; imposing duties and liabilities on poultry dealers, poultry producers and other persons buying and selling poultry, and on county farm agents and the Department of Agriculture; and prescribing penalties.

Which was committed to the Committee on Public Health.

Mr. RANKIN read in his place and presented to the Chair, Senate Bill No. 947, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts, to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair, Senate Bill No. 948, entitled:

An Act staying legal proceedings against banks, bank and trust companies and trust companies engaged in a fiduciary business, where any such corporation has guaranteed or otherwise obligated itself to pay, in cash, the amount or value of trust assets placed with it for investment and the same have been invested in mortgages or participations in mortgages, or in pools or funds of mortgages; and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

Wihch was committed to the Committee on Banking.

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 949, entitled:

A Joint Resolution authorizing the appointment of a commission by the Governor to formulate plans for the celebration of the 300th Anniversary of the establishment of the first permanent white settlement, the first capitol, and the first courts of law, within the confines of Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. RUPP read in his place and presented to the Chair, Senate Bill No. 950, entitled:

An Act to amend sections five hundred six and five hundred seven of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing procedure in the dissolution and liquidation of companies et cetera, and conferring additional powers and duties upon courts, the Insurance Commissioner and the Attorney General; providing for joint action in case of foreign companies.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 951, entitled:

An Act to amend section three hundred and thirteen of the act, approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve ratio.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 952, entitled:

An Act to amend section three hundred and ten of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examniation, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance

rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability.

Which was committed to the Committee on Insurance.

## BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 242 as follows:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" which was amended by the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-four) is hereby further amended to read as follows

Section 4 That every person applying to the Pennsylvania Board of Pharmacy for examination and registration as a pharmacist shall be not less than twenty-one years of age and of good moral character [and must produce satisfactory evidence of having had subsequent to his or her sixteenth birthday not less than three years' practical experience in a pharmacy under the personal supervision of a pharmacist at least one year of which experience must have been acquired within the United States in the business of retailing compounding or dispensing of drugs chemicals and poisons and of compounding of physicians'] prescriptions or in the case of an applicant having acquired experience in the drug dispensary of a regular public hospital which dispensary was conducted under the constant supervision of a registered pharmacist two years of such experience shall be allowed in lieu of two years required in a pharmacy and of being a graduate of some reputable and properly chartered college of pharmacy so recognized by the Pennsylvania Board of Pharmacy And every person applying for registration as assistant pharmacist shall be not less than eighteen years of age and of good moral character and must produce satisfactory evidence of having had subsequent to his or her sixteenth birthday not less than two years' practical experience in a pharmacy under the personal supervision of a pharmacist and have satisfactorily completed a course of two years in a college of pharmacy recognized by the State Board of Pharmacy Provided That in the case of an applicant having acquired experience in the drug dispensary of a regular public hospital which dispensary was conducted under the constant supervision of a registered pharmacist one year of such experience shall be allowed in lieu of one of the two years hereinbefore required in practical experience in a pharmacy] and be a graduate in pharmacy of some reputable and properly chartered college of pharmacy so recognized by the State Board of Pharmacy and must produce satisfactory evidence of having had subsequent to his sixteenth birthday practical experience in the business of retailing compounding or dispensing of drugs chemicals and poisons and of compounding of physicians' prescriptions under the personal supervision of a registered pharmacist one year of which practical experience must have been acquired within the United States

The practical experience required of each applicant for examination and registration shall depend on the length of the course the applicant took in the college of pharmacy of which he is a graduate in pharmacy as follows

(a) If a two years college course in pharmacy then four years of practical experience

(b) If a three years college course in pharmacy then two years of practical experience

(c) If a four years college course in pharmacy then one year of practical experience

Under subdivision (a) of this section credit on the years of practical experience required shall be given equal to the actual time of attendance in the college of pharmacy

Credit for practical experience may be given for experience acquired in the drug dispensary of a regular public hospital which is conducted under the constant supervision of a registered pharmacist but such credit shall not in any case exceed six months

Every person applying for registration as an assistant pharmacist shall be not less than eighteen years of age and of good moral character and must produce satisfactory evidence of having satisfactorily completed a two years' course in pharmacy in some reputable and properly chartered college of pharmacy so recognized by the State Board of Pharmacy and of having had subsequent to his or her sixteenth birthday not less than two years practical experience in a pharmacy under the personal supervision of a pharmacist Credit for practical experience may be given for experience acquired in the drug dispensary of a regular public hospital which is conducted under the constant supervision of a registered pharmacist but such credit shall not in any case exceed one year

Section 2 That section fifteen of said act which was amended by section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws two hundred ninety-six) is hereby further amended to read as follows

Section 15 That it shall be unlawful for any person firm or corporation to use the title "pharmacist" "assistant pharmacist" "druggist" or "apothecary" except as authorized by this act of Assembly or hereafter to conduct or transact business under a name which contains as part thereof with or without qualifying words syllables prefixes or suffixes the words "drug store" "pharmacy" "medicine store" "medicine shop" or "drug shop" or any term having a similar meaning or in any manner by advertisement circular poster sign symbol insignia or otherwise describe or refer to the place of business conducted or carried on by such person firm or corporation by the terms "drug store" "pharmacy" or any other term having a similar meaning unless the place of business is a drug store or pharmacy duly registered and authorized by the State Board of Pharmacy Any person firm or corporation violating this section of this act of Assembly shall [be guilty of a misdemeanor and] upon conviction [shall] in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) and the costs of prosecution and in default of the payment of such fine and costs shall be imprisoned for ten days

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. McGINNIS. Mr. President, I desire to interrogate the Senator from Berks, Mr. Norton.

The PRESIDENT. Will the Senator from Berks, Mr. Norton, permit himself to be interrogated?

Mr. NORTON. Mr. President, I will.

Mr. McGINNIS. Mr. President, will the Senator from Berks, Mr. Norton, explain to me briefly what this bill provides?

Mr. NORTON. Mr. President, the bill briefly provides that the County Commissioners will appoint the registrars in the several election districts according to the registration of each party instead of the vote cast at the general election.

Mr. McGINNIS. Mr. President, at the last general election?

Mr. NORTON. Mr. President, that is right.

Mr. McGINNIS. Mr. President, it is changing the practice as heretofore existing; is that not right?

Mr. NORTON. Mr. President, I did not hear the question.

Mr. McGINNIS. Mr. President, it changes the method of appointment so that it will be based on registration rather than on the vote cast at the last general election?

Mr. NORTON. Mr. President, that is right. And it applies to third-class cities only; not to second-class cities.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Rankin, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Reed, (Centre) | |
| Clark, | Law, | Reed, (Dauphin) | Thompson, (Westmoreland) |
| Coyne, | Mallery, | Reed, (Washington) | Trainer, |
| Ealy, | McClure, | Rice, | Woodward, |
| Frey, | McCreesh, | Roberts, | Ziesenheim, |
| Gelder, | McGinnis, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 701 (House Bill No. 1354), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

That Section 2 Section 306 Section 401 Section 402 Section 407 Section 408 Section 411 Section 412 Section 413 Section 414 Section 415 Section 614 Section 701 of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An Act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or persons and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of the acts" are hereby amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Affiliated corporations or persons" means such an affiliate corporation or person as is defined by any Federal law or any regulation issued by any Federal authority pursuant to law to be a corporation or person affiliated with a national banking association or a member of a Federal Reserve Bank or as a holding company affiliate

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger consolidation or conversion and also what have heretofore been designated by law as certificates of incorporation or charter

"Asset" includes all the property and rights of every kind of an institution as herein defined

"Attorney" includes any attorney at law who receives a general retainer as solicitor or as counsel for an institution

"Authorized capital" means the sum of the par value of the shares authorized to be issued in the articles of incorporation or in any amendment thereto

"Bank" includes any bank which does not have the power to act as trustee guardian executor administrator or in other fiduciary capacities incorporated under this act or under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discount and deposit" its amendments and supplements or under any special act of the General Assembly of this Commonwealth

"Bank and Trust Company" includes any bank and trust company incorporated under this act or any bank incorporated under the act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred sixty-one) entitled "An act for the incorporation and regulation of banks of discounts and deposit" its amendments and supplements which has acquired the power to act as fiduciary under the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand thirty-two) entitled "An act authorizing banking companies incorporated and organized under the laws of the Commonwealth and having capital stock at least equal to the capital stock which trust companies are required by law

to have to act in any fiduciary capacity in which trust companies organized under the laws of the Commonwealth are empowered to act and prescribing the method of acquiring such rights" or any corporation organized "for insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances" under the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and to act as fiduciary under the supplement to that act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in a banking business and to act as fiduciary

"Banking" means discounting and negotiating promissory notes drafts bills of exchange and other evidences of debt receiving money and commercial paper on deposit or for transmission lending money on real or personal security buying and selling gold and silver bullion foreign exchange coin or bills of exchange

"Capital" means the sum of the par value of the preferred and common shares issued and outstanding

"Corporation" means a corporation or a joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Director" includes any individual who is a member of a board of directors board of managers or board of trustees of a bank bank and trust company or trust company

"Incorporator" means a signer of the original articles of incorporation

"Incorporated Institution" includes any banks bank and trust company savings bank or trust company

"Institution" includes any bank bank and trust company savings bank trust company or private bank

"Net worth" means the total of all the asserts of every kind employed in the business of a private bank less the total of all the liabilities of every kind of such business

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Private Bank" means a banking business other than those specifically exempted by this act owned and operated in this Commonwealth by an individual a partnership or any other unincorporated association but this shall not include clubs and hotels which receive money from members and guests for temporary safekeeping express steamship or telegraph companies which receive money for transmission attorneys at law real estate agents fiscal agents and attorneys in fact who are not engaged in the business of receiving moneys in this Commonwealth for deposit or for transmission but receive and transmit moneys only as an incident to their general business or profession and brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

"Private Banker" means an individual who by himself or as a member of a partnership or other unincorporated association owns or operates a private bank

"Reorganized Stock Exchange" means the stock exchange of any city having a population of more than five hundred thousand according to the latest official census

"Savings Bank" includes any savings bank incorporated under this act or under the act approved the twentieth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred forty-six) entitled "An act to provide for the incorporation and regulation of savings banks and institution without capital stock established for the encouragement of saving money" or under any special act of the General Assembly of this Commonwealth

"Shares" means the units into which the shareholders' right to participate in the control of an incorporated institution in its undivided profits or in the distribution of its assets are divided

"Shareholder" means a registered owner of shares in an incorporated institution

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "certificate of stock" as used in existing laws

"Trust Company" includes any trust company incorporated under this act or any corporation organized for insurance of owners of real estate mortgages and others interested in the real estate from loss by reason of defective titles liens and encumbrances under the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) its amendments and supplements and which has acquired the power to engage in the business of banking and acting as fiduciary under the supplement to the act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine) or any other bank and trust company which renounces or has renounced its power to transact a banking business or a corporation organized under any special act of the General Assembly of this Commonwealth which has the power to engage in the banking business and act as a fiduciary but which renounces or has renounced its power to transact a banking business

"Trustee" includes any individual who is a member of the board of managers or board of trustees of a savings bank

"Written" includes printed typewritten engraved lithographed photographed photostated or telephotographed

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 306 Approval of Articles by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles from the Department of State conduct such investigation as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the convenience and advantage of the public will be served by the proposed incorporation and whether the destiny of the population in the neighborhood designated for the place of business of such proposed incorporated institution and in the surrounding country affords reasonable promise of adequate support for the enterprise

(3) Whether the responsibility character and general fitness for the business of the incorporators directors and officers named in the articles are such as to command the confidence of the community and to warrant the belief that the business of the proposed incorporated institution will be honestly and effectively conducted in accordance with the intent and purpose of this act

(4) Whether any fee commission or compensation has been paid to any corporation or person for the promotion or organization of such incorporated institution or whether any part of the money collected or to be collected from subscribers or shareholders has been or is to be applied to the payment of promoters' fees for obtaining subscriptions or selling shares or for services in starting such incorporated institution whether such fee commission or compensation is provided for by contract with the proposed incorporated institution or by contract with the subscribers to the shares

(5) Whether the amount of the authorized common capital in relation to the amount of the authorized preferred capital is adequate to the needs of the bank bank and trust company or trust company and to the convenience and safety of the public

B Within thirty days after the receipt of the articles from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove the articles It shall immediately notify the Department of State in writing of its action If it shall approve the

articles it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the proposed incorporators of the action of the Department of Banking and of the reasons therefor as stated to it by that Department The decision of the Department of Banking shall be conclusive and not subject to any review

Section 401 Minimum Capital of Banks Bank and Trust Companies and Trust Companies Incorporated Under This Act A A Bank shall not be incorporated under this act unless it has a minimum capital as follows

(1) Fifty thousand dollars if its place of business is to be in a borough or a township the population of which does not exceed [seven thousand] six thousand

(2) One hundred thousand dollars if its place of business is to be in a city borough or township the population of which exceeds [seven thousand] six thousand but does not exceed fifty thousand

(3) Two hundred thousand dollars if its place of business is to be in a city borough or township the population of which exceeds fifty thousand

B Neither a bank and trust company nor a trust company shall be incorporated under this act and a bank shall not become a bank and trust company under this act unless it has a minimum capital as follows

(1) One hundred fifty thousand dollars if its place of business is or is to be in a borough or township the population of which does not exceed [seven thousand] six thousand

(2) Two hundred thousand dollars if its place of business is or is to be in a city borough or township the population of which exceeds [seven thousand] six thousand but does not exceed fifty thousand

(3) Three hundred thousand dollars if its place of business is or is to be in a city borough or township the population of which exceeds fifty thousand

C For the purposes of this section the population of a city borough or township shall be taken to be that stated in the United States census last preceding the date of the filing of the articles of incorporation or in the case of a bank which is about to become a bank and trust company that stated in the United States Census last preceding the date when its articles of amendment are filed

Section 402 Minimum Capital for Existing Banks Bank and Trust Companies or Trust Companies [Required Method of Increase A The capital of a bank a bank and trust company or a trust company incorporated prior to the effective date of this act shall not be less than the minimum capital required in the case of any bank bank and trust company or trust company as the case may be incorporated under this act except that no bank bank and trust company or trust company incorporated prior to the effective date of this act shall be required to maintain a capital of or to increase its capital to more than one hundred per centum above the minimum which was required by law for such bank bank and trust company or trust company prior to the effective date of this act]

A bank a bank and trust company or a trust company which upon the effective date of this act has a capital below that required [by this section] by this act but not below that required by law prior to the effective date of this act may continue to do business with such a capital as it has [but it shall forthwith proceed to increase such capital by one of the following methods]

[(1) It may increase its capital out of surplus or otherwise provided that after such increase out of surplus the bank bank and trust company or trust company has a capital equal at least to the minimum required by this act and a surplus equal to at least fifty per centum of such capital]

[(2) It may increase its capital by the sale of additional common shares at a price equal at least to the par value of such shares plus fifty per centum thereof provided that the assent of the directors and of the shareholders to such increase is procured in the manner prescribed by this act for any increase in capital]

[(3) If such increase is not made by either of these methods within six months after the effective date of this act the bank bank and trust company or trust company shall increase its capital to the minimum required by this act in the following manner It shall at the close of each dividend period or at least annually if no dividend is paid credit to its surplus an amount equal to not] [less than one-half of its net earnings for such period until the capital and the surplus together equal an amount not less than fifty per centum above the minimum capital required by this act at which time a sufficient portion of the surplus shall be credited to capital to make the capital at least equal to the minimum required by this act and to leave a surplus of at least fifty per centum thereof However any bank bank and trust company or trust company may increase its capital after six months from the effective date of this act by the other methods provided in this section]

[B Unless such increase is made by an actual sale of shares a bank a bank and trust company or a trust company may increase its capital to the minimum required by this act without action of its shareholders The cashier or treasurer as the case may be or any other officer to whom such duties are delegated by the by-laws shall at the time such increase has actually been made pursuant to the provisions of this section file articles of amendment with the Department of State and procure a certificate of amendment in the manner provided by this act except that such articles need not unless the increase is made by an actual sale of shares state that advertisement has been made or notice given or action taken by the shareholders]

Section 407 Issuance of Shares Shares of each class to be Identical Shares as Personal Property A Except in the case of its original capital which as provided in this act shall be created issued and paid in full before a bank a bank and trust company or a trust company shall commence business and except as otherwise provided in its articles or by-laws the board of directors of a bank a bank and trust company or a trust company shall have the power by resolution duly adopted to issue from time to time in whole or in part the shares authorized in the articles provided that no share shall be issued until paid for in full

B Every bank bank and trust company or trust company shall have power to issue one or more classes of shares but each class so issued shall consist of shares having a par value as required by this act Except as otherwise specifically provided in this act [Every] every share shall have equal voting rights but in all other respects preferred shares may be issued with such designations preferences qualifications privileges limitations options conversion rights [and] other special rights including such control over management and shall be subject to retirement in such manner and upon such conditions as shall be stated or authorized in the articles

C Shares of a bank a bank and trust company or a trust company shall be deemed personal property

Section 408 Par Value of Shares Change of Par Value A The authorized capital of a bank a bank and trust company or a trust company shall be divided into shares of a par value of not less than [ten] five dollars each nor more than one hundred dollars each [but] Every share shall have the same par value as every share of the same class provided however that shares of different classes may have a par value of a different amount Any bank bank and trust company or trust company may by amending its articles in the manner prescribed by this act change the par value of its shares but such change shall not be to an amount less than [ten] five dollars nor more than one hundred dollars each Such change of the par value of the shares shall not increase or diminish the total par value of the outstanding shares of such bank bank and trust company or trust company

B Whenever such change in par value is made such bank bank and trust company or trust company shall upon the surrender and cancellation of its outstanding shares issue to each shareholder the proper number of shares at the new par value The bank the bank and trust company or the trust company may withhold any cash or share dividends due on a share certificate which has not been exchanged within six months after the date upon which the change in par value was effected but upon the shareholder's thereafter exchanging such certificate the bank the

bank and trust company or the trust company shall pay to him any dividends which were thus withheld

Section 411 Increase of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to increase its authorized capital in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company except that written notice of a proposed amendment for increasing the authorized capital of the institution shall be given to each shareholder entitled to vote thereon at least sixty-days prior to such meeting and except that a proposed amendment for increasing the authorized capital of the institution shall be adopted by the holders of at least a majority in amount of the aggregate per value of the outstanding shares entitled to vote at such meeting and by the holders of at least a majority in number of the outstanding shares entitled to vote at such meeting

Such increase of authorized capital shall however become invalid and inoperative unless the actual increase of capital [or of preferred shares] which is authorized shall be made within one year from the date of the issuance of the certificate of amendment If any portion of such authorized capital shall be created and issued within such one-year period only such portion as remains unissued within such period shall become invalid and inoperative In the case of a bank a bank and trust company or a trust company which upon the effective date of this act has an authorized capital which exceeds the par value of its outstanding shares such one-year period shall date from the effective date of this act Such actual increase may be made from time to time within such period of one year but no such increase shall be made until the shares shall be paid for in full pursuant to the provisions of this act as to the creation or issuance of any share Such increase may however be made by the declaration of a share dividend in accordance with the provisions of this act concerning such share dividends

B Except as otherwise specifically provided in this act a common share shall not be issued pursuant to such increase for a consideration of less than the par value of such share plus fifty per centum thereof unless a share can be issued for a consideration less than such amount without reducing the surplus of the bank the bank and trust company or the trust company below one hundred per centum of the capital as increased but in no case shall such share be created or issued for a consideration which is less than the par value thereof

C The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the shares were issued pursuant to such increase but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

Section 412 Decrease of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to decrease its authorized capital either by reducing the number of its shares of any class or classes or by reducing the par value of [each share] the shares of any class or classes provided however every share shall have the same par value as every other share of the same class or by both such methods in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company but the capital of a bank a bank and trust company or a trust company shall not be decreased to an amount below the minimum prescribed by this act for such bank bank and trust company or trust company

B The responsibility for the contracts debts or engagements of the bank bank and trust company or trust company to which its common shareholders are subject upon the date when the certificate of amendment is issued shall continue for one year thereafter

C Any capital gains resulting from such decrease of the authorized capital of a bank a bank and trust company or a trust company shall forthwith be transferred to the surplus of such bank bank and trust company or trust company or it may with the approval of the Department be returned to the shareholders in the form of a cash dividend provided that the surplus of the institution after the payment of such cash dividend equals at least one hundred per centum of the resulting capital Nothing in this paragraph shall be construed to prohibit a bank bank and trust company or a trust company from effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares with the approval of the Department even though the surplus of the institution after the retirement of such shares does not equal at least one hundred per centum of the resulting capital

D Upon effecting a decrease in its authorized capital a bank a bank and trust company or a trust company shall issue to its shareholders new share certificates setting forth any changes in the par value of each share issued in exchange for the outstanding shares of such shareholders which shall then be cancelled The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the certificate of amendment authorizing the decrease in authorized capital was issued but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

E Upon effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares without a vote of its shareholders pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall at the time of such decrease file articles of amendment in the manner provided by this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders

Section 413 Surplus for Banks Bank and Trust Companies or Trust Companies Incorporated Under This Act Impairments Thereof A bank a bank and trust company or a trust company incorporated under this act shall maintain a surplus of at least one hundred per centum of its capital Before it shall be granted a certificate of authorization to commence business such bank bank and trust company or trust company shall have a surplus equal to at least fifty per centum of its common capital such surplus to be created out of payment for shares in excess of the par value thereof If the surplus of such bank bank and trust company or trust company is not equal to at least one hundred per centum of its capital upon the date which it commences business or if at any subsequent time its surplus becomes impaired below such one hundred per centum minimum it shall at the close of each dividend period or at least annually if no dividend is paid credit to its surplus an amount which shall be not less than [one-half] one tenth of its net earnings for such period until its surplus shall equal at least one hundred per centum of its capital

Section 414 Surplus for Existing Banks Bank and Trust Companies or Trust Companies A bank a bank and trust company or a trust company incorporated prior to the effective date of this act shall maintain a surplus of at least one hundred per centum of its capital If upon the effective date of this act [the capital of such bank bank and trust company or trust company is equal to the minimum requirement established by this act for such bank bank and trust company or trust company or if its capital upon such date does not meet such minimum requirement then when it has accumulated such capital in the manner provided by this act such bank bank and trust company or trust company shall if] its surplus is not equal to at least one hundred per centum of its capital [increase its surplus as follows] it shall at the close of each dividend period or at least annually if no dividend is paid credit to its surplus an amount which shall be not less than [one-half] one-tenth of its net earnings for such period until its surplus shall equal at least one hundred per centum of its capital If at any subsequent time the surplus of such bank bank and trust company or trust company shall become impaired to less than one hundred per centum of its capital it shall forthwith proceed to accumulate surplus in the same manner

Section 415 Expense Fund A bank bank and trust company or a trust company incorporated under this act shall not be granted a certificate of authorization to commence

business until it shall have as a reserve for expenses a fund of at least five per centum of its common capital or such greater fund as the Secretary of Banking may decide to be necessary for the requirements of the institution and the convenience and safety of the public Such expense fund shall be created out of payments for common shares in excess of their par value plus at least fifty per centum thereof

Such expense fund may be charged for the expenses incurred by a bank a bank and trust company or a trust company in its organization and operation Any balance remaining in such expense fund may at the expiration of not less than one year from the date of the issuance of such certificate of authorization be credited to undivided profits

Section 614 Liability of Shareholders A The holders of preferred shares of banks banks and trust companies or trust companies shall not be held individually responsible as such holders for any debts contracts or engagements of such banks banks and trust companies or trust companies and shall not be liable for assessments to restore impairments in the capital of such banks bank and trust companies or trust companies

B As to deposits in and claims outstanding against banks bank and trust companies or trust companies upon the effective date of this act the liability of common shareholders shall be as heretofore provided by law until terminated in accordance with the provisions of this section As to any deposit made or claim arising after the effective date of this act common shareholders now subject to statutory liability shall be liable to the extent of the percentage of the par value of their stock by which the unimpaired surplus of the bank the bank and trust company or the trust company falls short of one hundred per centum of its common capital If at the effective date of this act the unimpaired surplus of any such bank bank and trust company or trust company is or at any time thereafter becomes equal to the aggregate par value of its common capital the liability of common shareholders for deposits and other claims against such bank bank and trust company shall cease and determine Shareholders of banks bank and trust companies or trust companies incorporated under this act shall not be subject to any liability to the depositors or other creditors thereof

Section 701 Declaration and Payment of Cash and Share Dividends A Except as otherwise provided in this act and subject to any restrictions contained in the articles of incorporation any bank any bank and trust company or any trust company by its board of directors may declare and pay dividends upon its outstanding shares out of its undivided profits as hereinafter provided from time to time and to such extent as the board of directors may deem advisable A dividend shall not be declared or paid unless at the opening of business upon the day such dividend is declared the capital the surplus and the reserve fund required by this act would despite such dividend be unimpaired

B Such dividends may be paid to the shareholders in cash or if such increase of capital has been authorized in the manner provided by this act it may be paid in shares of the bank the bank and trust company or the trust company If the dividend is in the form of shares of the bank the bank and trust company or the trust company it may if properly authorized be paid out of unimpaired surplus provided that such surplus is not thereby reduced to an amount less than one hundred per centum of its capital as increased by virtue of such share dividend [but this provision shall not be construed to affect the power conferred by this act upon a bank a bank and trust company or a trust company incorporated prior to the effective date of this act to credit to capital a sufficient portion of surplus to make the capital equal to the minimum required by this act and to leave a surplus of at least fifty per centum thereof]

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Sones, |
| Bean, | Howell, | Pierson, | Sordoni, |
| Bennett, | Huffman, | Prince, | Staudenmeier, |
| Buckman, | Hunsicker, | Pytko, | Thompson, |
| Cavalcante, | Kahle, | Rankin, | (Centre) |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Westmoreland) |
| Coyne, | Mallery, | Reed, | Trainer, |
| Ealy, | McClure, | (Washington) | Woodward, |
| Frey, | McCreesh, | Rice, | Ziesenheim, |
| Gelder, | McGinnis, | Roberts, | |

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Cerk return said Bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 220, entitled:

An Act to amend sections one and two of the act approved the fifth day of March one thousand nine hundred and six (P. L. 63) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" as amended regulating the appointment of registrars and designating the political parties from which such registrars shall be selected

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

| | | | |
|---|---|---|---|
| Aron, | Gelder, | McClure, | Rupp, |
| Batchelor, | Graff, | Norton, | Shapiro, |
| Baumer, | Harris, | Owlett, | Sones, |
| Bean, | Homsher, | Pierson, | Staudenmeier, |
| Bennett, | Howell, | Prince, | Thompson, |
| Buckman, | Huffman, | Reed, | (Westmoreland) |
| Chapman, | Hunsicker, | (Dauphin) | Trainer, |
| Clark, | Kahle, | Rice, | Woodward, |
| Coyne, | Law, | Roberts, | Ziesenheim, |
| Ealy, | Mallery, | Rodgers, | |

NAYS—10

| | | | |
|---|---|---|---|
| Cavalcante, | McGinnis, | Rankin, | Thompson, |
| Frey, | Miller, | Reed, | (Centre) |
| Lanius, | Pytko, | (Washington) | |
| McCreesh, | | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## MOTION TO RECOMMIT

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 432 (House Bill No. 678), on third reading, entitled:

An Act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (P. L. 509) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes

be recommitted to the Committee on County Government.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HARRIS. Mr. President, I desire to interogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated.

Mr. BUCKMAN. Mr. President, I will be delighted.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Bucks, Mr. Buckman, why he is recommitting this bill.

Mr. BUCKMAN. Mr. President, I am not recommitting it. I am only asking the Senate to recommit it. The reason I am doing that is to give the matter further consideration and, if necessary, to have a hearing.

Mr. HARRIS. Mr. President, I can give the Senator from Bucks, Mr. Buckman, all the information he desires on this bill, if he desires to interrogate me, and if he will change his motion and ask that it go over in its order, I will be very glad to accomodate him. This bill is a very simple bill. It provides that no one can be imprisoned for the failure to pay taxes and there is nothing else in the bill.

Mr. BUCKMAN. Mr. President, I will yield to the request of the Senator from Allegheny, Mr. Harris. I will withdraw the motion to recommit.

Mr. CLARK. Mr. President, I withdraw my second.

The PRESIDENT. The motion to recommit the bill has been withdrawn.

## BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 432 (House Bill No. 678), go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 609, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim. |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL ON FINAL PASSAGE POSTPONED FOR THE PRESENT

Mr. SHAPIRO. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 616, on third reading postponed for the present, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, this is one of the several tax bills, abatement tax bills, which were before both the Senate and House committees. A committee of five was appointed by virtue of a general resolution of both the Senate and House to attempt to agree upon a bill to satisfy all parties in interest. This Committee met this afternoon and I think we have succeeded in bringing forth an agreement upon the question, and in conformity with the suggestion of that committee I now ask unanimous consent to amend Section 1, page 2, line 15, by striking out the word "six" and inserting in lieu thereof the word "four"; also line 19, by striking out the word "one" and inserting in lieu thereof the word "five"; also page 3 by striking out lines 3, 4, 5, 6, 7, 8, and 9; also line 10 by striking out the figure "4" and inserting in lieu thereof the figure "3"; also line 18 by striking out the figure "5" and inserting in lieu thereof the figure "4".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to

Ordered, That the bill as amended be printed for the use of the Senate.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 22, entitled:

The first to thirty-third sections of the bill were read as follows and agreed to:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives fo the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either teh general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Bipartisan-Term of Office Vacancies Removal Compensation Oath of Office Organization Chairman Secretary Actions by Vote of Majority of Members Record of Proceedings Annual Report (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Clerks or Secretaries as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to cary out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and

shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its dutes

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nominate or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of February one thousand nine hundred and thirty-six each commission or any commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-six applications for personal registration may be received up to and including the fifth day of May anything in this section to the contrary notwithstanding And provided further That in the year one thousand nine hundred and thirty-six each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to May fifth (one of them being in March and another in May) and one day in the period beginning September twenty-fourth and ending October sixth

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of

registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexng the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards maye be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his resident (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the fifth day of May one thousand nine hundred and thirty-six no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 17 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall

be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may be filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will

be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city .

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 28 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliation or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other

records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceding an election or primary the commission shall deliver to the county commissioners of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or writeen thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and deemed not to be authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless upon being challenged he shall make affidavit that he has not become disqualified by removal from the district since registration or that he has not violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have last his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
.....Pennsylvania
Approved .....

Number of stub of ballot issued (or number of admission to voting machines)
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

The thirty-fourth section was read as follows:

Section 34 Cancellation of Registration Upon Failure to Vote Within Four Years Request for Reinstatement Within three months after the general election held in the year one thousand nine hundred and forty and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of four years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

On the question,

Will the Senate agree to the section?

Mr. HARRIS. Mr. President, I move to amend Section 34, on page 36, by inserting after the word "notice," in line 15, the following: "and after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirty-fifth to forty-second sections of the bill were read as follows and agreed to:

Section 35 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as

convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or the other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Asembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of March one thousand nine hundred and six (P. L. 63) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class.

Section 42 Effective Date This act shall become effective immediately upon final enactment

The title of the bill was read as follows, and agreed to:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspection of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 67, as follows:

An Act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who

voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the words "Return Board" as used in this act shall mean any court of common pleas or any judge or judges of said court any county commissioners or any public officers whatsoever sitting with others or alone as a court or board to record compute and certify the returns of any primary general municipal or special election the word "election" as used herein shall mean any primary general municipal or special election the word "ballot" shall include a vote cast on a voting machine the words "ballot box" shall include a voting machine and the words "recount of ballots" shall include recanvass of a voting machine

Section 2 It shall be the duty of every return board to take cognizance of the number of registered or enrolled electors of each political party and the total number of registered or enrolled electors of all parties of each election district and of the number of persons who voted and the number of ballots cast in each election district as certified by the election officers before entering recording or computing any votes from said district cast at any election

Section 3 It shall be the duty of the Board of Registration Commissioners as to each city of the first or second class and of the board of county commissioners as to each city of the first or second class and of the board of county commissioners as to each city of the third class borough and township within their respective counties at the time fixed by law for the return board of said county to convene for any election to certify to such return board the total registration or enrollment by political parties of each election district within their several jurisdictions in any county wherein the election officers shall certify the number of persons who voted in their respective election district or the number of ballots cast therein it shall be the duty of the county commissioners county controller county treasurer or prothonotary whichever shall have custody of such certificates at the time fixed by law for the return board of said county to convene for any election to certify to the return board the number of persons who voted in each election district in said county or the number of ballots cast in each said election district as shown by said certificates It shall be the duty of the return board to receive and consider all such certificates

Section 4 If upon consideration by said return board of the returns before it from any election district and the certificates aforesaid it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of registered or enrolled electors in said election district or exceeds the total number of persons who voted in said election district or the total number of ballots cast therein or if it shall appear that the total number of partisan votes returned for any candidate or candidates for the same office or nomination at any primary exceeds the number of electors registered or enrolled in said district as members of that political party or exceeds the total number of persons belonging to that party who voted in said district or the total number of ballots of that party cast therein in any such case such excess shall be deemed a discrepancy and palpable error and shall be investigated by the return board and no votes shall be recorded from such district until such investigation shall be had and such excess shall authorize (a) the summoning of the election officers overseers machine inspectors and clerks to appear forthwith with any election papers in their possession (b) the production of the ballot box before the return board and the examination and scrutiny of all of its contents and all of the registration and election documents whatever relating to said district in the presence of representatives of each party and candidate interested who are attending the canvas of such votes and the recount of the ballots contained in said ballot box either generally or respecting the particular office nomination or question as to which the excess exists in the discretion of the return board (c) the correction of the returns in accordance with the result of said recount (d) in the discretion of the return board the exclusion of the poll of that district either as to all offices candidates questions and parties or as to any particular offices candidates questions or parties as to which said excess exists if the ballot box be found to contain more ballots than there are electors registered or enrolled in said election district or more ballots of one party than there are electors registered or enrolled in said district as members of that party or more ballots than the number of voters who voted at said election or more ballots of one party than the number of voters of that party who voted at said election (e) a report of the facts of the case to the district attorney where such action appears to be warranted

Section 5 Any person aggrieved by an order or decision of any return board not consisting of a judge or judges of the court of common pleas made under the provisions of this act may appeal therefrom to the court of common pleas of said county in accordance with the provisions of existing law

Section 6 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 7 This act shall be effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 73, as follows:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates

for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as last amended by the acts approved the twenty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred ninety-three) and the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred twenty) is hereby further amended to read as follows

Section 14 Upon the closing of the polls at such primary and before the ballot boxes are opened the number of ballots issued to the voters of each party as shown by the stubs and the number of ballots of each party if any spoiled and returned by voters and canceled shall be announced to all present in the voting room and entered on the general return sheets aforesaid and then the names checked as having voted in the two assessor's lists or registers marked "ballot check list" and "voting check list" respectively shall be immediately counted and the result announced and compared with the number of ballots issued as above ascertained after deducting the number spoiled and canceled and said results shall also be compared with the number of names written in the numbered lists of voters which shall be made as at elections as the electors receive and cast their ballots with the addition of a note of each elector's party enrollment after his name If any differences exist which are not found to be due merely to clerical errors such differences shall also be noted on the general return sheets aforesaid Then the numbered lists of voters (except a copy of the latter which shall be hung outside of the polling place) shall be placed in the separate envelopes provided for them respectively and sealed In cities the voting and ballot check lists shall be put in one envelope and sealed and subsequently delivered to the registration commissioners or county commissioners as required by the personal registration acts relating to cities of various classes

Also the stubs of all ballots used together with all unused ballots and all spoiled and canceled ballots of each party and the ballot check list in boroughs townships and districts other than in cities shall be placed in separate [envelope] envelopes and sealed before the ballot boxes are opened which package shall be kept by the judge and delivered by him in person to the county commissioners at such place as they shall designate on or before noon of the Thursday following such primary

As soon as all the ballots of each party have been properly accounted for and those outside the ballot boxes as well as the said lists sealed as aforesaid the election officers shall forthwith open the ballot boxes and take therefrom all ballots therein and separate the same according to the party to which they belong and first audibly count the number cast for each party one by one and make a record thereof and then the judge or one of the inspectors in the presence of the other officers shall read aloud the names marked or inserted upon each ballot keeping the ballots of each party in sequence together with the office for which the person named is a candidate and any other relevant matter necessary to identify him and the clerks shall carefully enter each vote as read and keep account of the same in triplicate tally papers for each party to be provided as aforesaid

All ballots after being removed from the box shall be kept within the unobstructed view of all persons in the voting room until replaced in said box and no person while handling same shall have in his hands any pencil pen stamp or other means of marking or spoiling any ballot When the vote cast for the different persons named upon said party ballots shall have been fully recorded on said tally papers and counted the election officers shall duly certify to the number of votes cast for each person upon the respective party tickets and shall prepare triplicate returns thereof for each party and also general returns in duplicate showing besides the entries made thereon as aforesaid the number of ballots of each party cast and the number of ballots of each party declared altogether void including any blank ballots cast as well as the votes cast for each candidate on each party ticket one of which statements shall be immediately posted for the information of the public outside the voting room or polling place and the other of which shall be entrusted to the judge for delivery to the county commissioners with the package of unused ballots et cetera aforesaid The election officers shall then replace the ballots cast so counted and canvassed in the boxes including those declared void together with one set of tally papers one set of triplicate return sheets one numbered list of voters sealed as aforesaid (and the voting check lists in districts other than cities) and one oath of each election officer and lock and seal each ballot box so that nothing can be inserted therein until it be opened again and the judge and minority inspector shall immediately deliver them to the place which has been designated by the court of common pleas or by law for the delivery of ballot boxes at general and municipal elections [on or before noon of the Thursday following such primary] and the county commissioners or return board shall not compute any returns from any election district until the ballot boxes thereof as well as the package of unused ballots et cetera aforesaid therefrom are delivered as aforesaid

The minority inspector shall retain one complete set of tally papers and one of the triplicate return sheets for each party and one set of the affidavits of voters and other persons except oaths of election officers made pursuant to the provisions of this act at such primary and carefully preserve the same for the period of at least one year The remaining tally papers triplicate return sheets and affidavits of voters and others including oaths of election officers shall be placed in separate envelopes to be provided for the same and sealed as soon as the count is finally completed All such envelopes and the other numbered list of voters previously sealed as aforesaid shall be entrusted to the judge of election and shall on or before noon of the Thursday following be deposited by him in person or by registered mail with the county commissioners who shall on the succeeding day at noon publicly commence the computation and canvassing of the returns and continue the same from day to day until completed in the manner hereinafter provided except that if any of the county commissioners of any county shall be a candidate for any nomination at any primary he shall not act as a member of the return board for computing or canvassing any returns of such primary but the other two commissioners if both are qualified shall act and in case in any county there are not at least two commissioners so qualified two or more judges of the court of common pleas of such county shall be designated by said court to act as a return board provided that neither of them are candidates for any nomination at such primary either on a party or a nonpartisan ballot and if there shall be only one judge of such court in such county or if less than two judges are qualified and able to act in such county any judge who is qualified may act alone and if there be none qualified the prothonotary of such county shall act as the return board and if the prothonotary shall be a candidate at the primary then the sheriff of the county shall act as the return board

The general returns from the various districts shall be open to public inspection at the office of the county commissioners as soon as they receive same from the judges thereof

The county commissioners shall provide a convenient public place for holding the sessions of the return board whoever may compose it as aforesaid with adequate accommodations for the authorized representatives of each party and candidate concerned in any such primary not exceeding two such representatives for each of them at any one time to attend and to keep or check up their own computation of the votes cast in the several election districts as the returns from the same are read as hereinafter directed and the county commissioners shall give at least one week's previous notice by advertising once in at least two newspapers of a large paid circulation published at the county seat of the time aforesaid and place when and where such return board will commence and hold its sessions and keep copies of such advertisements posted in their office during said period

At noon on the Friday following any such primary the county commissioners shall have ready a sufficient num-

ber of blank forms of returns made out in a proper manner and headed as the nature of the ballots may require for making out full and fair statements of all votes which shall have been given within the country or any political district therein according to the returns from the several election districts thereof for any person voted for therein for any party nomination or party office

All the clerks of the county commissioners and other persons assisting in the official computation and canvassing of the votes shall be first sworn to perform their duties impartially and not to read write count or certify any return or vote falsely or fraudulently.

The general returns made by the election officers as aforesaid from the various election districts shall be read one after another in the usual order slowly and audibly by one of the clerks who shall in each case read therefrom the number of ballots of each party issued spoiled and canceled and cast respectively whereupon the clerk having charge of the records of the county commissioners showing the number of ballots of each party furnished for each election district and the number of stubs and unused ballots and spoiled and canceled ballots returned shall publicly announce the number of same respectively and unless it appears by said numbers or calculations therefrom that said records and the said general return correspond no further returns shall be read from the latter until all the ballots issued are fully accounted for and all the stubs and unused ballots spoiled and canceled ballots as well as the other election returns aforesaid shall be open to public inspection and shall be carefully preserved together with the contents of the ballot box by the county commissioners for at least eleven months and not destroyed in any event without the previous consent in writing by the district attorney None of the envelopes sealed by election officers and entrusted to the judges of election shall be opened by any person except by order of the return board or of the court of common pleas

When the records agree with the said returns regarding the ballots the votes recorded for each candidate on each party ticket shall be read by the said clerk slowly audibly and in an orderly manner from the said returns and the figures announced shall be compared by other clerks with the return sheets of each party for the respective districts and discrepancies shall be immediately called to the attention of the return board which shall thereupon compare said return sheets with the tally papers for the same election district respecting the same candidates or party ballots and if the tally papers and party return sheets agree the general return shall be forthwith corrected to conform thereto but in every other case the return board shall forthwith cause the ballot box of such division to be brought before it and opened under its direction and the ballots therein recounted respecting any vote in question in the presence of representatives of each party and candidate interested who are attending the canvass of such votes and if such recount shall not be sufficient to correct the error in any of the said returns the return board may summon the election officers and overseers if any to appear forthwith with all election papers in their possession and the court of common pleas shall use its processes to enforce such summons if necessary and if any error or fraud is discovered the return board shall compute and certify the votes justly reagardless of any fraudulent or erroneous returns presented to it and report the facts to the district attorney of the proper county for action in cases that appear to warrant same

As the returns from each election district are read computed and found to be correct or corrected as aforesaid they shall be recorded on the blanks prepared for the purpose of casting up the total vote of each candidate on each party ticket until all the returns from the various election districts which are entitled to be counted shall have been duly recorded when they shall be added together announced and attested by the clerks who made and computed the entries respectively and at the expiration of five days after the completion of said computation the return board shall certify the several returns accordingly to the county commissioners unless upon appeals taken from any decision the court of common pleas shall have directed any returns to be revised in which cases such returns shall be revised and certified accordingly

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 340, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act Number two hundred three) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restriction limiting the obligations of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Schuylkill-Columbia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the township roads adopted as State highways in the County of Schuylkill and Columbia by the act to which this is a supplement the following section of township road in said County is hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Route 53073 Beginning at a point intersecting with Route 161 immediately south of the Borough of Centralia Columbia County and extending in a southwesterly direction through Conyngham Township to the Columbia-Schuylkill County line thence in a southerly direction via North Nineteenth Street in Ashland Borough Schuylkill County to an intersection with Rural Route 19018 a distance of approximately 1.75 miles

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 444, as follows:

An Act Making an appropriation to the American Hospital for Diseases of the Stomach of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the American Hospital for Diseases of the Stomach of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge

for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bils to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 520, as folows:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

Section 1 Be it enacted by the Senate eand House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all proceedings and elections heretofore had and held by any county city borough township school district or other municipality or incorporated district within this Commonwealth to increase its indebtedness under the method of procedure specified by the provisions of an act of assembly entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) and the acts amendatory thereof and supplementary thereto where the majority of votes cast at such election was in favor of the increase of indebtedness be and the same are hereby ratified confirmed and made valid notwithstanding such election was held within ninety days after the general election notwithstanding the date of the ordinance or vote deciding such increase was within ninety days after a general election and notwithstanding any defect or informality in the manner of holding mode of conducting or giving notice of such election or in form of the ballot and notwithstanding that the poles at such election were not open a full twelve hours as provided by law and notwithstanding any patent error of orthography or of numerical statement on any or all of the ballots

All of the bonds securities and obligations issued or to be issued in pursuance of every such election are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district Provided That all the other requirements of law concerning such procedure election and issue of bonds have been complied with And provided further That the provisions of this act shall not apply in any instance where the validity of such election or any issue of bonds or other security based thereon has been made the subject of litigation in any court of the Commonwealth prior to the approval of this act nor to any litigation in any court of this Commonwealth instituted prior to the passage of this act and still pending and undetermined

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 549 (House Bill No. 318), entitled:

An Act to amend sections ten and fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of and returning canvassing and computing the vote cast at primary elections regulating the form of the numbered lists of voters regulating the duties of election officers in calling and tabulating the votes and regulating return board precedure

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 567 (House Bill No. 321), entitled:

An Act to amend section six as amended, section eight and section ten as amended of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions, and limiting the number of specimen ballots to be given candidates at primaries.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 733, as follows:

An Act making an appropriation to the Wills Eye Hospital Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred twenty-five thousand dollars ($125,000) or so much thereof

as may be necessary be and the same is hereby specifically appropriated to the Wills Eye Hospital Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-three for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of party pay service such proportion of the aforesaid three dollars ($3) per diem as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 820, as follows:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the joint legislative committee appointed pursuant to a concurrent resolution adopted by the House of Representatives and Senate (Resolution Number one hundred and ten Serial Number one hundred and forty-two House History) to investigate matters relating to unemployment relief for the payment of the actual expenses incurred by members of the commission for the payment of the compensation of reporters clerks and assistants for the payment of witness fees and mileage and for all other necessary and proper expenses incurred by said committee in the performance of its duties Payments from said appropriation shall be made by requisition signed by the chairman of the commission in the usual manner

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which read as follows, and referred to the Committee on Executive Nominations.

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

ALLEGHENY COUNTY

George B. Herwick, McKeesport, April 21, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CAMBRIA COUNTY

Mrs. L. Margaret Wilkinson, Ebensburg.

LUZERNE COUNTY

Mrs. Frances James, Duryea.

LYCOMING COUNTY

Lester William Veley, Jersey Shore.

MERCER COUNTY

Miss Madeline M. Brosie, Sharon.

VENANGO COUNTY

Loren D. Schoppe, Franklin.

WASHINGTON COUNTY

H. W. Gray, Washington.

YORK COUNTY

Mrs. Helen Keller, York.

GEORGE H. EARLE.

## REPORT FROM COMMITTEE

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Municipal Government reported as committed, Senate Bill No. 730, entitled:

An Act to amend section one of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 218, 1933-1934), entitled "An act authorizing counties, cities, boroughs, townships, incorporated towns, poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds, and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding, and limiting any compensation payable therefor," extending said act to issues where any of the bonds thereof have matured.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committee at today's session be read for the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 252 (House Bill No. 39), entitled:

An Act to promote the objects of the National Housing Act by authorizing building and loan associations, banks, bank and trust companies, savings banks, trust companies, insurance companies, associations and exchanges, to make loans pursuant to titles one and two of the National Housing Act by authorizing executors, administrators, guardians, trustees building and loan associations banks bank and trust companies savings banks trust companies insurance

companies associations and exchanges to invest in mortgages insured and in debentures issued by the Federal Housing Administrator by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in securities of national mortgage associations and by providing for the use of such bonds debentures and other securities as collateral or deposit security

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 608, entitled:

An Act to amend article twenty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commoonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by prescribing the powers and the boards of trustees of State Teachers Colleges and the Cheyney Training School for Teachers; repealing inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 666, entitled:

An Act regulating the motor vehicle junk business; requiring a certificate of approval from the local authorities, and a license from the Secretary of Revenue to conduct such business, and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 730, entitled:

An Act to amend section one of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 218, 1933-1934), entitled "An act authorizing counties, cities, boroughs, townships, incorporated towns, poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds, and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding, and limiting any compensation payable therefor," extending said act to issues where any of the bonds thereof have matured.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 746 (House Bill No. 1156), entitled:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 769, entitled:

An Act to amend sections four, five, seven and twelve of the act approved the third day of June one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to cary out the provisions of said act; and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," as amended; changing the requirements of medical educational institutions and applicants for examinations and licensure; and defining new ground for the refusal or revocation of licenses.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 781 (House Bill No. 1236), entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imopsing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing certain exemptions from the payment of fees provided for therein.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 800 (House Bill No. 1151), entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and nonresidents and providing further exception to the tax on transient merchants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 801 (House Bill No. 1152), entitled:

An act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 804. entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duies upon the Department of Revenue, and the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 824 (House Bill No. 1021), entitled:

An Act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 801) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" by providing for condemnation proceedings and assessment of damages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 835 (House Bill No. 1789), entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 856 (House Bill No. 1143), entitled:

An Act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 89, 1933-1934), entitled "An act appropriating the moneys in The State Stores Fund" making appropriations for the payment of refunds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 865 (House Bill No. 1815), entitled:

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 870 (House Bill No. 1153), entitled:

An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 879, entitled:

An Act making an appropriation to the Western Pennsylvania Hospital, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 880, entitled:

An Act making an appropriation to the Montefiore Hospital Association of Western Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 881, entitled:

An Act making an appropriation to the Pittsburgh Homeopathic Medical and Surgical Hospital, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 911 (House Bill No. 1459), entitled:

An Act to further amend sections one and two and to add sections two A two B two C and two D to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" providing standards for fresh eggs and prohibiting illegal sales and misbranding.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 930 (House Bill No. 1721), entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1922-1934 P. L. 174) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:11 P. M. until Wednesday, April 17, 1935, at 11 o'clock A. M.

# HOUSE OF REPRESENTATIVES

TUESDAY, April 16, 1935.

The House met at 11:00 a. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer.

Our dear Lord, Redeemer of this Holy week of Thy passion, we come before Thee with humility. As we realize that Thou has been sent into the world by the Father to carry out a mission here, so also do we realize that Thou has sent us into the world to carry out a mission, a mission of humanity for our brothers and sisters. We pray that Thou will guide us by Thy Holy Spirit that we may do all those things that shall bring honor and glory to Thy Holy name, and shall be of real service to humanity. Guide us during the remaining days of this week that each day we may give our best to do Thy will. In the Master's name. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. DECKER, the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. SIMON. HOUSE BILL No. 2173.

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Referred to the Committee on Appropriations.

By Mr. CONNER. HOUSE BILL No. 2174.

An Act making an appropriation to the Lankenau Hospital, in the City of Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. SPANGLER. HOUSE BILL No. 2175.

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

Referred to the Committee on Fisheries.

By Mr. TURNER. HOUSE BILL No. 2176.

An Act to amend section two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, page 32), entitled "An act authorizing the Department of Property and Supplies to construct, erect, and dedicate, in the city of Chester, a monument to the memory of John Morton; and making an appropriation" as amended, by reducing the amount of the state appropriation and the amount required to be raised by citizens; and reappropriating to the Department of Property and Supplies the appropriation as so reduced.

Referred to the Committee on Appropriations.

By Mr. TURNER. HOUSE BILL No. 2177.

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and thirty-five (Act No. 14), entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed, or a prior revival thereof made," providing that certain mortgages shall have priority over such revived municipal claims.

Referred to the Committee on Municipal Corporations.

By Mr. HABBYSHAW. HOUSE BILL No. 2178.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Refered to the Committee on Highways.

By Mr. HABBYSHAW. HOUSE BILL No. 2179.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. HABBYSHAW. HOUSE BILL No. 2180.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. HABBYSHAW. HOUSE BILL No. 2181.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. RUFFENNACH. HOUSE BILL No. 2182.

An Act to amend section three as amended and section five of the act approved the third day of May, one thousand nine hundred and nine (P. L. 395), entitled "An act regulating the sale of concentrated commercial feedingstuffs, also of condimental stock and poultry-food, and patented, proprietary or trademark stock and poultry-food, possessing nutritive value combined with medicinal properties; defining concentrated commercial feedingstuffs; prohibiting the adulteration of any feeding-stuffs, sold, offered, or exposed for sale, in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cottonweed hulls, ground cornstalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants; providing for the collection of samples and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation, and repealing act number two hundred and eleven (P. L. 1907, page 273), entitled 'An act regulating the sale of wheat, rye, corn, and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," further prescribing what may be mixed and sold under the provisions of the act.

Referred to the Committee on Agriculture.

By Mr. HOLLAND. HOUSE BILL No. 2183.

An Act to amend section seven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled 'An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for

violations of the provisions of this act; and repealing certain acts" as amended, requiring as many licensed projectionists to be employed in a projecting room as there are projecting machines therein.

Referred to the Committee on Judiciary Special.

By Mr. FURMAN. HOUSE BILL No. 2184.

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. VanSICKLE. HOUSE BILL No. 2185.

An Act fixing a uniform system of discounts, penalties and interest for county, city, borough, town, township, school district and poor district taxes.

Referred to the Committee on Municipal Corporations.

By Mr. AUKERMAN (By Request). HOUSE BILL No. 2186

An Act relating to the minimum salaries and annual increments of the teaching and supervisory staffs of the public schools in school districts of the second, third and fourth class; prohibiting school districts from demanding, requesting or accepting gifts or donations from members of the teaching and supervisory staffs, and empowering the Superintendent of Public Instruction to forfeit certain State subsidies for violations thereof; relating to the effect of payment of salaries which are less than those prescribed by salary schedules; granting certain options to the members of the School Employes' Retirement System; and temporarily superseding any inconsistent acts and parts of acts.

Referred to the Committee on Education.

By Mr. FALKENSTEIN. HOUSE BILL No. 2187.

An Act prohibiting employers from deducting excess amounts from wages and salaries of employes who report late for work; and providing penalties.

Referred to the Committee on Judiciary Local.

By Messrs. ROONEY and SHAW. HOUSE BILL No. 2188.

An Act requiring community welfare organizations, federations and associations and community chest organizations, to have their accounts and financial affairs audited annually, and to furnish copies to contributors on demand; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Mr. OMINSKY. HOUSE BILL No. 2189.

An Act to amend sections one and eight, and sections nine, ten, eleven and twelve, as amended, of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia, prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," by providing for the election of an additional associate judge of the Municipal Court, who with one other associate judge shall form the Family Court; and providing for the jurisdiction thereof.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 2190.

An Act to amend sections one and two of the act approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 10), entitled "An act to give exclusive jurisdiction to the Municipal Court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia and repealing all acts or parts of acts inconsistent herewith," giving jurisdiction over houses of detention to the Family Court.

Referred to the Committee on Judiciary General.

By Mr. ALEXANDER. HOUSE BILL No. 2191.

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending, revising and consolidating the law relating thereto; and repealing existing laws," regulating the refunding of taxes where appeals are finally disposed of

Referred to the Committee on Counties.

By Mr. BRUMBAUGH. HOUSE BILL No. 2192.

An Act to establish as a State highway a certain section of public road in the County of Jefferson, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. SCHWAB. HOUSE BILL No. 2193.

An Act to amend clause twenty-five as amended and renumbered clause eighteen, of section three hundred and two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; lien of taxes, bonds, and all other accounts due the Com- providing for the settlement, assessment, collection, and money or property due or belonging to the Commonwealth, the collection and recovery of fees and other wealth, or any agency thereof, including escheated property and the proceds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth or any agency thereof, and all receipts of appropriations from the Commonwealth, and commission, and officer of the State government, every imposing penalties; affecting every department, board, political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by eliminating certain revenues from the State school fund.

Referred to the Committee on Forestry.

By Mr. RUTH. HOUSE BILL No. 2194.

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establlish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ.

Referred to the Committee on Education.

By Mr. RINN. HOUSE BILL No. 2195.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. HIRSCH. HOUSE BILL No. 2196.

An Act to establish as a State highway a certain section of public road in the County of Schuylkill, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. HIRSCH. HOUSE BILL No. 2197.

An Act authorizing cities, boroughs, incorporated towns, townships of the first class and school districts, coextensive witht townships of the second class, to incur temporary indebtedness not in excess of the amount due such municipalities or quasi municipalities from the Liquor License Fund.

Referred to the Committee on Municipal Corporations.

By Mr. HIRSCH. HOUSE BILL No. 2198.

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by adding thereto route 53085 in Tamaqua Borough, Schuylkill County.

Referred to the Committee on Highways.

By Mr. JOHN J. DOWNEY. HOUSE BILL No. 2199.

An Act to amend section four of the act approved the thirtieth day of January, one thousand eight hundred and seventy-four (P. L. 31), entitled "A further supplement to the act regulating elections in this Commonwealth," providing that when overseers of election are appointed by court, they shall be persons recommended by the chairman of the respective parties polling the highest and second to highest number of votes in the district at the last preceding November election if such recommendations are made.

Referred to the Committee on Elections.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2200.

An Act to repeal the act approved the second day of June, one thousand nine hundred and thirty-three, (P. L. 1417), entitled "An act exempting household furniture and household goods, leased, hired, or conditionally sold, from levy and sale on execution or distress for rent under certain conditions."

Referred to the Committee on Judiciary General.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2201.

An Act declaring and adopting the song "Pennsylvania" as the Pennsylvania State song.

Refered to the Committee on State Government.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2202.

An Act to amend clause (c) of section one of article three of an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining and limiting their powers, and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing, and defining the powers and duties of such Commissoin and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damage resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the provise of clause three and the

provisos of caluse seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by limiting the minimum meter charge for electric light and gas.

Referred to the Committee on Public Utilities.

By Mr. FLINCHBAUGH HOUSE BILL No. 2203.

An Act to amend section fifteen of the act approved the thirteenth day of April, one thousand nine hundred and twenty seven (P. L. 273), entitled "An act for the registration and regulation of certain individuals and entities selling, offering for sale or delivery, soliciting subscriptions to, or orders for, or undertaking to dispose of, inviting offers for, or inquiries about, or dealing in any manner in, securities defined herein, including securities issued by them; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania; prescribing penalties and making appropriations," requiring dealers in securities to make reports of their financial condition.

Referred to the Committee on Banking.

By Mr. WASSERMAN HOUSE BILL No. 2204.

An Act to amend section six and eleven of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; provding for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties," changing the qualifications of mothers entitled to the assistance provided by the said act.

Referred to the Committee on Judiciary Special.

By Mr. RUTH HOUSE BILL No. 2205.

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

Referred to the Committee on Education.

By Mr. RUTH. HOUSE BILL No. 2206.

An Act to amend section one thousand three hundred and one of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, establishing a compulsory tax levy for fire protection.

Referred to the Committee on Boroughs and Townships.

By Mr. RUTH. HOUSE BILL No. 2207.

An Act to amend clause four of section seven hundred and two and clause five of section nine hundred five of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection, and requiring the levy of a tax for fire protection.

Referred to the Committee on Boroughs and Townships.

By Mr. RINN. HOUSE BILL No. 2208.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. RINN. HOUSE BILL No. 2209.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. WEIDEMANN. HOUSE BILL No. 2210.

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area, boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War, and to accept gifts or deeds of historic objects, or of land, connected therewith.

Referred to the Committee on Education.

By Mr. SIEGEL. HOUSE BILL No. 2211.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the Counties of Lycoming and Tioga.

Referred to the Committee on Highways.

By Mr. AUKERMAN. HOUSE BILL No. 2212.

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 302), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class; and providing when liability on such bond shall cease.

Referred to the Committee on Education.

By Mr. WOODSIDE. HOUSE BILL No. 2213.

An Act relating to criminal; procedure; providing for the securing of attendance of witnesses in certain criminal cases.

Referred to the Committee on Judiciary General.

By Mr. WOODSIDE. HOUSE BILL No. 2214.

An Act making an appropriation to the Department of Public Instruction, for payment to certain school districts of the fourth class of moneys due under the School Code for closed school buildings.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 2215.

An Act to further amend section six of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended, "An act to regulate and restrain the traffic in malt liquors, as herein defined; providing for the licensing of the sale and distribution of such liquors; imposing license fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such liquors may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers; the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State and election officers; providing penalties; and repealing existing acts," restricting clubs to which licenses may be issued.

Referred to the Committee on Law and Order.

By Mr. ALLEN. HOUSE BILL No. 2216.

An Act to amend section two hundred and fifty-five of the act aproved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth, further regulating the establishment of nursery waters.

Referred to the Committee on Fisheries.

By Mr. GREENSTEIN. HOUSE BILL No. 2217.

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," by providing that all such contacts heretofore or hereafter filed, shall be judicial records and subject to the control of the court;

Referred to the Committee on Judiciary General.

By Mr. SCHROPE. HOUSE BILL No. 2218.

An Act to establish as a State highway a certain section of public road in the Counties of Schuylkill and Columbia, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. McELROY. HOUSE BILL No. 2219.

An Act to further amend section two thousand six hundred and twenty-three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the compensation to be paid for controllers in school districts of the third class.

Referred to the Committee on Education.

By Mr. OMINSKY. HOUSE BILL No. 2220.

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by prescribing uniform policy provisions for industrial life insurance as herein defined.

Referred to the Committee on Insurance.

By Mr. OMINSKY. HOUSE BILL No. 2221.

An Act requiring mortgagee to proceed against mortgaged property before proceeding against personality of mortgagor.

Referred to the Committee on Judiciary General.

By Mr. BROWNFIELD. HOUSE BILL No. 2222.

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth.

Referred to the Committee on Education.

By Messrs. HART and ROBERT BOYD. HOUSE BILL No. 2223.

An Act to amend sections one and two, and sections three and six as amended, section ten, and section eleven as amended, of the act, approved the twentieth day of May, one thousand nine hundred and fifteen (P. L. 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," by extending the benefits thereof to employes of cities who leave or have left the employment of the city and are employed by the school district constituted by such city.

Referred to the Committee on Cities.

By Mr. JOHN E. BROWN. HOUSE BILL No. 2224.

An Act providing for the imposition and collection of a State Emergency Relief Tax on offices, posts of profit, trades, occupations and professions, including those minors, and on persons twenty-one years of age and upwards who follow no gainful occupation or calling; imposing powers and duties on the Department of Revenue; making an appropriation; imposing duties upon employers; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. HARMUTH. HOUSE BILL No. 2225.

An Act to amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

Referred to the Committee on Boroughs and Townships.

By Mr. HARKINS. HOUSE BILL No. 2226.

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further reorganizing the conduct of the administrative work of the Commonwealth by transferring the boards of trustees of the State penal and correctional institutions from the Department of Welfare to the Department of Justice and constituting them as departmental administrative boards in the Department of Justice; transferring to the Department of Justice the powers and duties heretofore vested in and exercised by the Department of Welfare over or in connection with the State penal and correctional institutions, the boards of trustees and the inmates of such institutions, of the Glen Mills Schools for Boys and the Sleighton Farm School for Girls in Delaware County, and all prisons, jails, workhouses, and lockups maintained by the political subdivisions of this Commonwealth.

Referred to the Committee on State Government.

By Mr. SCHWARTZ. HOUSE BILL No. 2227.

An Act providing for a contribution by the Commonwealth towards the funeral expenses of any indigent deceased person; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. HOOPES. HOUSE BILL No. 2228.

An Act to amend sections seven and eight of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties;" providing that in certain cases a paid motor vehicle operator may secure a special or limited operator's license in lieu of furnishing proof of financial liability.

Referred to the Committee on Highways.

By Mr. HOOPES. HOUSE BILL No. 2229.

An Act to amend section six hundred and eight of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; providing in certain cases for the issuance of an operator's license with certain limitations to paid drivers.

Referred to the Committee on Highways.

By Messrs, HOLSTROM and McDERMOTT. HOUSE BILL No. 2230.

An Act to amend part of section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

Referred to the Committee on Highways.

By Messrs. HOLSTROM and McDERMOTT. HOUSE BILL No. 2231.

An Act to amend route four hundred and forty-three of section one of the act approved the eighth day of April, one thousand nine hundred and twenty-five (P. L. 191), entitled "An act establishing certain public roads as State highways; and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

By Mr. DIEHL. HOUSE BILL No. 2232.

An Act to amend section one thousand two hundred and two of article twelve of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania; together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by requiring that school teachers shall be paid semi-monthly during the school year.

Referred to the Committee on Education.

By Mr. DIEHL. HOUSE BILL No. 2233.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Blair.

Referred to the Committee on Highways.

By Mr. EROE. HOUSE BILL No. 2234.

An Act to establish as a State highway a certain section of public road in the County of Lawrence, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2235.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ROOT. HOUSE BILL No. 2236.

An Act for the protection of the public and the prevention of fraud, by prohibiting any person individually or in association or partnership with another person or persons, to practice as an accountant, auditor, certified public accountant or public accountant under a false, assumed, fictitious or trade name; prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such, and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth; and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. HETRICK. HOUSE BILL No. 2237.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of maintenance and construction of such highways and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Juniata.

Referred to the Committee on Highways.

By Mr. FITCH. HOUSE BILL No. 2238.

An Act to provide for the regulation of making contracts, advertising of bids in the case of State-aided institutions.

Referred to the Committee on Judiciary Special.

By Mr. RINN. HOUSE BILL No. 2239.

An Act limiting the liability of stockholders in banks that are being liquidated to the original par value of the shares of stock held or owned by such stockholders.

Referred to the Committee on Banking.

By Mr. COHEN. HOUSE BILL No. 2240.

A Joint Resoution authorizing the appointment of a commission by the Governor to formulate plans for the celebration of the 300th Anniversary of the establishment of the first permanent white settlement, the first capitol, and the first courts of law, within the confines of Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FRANK E. SNYDER. HOUSE BILL No. 2241.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of maintenance and construction of such highways and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Tioga.

Referred to the Committee on Highways.

By Mr. SIMPSON. HOUSE BILL No. 2242.

An Act empowering the Department of Property and supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory, to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

Referred to the Committee on State Government.

By Mr. SIMPSON. HOUSE BILL No. 2243.

An Act to establish as a State highway a certain section of public road in the County of Huntingdon, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. KOBELAK. HOUSE BILL No. 2244.

An Act to amend section one thousand two hundred and one of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing that eighty per centum of teachers employed in each school district shall be graduates of Pennsylvania educational institutions and residents of the Commonwealth at the time of appointment.

Referred to the Committee on Education.

By Mr. HOMER S. BROWN. HOUSE BILL No. 2245.

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record, proceedings and evidence produced against the person committed or detained before the committing judge, officer, magistrate or grand jury and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

Referred to the Committee on Judiciary General.

By Mr. KOBELAK. HOUSE BILL No. 2246.

An Act relating to bowling, billiards, pool and basketball on Sunday; prohibiting bowling, billiards, pool and basket-ball on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same and in certain cases a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties and repealing inconsistent laws.

Mr. OMINSKY. HOUSE BILL No. 2247.

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledge and to make uniform the law with reference thereto.

Referred to the Committee on Banking.

By Mr. BRENNAN. HOUSE BILL No. 2248.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lycoming.

Referred to the Committee on Highways.

By Mr. RUTH. HOUSE BILL No. 2249.

An Act to further amend section seven of the act approved the twenty-sixth day of April, one thousand eight hundred fifty five (P. L. 328), entitled "An act relating to Corporations and to Estates held for Corporate, Religious and Charitable uses," by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed, devised or conveyed for the use of any church, congregation or religious society, and conferring jurisdiction upon courts of equity to enforce the provisions hereof.

Referred to the Committee on Judiciary General.

By Mr. LaRUE. HOUSE BILL No. 2250.

An Act providing for the payment from the General Fund to the Federal Government of certain moneys derived the net profits from Emergency Conservation Projects and lands acquired from the Federal Government.

Referred to the Committee on Forestry.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2251.

An Act providing that the county commissioners in counties of the third, fourth, fifth, sixth, seventh and eighth class shall act as county directors of the poor; fixing their compensation as such; and terminating the terms of county directors of the poor now in office.

Referred to the Committee on Counties.

By Mr. LYNCH. HOUSE BILL No. 2252.

An Act to amend section nine hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, inflicting penalties upon employers who cause or permit their employes to violate certain provisions of this act.

Referred to the Committee on Highways.

By Mr. CANNON. HOUSE BILL No. 2253.

An Act requiring the Commonwealth, political subdivisions, persons, firms and corporations to stipulate, in specifications upon which contracts for the construction, alteration or repairs of any work or improvement are entered into, the minimum wages to be paid to laborers and mechanics; and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties; and prescribing penalties.

Referred to the Committee on Municipal Corporations.

By Mr. CANNON. HOUSE BILL No. 2254.

An Act for the liquidation of the Pennsylvania Liquor Stores by sale of the stock, fixtures, leases and warehoused stocks of liquors and wines by licensees of wholesale stores.

Referred to the Committee on Law and Order.

By Mr. CANNON. HOUSE BILL No. 2255.

An Act to repeal the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed, and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for collection and distribution thereof; restrict-

ing ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State and election officers; providing penalties; and repealing existing acts," and the amendments thereto.

Referred to the Committee on Law and Order.

By Mr. CANNON. HOUSE BILL No. 2256.

A Supplement to the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," providing for and regulating the licensing of malt liquor distributors; prescribing license application and transfer fees; and prescribing penalties.

Referred to the Committee on Law and Order.

By Mr. PEARSON. HOUSE BILL No. 2257.

An Act to establish as a State highway a certain section of public road in the County of Allegheny, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. PEARSON. HOUSE BILL No. 2258.

An Act to establish as a State highway a certain section of public road in the County of Allegheny, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Cobmmittee on Highways.

By Mr. RUFFENNACH. HOUSE BILL No. 2268.

An Act taxing as part of the costs in criminal cases an attorney's fee of Five Dollars.

Referred to the Committee on Judiciary General.

By Mr. RUFFENNACH. HOUSE BILL No. 2269.

An Act granting additional powers to courts of common pleas to restrain and control distress proceedings and to adjudicate the rights of parties and claimants and to appoint receivers, custodians or trustees for individuals and partnerships, and to require persons to appear in court for examination.

Referred to the Committee on Judiciary General.

By Mr. WILLIAM A. SMITH. HOUSE BILL No. 2270.

An Act to further amend section three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp, and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers; confirming and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir; providing for the acquisition of necessary lands therefor, and the necessary agreements and releases relating thereto, and the disposition of surplus land and materials," conferring additional powers and duties on the Water and Power Resources Board.

Referred to the Committee on Forestry.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 246. (HOUSE BILL No. 2259).

An Act to amend section eight of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended by increasing the commission of the county treasurer and providing that the same shall be for the use of the county

Referred to the Committee on Counties.

SENATE BILL No. 441. (HOUSE BILL No. 2260).

An Act to define the liability of grantees of real estate to their grantors in certain cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 442. (HOUSE BILL No. 2261).

An Act providing for appeals in civil cases from the decisions of the courts of common pleas granting new trials.

Referred to the Committee on Judiciary General.

SENATE BILL No. 468. (HOUSE BILL No. 2262).

An Act to amend sections six hundred and sixteen and six hundred and twenty of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissable as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended further regulating appeals where operators' licenses and learners' permits have been suspended and providing that an appeal from the action of the Secretary of Highways shall operate as a supersedeas.

Referred to the Committee on Highways.

SENATE BILL No. 783. (HOUSE BILL No. 2263).

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits.

Referred to the Committee on Cities.

SENATE BILL No. 840. (HOUSE BILL No. 2264).

An Act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

Referred to the Committee on Appropriations.

SENATE BILL No. 841. (HOUSE BILL No. 2265).

An Act transferring money from the Motor License Fund to the General Fund and apropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund to the transferred money.

Referred to the Committee on Appropriations.

SENATE BILL No. 842. (HOUSE BILL No. 2266).

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

SENATE BILL No. 843. (HOUSE BILL No. 2267).

An Act transfering money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. RUTH. RESOLUTION No. 123.

In the House of Representatives, April 15, 1935.

Whereas, William Penn as Proprietary came to Pennsylvania and organized the provincial and local government; sat as first Governor on the Provincial Council, Assembly and Courts, exemplifying in these executive and legislative functions the principles of democracy which have had perpetual embodiment not only in the sovereign State he founded, but in the Nation as well; evidenced his statesmenship by promoting:

1. The idea of religious toleration practiced on a greater and grander scale than ever before, where the oppressed of all nations should have freedom and the opportunity to worship God according to the dictates of their own conscience.
2. The establishment of a real democracy as seen in his various frames of government, the latest of which, the Charter of Privileges of 1701, served the colony for seventy-five years, and the new Constitution of the State of Pennsylvania of 1776 is largely modeled upon it.
3. Just and fair dealings with subordinate peoples.
4. Humane and just treatment of criminals, particularly in the infliction of capital punishment.
5. The suggestion of one central mint and a common value of coin throughout the American colonies.
6. The settlement of the boundaries with France so as to give England the South side of the St. Lawrence and the Great Lakes, which settlement eventually established the present northern boundaries of the United States.
7. The idea of federation of the colonies with suggestions which later were embodied in the Constitution of the United States.
8. The idea of a Parliament of Nations.

Therefore be it,

Resolved, That this Assembly, in session this 15th day of April, 1935, endorses the submission to the Electors of the Hall of Fame for Great Americans the name of Pennsylvania's first Governor, William Penn, statesman, for a place in such Hall of Fame. Recommending to the Electorate honorable consideration of his contribution to the political thought of his time rarely, if ever, equaled.

And it is hereby

Resolved Further, That the Governor of the Commonwealth be requested to forward forthwith a copy of this Resolution to "The College of Electors of the Hall of Fame," Dr. Robert Underwood Johnson, Director, 745 Fifth Avenue, New York City.

Referred to the Committee on Education.

By Messrs. COAKLEY, VanSICKLE and SINWELL.
RESOLUTION No. 124.

In the House of Representatives, April 15, 1935.

Whereas, The State Emergency Relief Board has created a Northampton County Relief Board to administer the relief funds made available for said county; and

Whereas, The Department of Labor and Industry has established a State employment office in the Cities of Bethlehem and Easton, Northampton County; and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in the Northampton County Relief Board and in the State employment offices at Bethlehem and Easton, and it is reported that certain groups and individuals have been discriminated against; therefore, be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of three Members of the House of Representatives, whose duty it shall be to make a rigid investigation of the conduct and operation of the Northampton County Relief Board of the Bethlehem and Easton employment offices, and to investigate such facts and circumstances surrounding the conduct of such board and office as it deems necessary for the information of the House of Representatives;

Resolved, That said committee shall make a report to the House of Representatives during this session as early as possible;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Judiciary Special.

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1479.

An Act to amend the title and section three of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad

Weiser Memorial Park, in Heidelberg, Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters.

HOUSE BILL No. 609.

An Act to further amend section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," permitting the assignment of rights by members in certain cases.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### APPOINTMENT OF BOARD OF EDUCATION

A resolution from Methodist Episcopal Meeting of Philadelphia and vicinity protesting change in present method of appointment of members of Board of Education.

Referred to the Committee on Education.

### BLUE LAWS

A communication from Pittsburgh Piping and Equipment Company protesting amendment of Blue laws.

Referred to the Committee on Law and Order.

### DIVERSION OF HIGHWAY REVENUE

A resolution from the Haycock Township Improvement Association, Bucks County, protesting diversion of Highway funds.

Referred to the Committee on Highways.

### PORTRAIT OF PRESIDENT BUCHANNAN

A resolution from the Pennsylvania Federation of Democratic Women requesting placing of portrait of President James Buchannan in murals of House.

Referred to the Committee on Appropriations.

### BLUE LAWS

A communication from the Board of Directors of National Reform Association, Pittsburgh, protesting amendment of blue laws.

Referred to the Committee on Law and Order.

### HIGHWAYS

A resolution from the Council of the City of Pittsburgh addressed to Mr. Moran urging relocation of existing highways.

Referred to Committee on Highways.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 775

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 775, Printer's No. 93, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

### BILL LAID UPON TABLE

Mr. STOTT. Mr. Speaker, I move that bill together with the communication be laid upon the table.

The motion was agreed to.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 88

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 88, Printer's No. 318, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

### BILL LAID UPON TABLE

Mr. HART. Mr. Speaker, I move that bill together with the communication be laid upon the table.

The motion was agreed to.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1480.

An Act to amend the title and section one as amended, and section three, of the act approved the tenth day of April, one thousand nine hundred and thirty-one (P. L.

23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Pennsylvania Historical Commission; providing for cooperation by the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by transferring the control and supervision of said park to the Department of Forests and Waters.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 11, by striking out after the word "than" the words "thirty-five" and inserting in lieu thereof the words "one hundred and fifty"; also in line 12, by striking out after the word "on" the words "the left bank" and inserting in lieu thereof the words "either or both banks."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shortz, |
| Alexander, | Ferko, | McCreary, | Shreiner, |
| Allen, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McDevitt, | Siegel, |
| Andrews, | Flanagan, | McElroy, | Simon, |
| Arnold, | Flinchbaugh, | McHenry, | Simpson, |
| Atkins, | Flynn, | McKinney, | Sinwell, |
| Aukerman, | Forrest, | Melchiorre, | Sloan, |
| Baine, | Furman, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gates, | Merrell, | Smith, W. G., |
| Baker, J. J., | Gerard, | Moomaw, | Snyder, F. E., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stone, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stott, |
| Brancato, | Harkins, | Ominsky, | Sumney, |
| Brennan, | Harmuth, | O'Neill, | Surface, |
| Brown, H. S., | Hart, | Panton, | Tahl, |
| Brown, J. E., | Hartman, | Parks, | Terry, |
| Brownfield, | Hefferon, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Trout, |
| Burke, | Hetrick, | Perry, | Tumelty, |
| Cannon, | Hindman, | Peters, | Turner, |
| Caputo, | Hirsch, | Pfaff, | Van Allsburg, |
| Carr, | Hoffner, | Phillips, | Van Sickle, |
| Carson, | Holland, | Piole, | Walker, |
| Chervenak, | Holstrom | Powers, | Wall, |
| Coakley, | Hoopes, | Reising, | Wasserman, |
| Cochran, | Horst, | Reynolds, | Weidemann, |
| Cohen, | Jackson, | Rhys, | Weiss, |
| Coleman, | Jones, | Rinn, | Welliver, |
| Condon, | Kane, | Roan, | Welsh, |
| Conner, | Kelder, | Robinson, | Westrick, |
| Coolahan, | Kelso, | Rooney, | White, |
| Cordier, | Kilroy, | Root, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Wilson, |
| Decker, | Klingler, | Ruth, | Winner, |
| Denning, | Kobelak, | Scanlon, | Witkin, |
| Diehl, | LaRue, | Sarraf, | Wood, |
| Dilley, | Linderman | Schrock, | Woodside, |
| Downey, G. E., | Long | Schrope, | Yeakel |
| Downey, J. J., | Longaker, | Schwab, | Yourishin, |
| Duffort, | Lovett, | Schwartz, | Zappala, |
| Eberharter, | Lynch, | Shaw, | Zimmerman |
| Eroe, | Male, | Shepard, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

## QUESTION OF PERSONAL PRIVILEGE

Mr. NOTHNAGLE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Delaware will state his question of personal privilege.

Mr. NOTHNAGLE. Mr. Speaker and members of the House, it may be news possibly to some of you that the city I represent, Chester, is the first settlement in the state of Pennsylvania. We pride ourselves on being originators.

We have with us here this morning the first citizen of our town, our mayor, a former member of this House.

I ask Mr. Speaker, that he be given the privilege of the floor.

The SPEAKER. Will the gentleman from Delaware Mr. Nothnagle, escort the gentleman from Chester, Mr. Ward, to the desk?

Mr. NOTHNAGLE. Mr. Speaker and members of the House, I have great pleasure in introducing to you the Honorable William Ward, Jr., mayor of the city of Chester and a member twenty-six years ago of this House.

### REMARKS BY HON. Wm. WARD, JR.

Mr. WARD. Mr. Speaker and members of the House of Representatives, may I thank you, Mr. Speaker, for your courtesy in permitting me to come to the rostrum, and you, members of the House, for your generosity and for bearance for just a moment.

It is a distinctive honor and a pleasure again to be here in this splendid chamber and if but for a moment to participate in the proceedings.

A quarter of a century or more has gone since I sat as a member of this body, and the friendships formed and the recollections of the pleasant days still endure.

There are members on the floor af this House who were my colleagues in the long ago. A little delicacy on my part concerning ages prevents me from naming any gentlemen who were with me in the yesterdays. To those gentlemen who are here may I pleasantly suggest that on the right of the chambers sits one who was here with me some twenty-six years ago and then known to Speaker Frank B. McClain and Speaker John F. Cox as the fourth member from Delaware. We have been together forty years, the young lady and I, and we are still friends. I thank you indeed and will delay you no longer but I do want to say that I do appreciate your generosity and your courtesy, and to you, Mr. Speaker and members I wish you all health, happiness and good fortune in the many years that are to come to you.

The SPEAKER. The Chair thanks the mayor of Chester for the kind remarks and kind wishes he has given to us this morning.

## LEAVES OF ABSENCE

Mr. Piole asked and obtained leave of absence for Mr. PEARSON on account of illness.

Mr. J. L. SNYDER asked and obtained leave of absence for himself for the morning session for the purpose of attending a funeral.

Mr. Lovett asked and obtained leave of absence for Mr. DENT on account of death in the family.

## REPORTS FROM COMMITTEES

Mr. COAKLEY from the Committee on Highways reported as committed, House Bill No. 1425, entitled:

An Act to amend section one thousand two hundred and seven of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" as amended, including townships of the first class among the recipients of certain fines.

Mr. MALE from the Committee on Highways, reported as committed, House Bill No. 2046, entitled:

An Act to amend an act approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws six hundred and eighty-one), entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department; and providing that certified copies of all records, books, papers, documents, and rulings of the department shall be received in evidence," by providing that the Secretary of Highways, in addition to the certification fee of one dollar ($1.00), also may charge the cost of producing certified copies.

Mr. FLANAGAN from the Committee on Highways reported as committed, House Bill No. 2044, entitled:

An Act to amend the act approved the twenty-third day of May, one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine), entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions" providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 1905, entitled:

An Act to amend sections six and seven of the act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws, six hundred sixty-one), entitled "An act relating to the maintenance of insane, feeble-minded, and other persons confined to the various institutions of the Commonwealth; fixing liability for their support; providing for the collection of the moneys due the Commonwealth therefor, and for proceedings relating thereto," by defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth for the maintenance and support of insane, feeble-minded, and other persons confined in various institutions of the Commonwealth.

Mr. CARSON from the Committee on Highways reported as committed, House Bill No. 1432, entitled:

An Act regulating the use of the public highways of this Commonwealth for the transportation of anthracite coal thereover by motor vehicle; requiring a permit from the Public Service Commission in certain cases; requiring committees to establish ability to pay damages for personal injuries and property damage; authorizing the Public Service Commission to make rules and regulations, including the hours of service of operators of motor vehicles so used; and prescribing penalties.

Mr. LaRUE from the committee on Highways, reported as committed, House Bill No. 2060, entitled:

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes; and providing a method of procedure.

Mr. WESTRICK from the Committee on Highways reported as committed, House Bill No. 2057, entitled:

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases, has failed to furnish the required protection through insolvency of the insurance carrier, and making an appropriation.

Mr. DIEHL from the Committee on Highways, reported as committed, House Bill No. 2051, entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships, under certain conditions and restrictions, and appropriating money in the Motor License Fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the Motor License Fund; and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by adding thereto township, borough or incorporated town bridges.

Mr. McCREARY from the Committee on Highways reported as committed, House Bill No. 2063, entitled:

An Act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department, under certain terms and conditions, and making an appropriation.

Mr. OMINSKY from the Committee on Judiciary General reported as committed, House Bill No. 104, entitled:

An Act to repeal the act approved the twenty-sixth day of June, one thousand nine hundred and nineteen (P. L. 639), entitled "An act defining sedition, and prescribing the punishment therefor," and its amendments.

Mr. HOMER S. BROWN from the Committee on Judiciary General reported as committed, House Bill No. 1647, entitled:

An Act relating to bail, regulating the taking, release, forfeiture and denial thereof; fixing the qualifications of bondsmen and sureties; requiring the licensure of professional bondsmen; conferring certain powers and duties on the Insurance Commissioner, on district attorneys and clerks of courts; providing for the recording of bail and the effect of such recording and providing penalties.

Mr. HOMER S. BROWN from the Committee on Judiciary General reported as committed, House Bill No. 1772, entitled:

An Act to amend sections ten, twelve and fifteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," prescribing additional grounds for divorce and providing for the annulment of additional void marriages.

Mr. EBERHARTER from the Committee on Judiciary General reported as committed, House Bill No. 1741, entitled:

An Act to amend section nine of the act, approved the thirty-first day of March, one thousand eight hundred sixty (P. L. 382), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth," by defining and amplifying the meaning of the crime of common barratry.

Mr. EBERHARTER from the Committee on Judiciary General reported as committed, House Bill No. 1979, entitled:

An Act to amend section five of the act approved fifth day of May, one thousand nine hundred and eleven, (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein and providing for the expenses thereof," as amended, providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

Mr. BRADLEY from the Committee on Highways reported as committed, House Bill No. 1237, entitled:

An Act to further amend article eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" by adding a new section limiting the amount of liquid or motor fuel which may be carried.

Mr. CLIFF S. PATTERSON from the Committee on Highways reported as committed, House Bill No. 1823, entitled:

An Act establishing a certain section of public road as a State highway, and providing for its construction and maintenance at the expense of the Commonwealth.

Mr. SCHWAB from the Committee on Highways reported as committed, House Bill No. 2050, entitled:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases,' as amended, extending the provisions of said act to highways in cities," as amended.

Mr. ACHTERMAN from the Committee on Judiciary General reported as committed, House Bill No. 1976, entitled:

An Act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

Mr. SHUGARTS from the Committee on Ways and Means reported as amended, House Bill No. 1073, entitled:

An Act to amend section four of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled "An act imposing a State tax, payable by those herein defined as manufacturers and distributors, on certain alcoholic beverages used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, of alcoholic beverages taxable hereunder; and providing penalties," as amended; prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid.

Mr. MURRIN from the Committee on Highways reported as committed, House Bill No. 2058, entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway, and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

Mr. HETRICK from the Committee on Highways reported as committed, House Bill No. 2048, entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; providing the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended, by adding new routes.

Mr. HARKINS from the Committee on Judiciary General reported as committed, House Bill No. 584, entitled:

An Act authorizing the recorder of deeds of any county of the second class to record, or where re-recording is authorized by law to re-record by a photographic or photostatic process or method, all papers required or authorized to be recorded or re-recorded by him, and fixing the fees for such recording and re-recording, providing that any such photographic or photostatic record or re-record or any photographic or photostatic exemplification thereof shall be legal evidence in all cases where such original paper would be competent, authorizing the board of county commissioners of any such county to contract, purchase and pay for out of the county funds such apparatus, equipment and supplies as shall be necessary to enable such recorder to record and re-record such instruments by such photographic or photostatic process or method, authorizing the employment of such skilled employes and assistants as shall be necessary to administer such process or method and providing for fixing the kind, number and compensation of such skilled employes and assistants, and providing that such compensation shall be paid only out of the fees of said office collected or earned.

Mr. HARKINS from the Committee on Judiciary General reported as committed, House Bill No. 1090, entitled:

An Act relating to search warrants, regulating their issuance, execution and return, prescribing the powers and duties of justices of the peace, aldermen and magistrates issuing them, and of officers executing them, inflicting penalties for unlawfully procuring, unlawfully executing, and unlawfully resisting the execution of a search warrant.

Mr. HOOPES from the Committee on Judiciary General reported as committed, House Bill No. 1987, entitled:

An Act to amend section nine hundred and seven of article nine of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing citizens to petition the Attorney General to appoint an attorney to supersede the district attorney in certain cases.

By Mr. SIEGEL from the Committee on Highways reported as committed, House Bill No. 2056, entitled:

An Act to amend sections one and three of the act approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred nine), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place, and benefits for improvements.

Mr. WELLIVER from the Committee on Highways, reported as committed, House Bill No. 2052, entitled:

An Act to amend section seven hundred fifty-five of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws relating thereto by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury Approval.

Mr. HIRSCH from the Committee on Highways reported as committed, House Bill No. 2061, entitled:

An Act relating to trees and other obstructions on State Highway Routes and intersecting roads, providing for the removal thereof and the disposition of the logs or wood from such trees under certain conditions.

Mr. GERARD from the Committee on Appropriations reported as committed, House Bill No. 2113, entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster.

Mr. MASON from the Committee on Judiciary General reported as committed, House Bill No. 1712, entitled:

An Act to amend section one of the act approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533), entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent," by increasing the amount of exemption to five hundred dollars.

Mr. FRANCIS T. BAKER from the Committee on Highways reported as committed, House Bill No. 2054, entitled:

An Act to amend sections one and two of the act approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways.

Mr. WEIDMANN from the Committee on Highways reported as committed, House Bill No. 2055, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and arministrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes of certain departments, boards, and commissions shall be determined," by adding to section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials.

Mr. TURNER, from the Committee on Judiciary General reported as committed, House Bill No. 2027, entitled:

An Act to limit the jurisdiction of courts in equity in issuing restraining orders or temporary or permanent injunctions in certain cases.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1184, entitled:

An Act to further amend section three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospitals for services to indigent victims of motor vehicle accidents.

Mr. YEAKEL from the Committee on Highways reported as committed, House Bill No. 2047, entitled:

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphet Laws three hundred and ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

Mr. BLUMBERG from the Committee on Judiciary General reported as committed, House Bill No. 1830, entitled:

An Act providing for one additional law judge of the court of common pleas of the Thirty-second Judicial District.

Mr. WOOD from the Committee on Highways reported as committed, House Bill No. 2053, entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Mr. DAVIES from the Committee on Highways reported as committed, House Bill No. 2059, entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

Mr. HORST from the Committee on Highways reported as committed, House Bill No. 2045, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by adding a provision limiting the responsibility of the Commonwealth in the elimination of grade crossings.

Mr. MERRELL from the Committee on Highways reported as committed, House Bill No. 2049, entitled:

An Act to amend section one of the act approved the fourth day of May, one thousand nine hundred thirty-three (P. L. 277), entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities, boroughs, or incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," to include as State highways portions of the highway outside municipalities under certain conditions.

Mr. EROE from the Committee on Highways reported as committed, House Bill No. 1586, entitled:

An Act to establish as a State highway a certain section of public road in the County of Crawford, and providing for its construction and maintenance at the expense of the Commonwealth.

Mr. BARBER from the Committee on Appropriations reported as committed, House Bill No. 1991, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools, for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five.

Mr. FLINCHBAUGH from the Committee on Ways and Means re-reported as committed, House Bill No. 1473, entitled:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

Mr. CHERVENAK from the Committee on Ways and Means re-reported as committed, House Bill No. 1611, entitled:

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth, establishing Ports of Entry to aid in the collection of said taxes; conferring powers, and imposing duties upon certain officials, boards and departments of this Commonwealth and political subdivisions thereof; providing for the collection and disposition of the tax and for the administration and enforcement of the act; providing penalties and making an appropriation.

Mr. STEVENS from the Committee on Ways and Means re-reported as amended, House Bill No. 1631, entitled:

An Act to provide revenue by imposing a State excise tax upon all gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and liens of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties.

Mr. BALDI from the Committee on Appropriations re-reported as amended, House Bill No. 909, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care of indigent persons injured in motor vehicle accidents imposing powers and duties upon certain State departments and making an appropriation from the Motor License Fund.

Mr. ALLEN from the Committee on Highways re-reported as amended, House Bill No. 28, entitled:

An Act to amend article nine of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by adding a new section thereto for protecting the safety of the public by prohibiting the operation of certain commercial motor vehicles on Sundays and legal holidays between the hours of nine o'clock ante meridian and nine o'clock post meridian.

Mr. CONNER from the Committee on Appropriations re-reported as committed, House Bill No. 1923 (Senate Bill No. 710), entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation.

Mrs. WILSON from the Committee on Federal Relations reported as amended, House Resolution No. 25.

Mr. OMINSKY from the Committee on Federal Relations reported as amended, House Resolution No. 32.

Mr. FINNERTY from the Committee on Federal Relations reported as committed, House Resolution No. 37.

Mr. HOLSTROM from the Committee on Highways reported as amended, House Resolution No. 122.

## RESOLUTION

### RECALLING HOUSE BILL NO. 450 FROM THE GOVERNOR

Mr. SIMON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 16, 1935.

Resolved (if the Senate concur), That House Bill No. 450, Printer's No. 100, entitled "An act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408), entitled 'A supplement to the twenty-fourth section of an act entitled "An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine" approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Comonwealth' as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

### STATEMENT BY MR. COLEMAN.

Mr. COLEMAN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, last week I sat here and listened with rapt attention to the discussion relative to the relief situation in the state of Pennsylvania. I thoroughly enjoyed the matching of wits of the leadership on both sides of the House. As a matter of fact, the mastery of language, the depth of their thought, the canny knowledge of governmental affairs, the thorough grasp of budgetary requirements of the membership of this House have left me breathless, and because of my inexperience in matters of this sort, I have very religiously avoided being involved in these debates, and hence my presence here has been characterized almost entirely by profound silence, but the Bible tells us of a time to speak and a time to keep silent.

There is no member of this House with any semblance of reason and foresight who could not see, not the remote contingency, but the alarming condition that confronts the people in this Commonwealth.

We have been in session sixteen weeks and we are no nearer the requirements of the Federal Administrator of Relief than we were the day we stood in the front of this House and raised our right hands heavenward to take the solemn oath of office.

While I sat here and listened to the discussion, my mind went back reverently to the stirring days of 1917. I could sort of visualize the flower of Pennsylvania manhood marching off to war, marching down the principal streets of our great cities, through the neighboring towns and across the farms, and America threw her fresh strength into the ranks of freedom just in time to change the whole tide of the struggle, when the fate of the world hung in the balance, Pennsylvania's sons were on hand and they made their breasts a barrier to the enemy bullets, and many of them have returned with empty sleeves and empty eye sockets, baring mute evidences of the sacrifices they made on French soil.

I have run across a number of those men lately who are victims of the depression, and when you talk to them there is a sort of veiled expression that seems to say, "When the emergency arose in 1917, we endured hardships, we made the sacrifice, but when the emergency arose in 1935, the members of the General Assembly were found wanting."

What would Lincoln, the great emancipator, say if he were to come suddenly to life and see the tactics of the Republican controlled Senate? Lincoln, the man that always championed the cause of the poor and the needy, the man who said, "God must have loved the poor people, because he made so many of us."

When I mention the name of Lincoln I cannot help but feel with the poet,

"Awake, immortal heart, and breath again
Thy pulse of mercy into lesser men,
The pulse that beat in anguish for the slave,
That gave its own life blood to heal and save,
Awake and shame those hollow hearts that praise the dead,
And praising, would deny Thy people bread."

There has never been a time in the history of the world where stubbornness kept men apart that their differences could not be adjusted by the application of common sense. Whenever men get together regardless of their differences

in a sort of conciliatory spirit, with a unity of thought and a unity of purpose, misunderstanding always passed away.

Let me call your attention to the action of the Governor of Ohio, which prompted this statement from me today. The Governor of Ohio on Saturday appealed to the citizenry of Ohio for nickels and dimes and quarters to run the Governor's office. Ohio, the great cradle of presidents, that gave to America some of her most illustrious sons, appealing to the charitable instincts of its citizenry to run the government. God forbid that the Governor of this great Commonwealth will be forced to do likewise.

I do not want to scold. All I am asking for is a return of that spirit that prompted the poet to say

"In faith and hope the world will disagree,
But all mankind's concern is charity."

The people on relief in the state of Pennsylvania are standing in the hall of Pontius Pilate, their brows crowned with the thorns of worry, their bodies shackled by the manacles of disorganization, and they are pleading with God, they are supplicating the members of the General Assembly to lift from their backs the heavy burden of life and to erase from their minds the worry of poverty.

I have no plan to offer. As a matter of fact, I have already confessed my inexperience, but I do have an abiding faith in human nature and I know that out of the leadership of a Witkin, out of the great heart and the true-blue friendship of a Turner, out of the masters of detail of a Blumberg, out of the great sense of responsibility of a Sowers, will evolve a worth-while plan, if they will but reveal a genuine disposition to cooperate and to get the Republican controlled Senate to do likewise. If they do that, I feel they will be doing more to restore their party to popularity than any other action they could possibly take, and at the same time they will receive the thanks of the people on relief, so that they dare lift their eyes to God and their hearts to better things that are sure to come. The glorious sunlight of yesterday shall return if this problem is handled by the application of common sense.

## MOTION TO DISCHARGE COMMITTEE

Mr. DENNING. Mr. Speaker, I move that the Committee on Law and Order be discharged from further consideration of House Bill No. 87, entitled:

An Act to amend section four eleven of the act approved the twenty-ninth day of November A. D. one thousand nine hundred and thirty-three pamphlet laws extraordinary session nineteen hundred and three-three page fifteen entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" fixing times for selling and distributing liquor and malt liquors which was offered January 14, 1935 and referred on January 15, 1935 and that the same be placed upon the House Calendar.

On the question,
Will the House agree to the motion?

## MOTION LAID ON TABLE

Mr. MELCHIORRE. Mr. Speaker, I move that the motion be laid upon the table.

On the question,
Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker and members of the House, the motion (—).

The SPEAKER. The Chair wishes to inform the gentleman from Philadelphia that a motion to lay on the table is not debatable.

The yeas and nays were required by Mr. SOWERS and Mr. HART and were as follows:

YEAS—163

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Male, | Shortz, |
| Alexander, | Ferko, | Mason, | Shreiner, |
| Allen, | Finnerty, | McCreary, | Shugarts, |
| Andrews, | Fitch, | McDermott, | Siegel, |
| Aukerman, | Flanagan, | McElroy, | Simpson, |
| Baine, | Flinchbaugh, | McHenry, | Sinwell, |
| Baker, F. T., | Forrest, | McKinney, | Sloan, |
| Baker, J J., | Furman, | Melchiorre, | Smith, J. A., |
| Baldi, | Gerard, | Mentzer, | Smith, W. G., |
| Barber, | Gillette, | Moomaw, | Snyder, F. E., |
| Blumberg, | Habbyshaw, | Mooney, | Snyder, J. L., |
| Boose, | Haberlen, | Moran, | Spangler, |
| Boyd, R., | Hagerty, | Moul, | Stevens, |
| Boyer, | Haluska, | Muir, | Stewart, |
| Bradley, | Hamilton, F. P., | Murrin, | Stone, |
| Brancato, | Hamilton, R. S., | Nagel, | Stott, |
| Brennan, | Harkins, | O'Keefe, | Sumney, |
| Brown, H. S., | Harmuth, | Ominsky, | Surface, |
| Brown, J. E., | Hartman, | O'Neill, | Terry, |
| Brownfield, | Hefferon, | Panton, | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, C., | Trout, |
| Burke, | Hetrick, | Patterson, J. W., | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holland, | Phillips, | Walker, |
| Coakley, | Holstrom, | Piole, | Wall, |
| Cohen, | Horst, | Powers, | Weidemann, |
| Coleman, | Jackson, | Reising, | Weiss, |
| Conner, | Jones, | Rhys, | Welliver, |
| Coolahan, | Kelso, | Rinn, | White, |
| Cordier, | Kilroy, | Robinson, | Wickersham, |
| Davies, | Kinney, | Ruffennach, | Winner, |
| Decker, | Klingler, | Ruth, | Witkin, |
| Diehl, | Kobelak, | Sarraf, | Wood, |
| Dilley, | LaRue, | Scanlon, | Woodside, |
| Downey, G. E., | Linderman, | Schrock, | Yeakel, |
| Downey, J. J., | Long, | Schrope, | Yourishin, |
| Duffort, | Longaker, | Schwab, | Zappala, |
| Eberharter, | Lovett, | Shaw, | Zimmerman, |
| Eroe, | Lynch, | Shepard, | Sarig, |

NAYS—11

| | | | |
|---|---|---|---|
| Barnhardt, | Green, | Root, | Westrick, |
| Bernhard, | Hoopes, | Sowers, | Wilson, |
| Denning, | Moore, | Wasserman, | |

So the question was determined in the affirmative and the motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2122, entitled:

An Act providing for the annual registration with the Department of Labor and Industry of establishments where persons are employed requiring certain statistical data relating to employment and accidents to be furnished the department authorizing the department to prescribe an annual registration fee and imposing a penalty for violation of the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2086 (Senate Bill No. 631), entitled:

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agriculture exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 979 as follows:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act for Cities of the First Class"

Section 2 Definitions (a) The word "commission" shall mean any registration commission having jurisdiction in any city of the first class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special primary or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the first class although such percentage of said vote may not have been attained in any particular election district thereof

(j) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the first class or with which such city is coextensive

(n) "City" shall mean only a city of the first class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics unless otherwise specified shall refer only to those of any city of the first class or to those of any county within which such city is located or with which it is coextensive

(p) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

Section 3 Registration Commissions Appointment of Members (a) There shall be a registration commission in and for each city of the first class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of five commissioners who shall be qualified electors of the city not more than three of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and except as herein otherwise shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however that the terms of office of the commissioners first appointed by the Governor under this act shall commence on the first day of June one thousand nine hundred and thirty-five and the term of one of such members shall expire on the first Monday of January one thousand nine hundred and thirty-seven the term of two of such members shall expire upon the first Monday of January one thousand nine hundred and thirty-eight and the term of two of such members shall expire upon the first Monday of January one thousand nine hundred and thirty-nine Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of five thousand dollars per annum except the chairman thereof who shall receive compensation at the rate of six thousand dollars per annum

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

Section 4 Powers of Commissioners and Members Thereof Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled as hereinafter provided

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses and (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Appointment Duties (a) The commission shall have power to appoint such inspectors of registration as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same They shall receive for their services compensation not exceeding five dollars per day for the time actually employed

(b) The commission shall not later than the fifteenth day of August in the year one thousand nine hundred thirty-five apoint four registrars for each election district two to be members of the party polling the highest vote in the city at the preceding November election and one to be a member of the party polling the second highest vote at said election and designate two of them one each from the two major parties to have charge of the district register and registration cards at all times during said year when they are sitting at the polling places as hereinafter provided Not later than the fifteenth day of August in all subsequent years the commission shall appoint two registrars for each election district one to be a member of the party polling the highest vote at the preceding November election and the other to be a member of the party polling the second highest vote at such election All such registrars shall be empowered to register the qualified electors of the city and in so doing to administer oaths and affirmations They shall be paid for their services at the rate of ten dollars for each day that they are in session ot the polling places (payable after they deliver the registers et cetera to the commission as hereinafter provided) and at the same rate as other witnesses when they are summoned to appear before the commission or the court of common pleas

(c) Not later than the twentieth day of July of each year the city chairman of the party having polled the highest vote in the city at the preceding November election and the city chairman of the party having polled the second highest vote in the city at such election may file with the commission a written list of names of members of said party whom such chairman recommends for the appointment as registrars Such lists shall contain the name address qualifications and occupation of each person so recommended They shall be open to public inspection at the office of the commission until the twenty-sixth day of July of each year before the appointments shall be made

The commission shall appoint persons whose names appear on such lists as the registrars representing such party if more candidates are recommended by any such party than it is entitled to have appointed the commission shall apoint the candidates whom it considers most fit and if there are not sufficient fit candidates recommended by any such party the commission may appoint other persons of whom it has knowledge

(d) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act

(e) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(f) Each commission may appoint a chief clerk at a compensation not exceeding thirty-five hundred dollars per annum who shall have authority to administer oaths sign vouchers and register persons who are qualified and who appear at the office of the commission as herein provided an assistant clerk not over twenty hundred dollars per annum an assistant clerk not over eighteen hundred dollars per annum a stenographer (who may act as a clerk) at a salary not over fifteen hundred dollars per annum a chief inspector at a salary not over eighteen hundred dollars per annum two custodians of the records to guard same while they are open to public inspection each of whom shall receive not more than twelve hundred dollars per annum a messenger who shall receive not more than one thousand dollars per annum as many clerks as they may deem necessary from time to time at a compensation not exceeding four dollars per diem for the time actually employed

(g) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaken owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 6 Counsel Compensation Duties The commission may employ special counsel at a compensation not exceeding two thousand dollars per annum Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal produre for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by City Council Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The council of each city shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of regis-

trars as herein provided inspectors of registration and other assistants and employes and the fees of witnesses as herein defined and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices accounts books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The council of each city shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriation heretofore made by the council of any city for the purpose of carrying out any provisions of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act as Registrars and Inspectors A commissioner or the chief clerk may act at the office of the commission as registrar and may at any time act as inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity From Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists voting check lists voters' certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar Commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sessions of Commission Any party or body of electors which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not less than three for any party or body of electors

Section 15 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Days and Hours of Registration at Office of Commission and at Polling Places Payments of Rentals Public Notice (a) The commission shall arrange to have the registrars as hereinbefore provided meet at the polling place in each election district in the year one thousand nine hundred and thirty-five on the tenth Tuesday ninth Tuesday and ninth Saturday preceding the municipal election and in all subsequent odd-numbered years on the ninth Saturday preceding the municipal election which shall be known as the fall registration and in even-numbered years on the fifth Wednesday preceding the spring primary which shall be known as the spring registration and on the fifth Saturday preceding the general election which shall also be known as the fall registration They shall remain in open session from seven ante meridian to one post meridian and from four post meridian to ten post meridian of each registration day aforesaid

They shall on said days receive personal applications from persons who claim that they are entitled to be registered They shall have power to administer oaths shall examine said applicants under oath and shall record on the duplicate registration cards the names of and other facts concerning those whom they shall determine to be qualified as hereinafter provided

(b) From and after the first day of June one thousand nine hundred and thirty-five each commission or any commissioner or the chief clerk appointed by the commission shall during ordinary busoiness hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days following each election and each primary at the office of the commission receive personal application from presons who claim that they are entitled to be registered as electors of the city and who appear for registration.

(c) The county commissioners shall cause the polling places to be open in proper order for use as a place of registration on each of said registration days when the registrars are required by this act to be in session at the polling places and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) Two weeks notice of all registration days shall be given by the commissioners by one general notice pub-

lished in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and by posting notices at the polling places

Section 17 Disposition of Old Registration Lists Effective Under Prior Laws The registration lists effective at the time this act becomes effective except as hereinafter provided shall become of no validity at the beginning of the period of fall registration in the year of one thousand nine hundred and thirty-five but the old registers shall be delivered to the registrars of the district before such fall registration for the purpose of checking certain information as hereinafter provided and shall thereafter be preserved by the commissioners for at least two years after such date and during said period shall be open to public inspection under proper regulations for their safe-keeping and no register shall be destroyed without the previous consent in writing of the district attorney of the proper county

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by the following section of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to the registrars

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe the registrars shall return to the commission at its office all registration cards used or unused in their possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the registrars in the district in which he resides or at the office of the commission on one of the days and at the time prescribed by this act and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrars or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) The length of his residence in the State and district respectively it shall be sufficient to state such time as to qualify him to vote in the district (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the approximate age of the applicant or a statement that he is twenty-one years of age and upwards (11) the state or territory of the United States or the foreign country where he was born (12) the date when place where and the court by which naturalized and number of the naturalization certificate (13) if not naturalized personally the name of father or husband through whom naturalized (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of one of the registrars and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (21) the date of each election and promary at which the elector votes and (22) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the general registers when filed by election districts as the district registers

(e) If the applicant shall allege inability to sign his name he shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicants inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name which affidavit shall be returned therewith to the office of the registration commission to be filed as part of its records

(f) When the registration of an elector has been completed the registrars or commissioner shall deliver to the registered elector upon his request a written statement signed by such registrars or commissioner setting forth the name and address of the elector the fact of registration and the date thereof

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered at a fall registration as hereinafter provided but at the spring registration only if he will be qualified to vote at the spring primary but no person shall be registered at the polling placesunless both registrars when only two are sitting and at least three of the registrars when four are sitting or at the office of the commission unless one commissioner or the chief clerk of the commission determine that he is so qualified except by order of a court of common pleas as hereinafter provided From and after the seventh day of September one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so regis-

tered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote at any two successive elections as hereinafter provided

Section 21 Applicants To Register May Be Chalenged Procedure Challenge Affidavit (a) Any person claiming the right to register at any polling place may be challenged by a registrar or by any qualified elector of the election district Any person asking for registration by the commission may be challenged by a commissioner or a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth The challenged applicant shall produce such other proof as the law requires challenged persons to produce on election day and it shall be the duty of the registrars or commission to require it before permitting him to be registered

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrars or commissioners he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last November election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized Except as herein otherwise provided any person claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before he shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to the twenty-second day of September one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court in which such naturalization took place and that she is unable to produce his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

No person shall be required to prove their citizenship as required by this section when they apply for registration the registers for the year one thousand nine hundred and in the year one thousand nine hundred and thirty-five if thirty-five if the registers for the year one thousand nine hundred and thirty-four of the district in which he is claiming the right to register show such person to have been registered during such year and if at least two of the registrars or three of the commissioners as the case may be are satisfied as to such person's citizenship For the purpose of determining all such persons previous registration the registrars shall refer to the said old registers of the district which are to be delivered to them with the district registers as hereinbefore provided

Section 23 Incomplete or Rejected Applications to be Recorded The registrars or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards marked "Applicant Rejected" and the registrars or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered had been denied by the registrars or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrars or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner shall not be registered

Section 25 General Register The duplicate registration affidavits for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the general register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 26 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the district register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 27 Change of Enrollment of Political Party Cancellation of Party Enrolment (a) At any time prior to the fifteenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear at the office of the commission or before the registrars of his district when sitting at the polling place and state in writing over his signature the political party in which he desires to be enrolled and the registrars or commissioner shall cause the enrollment of the elector's political designation to be made or alter accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding

any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 28 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a commissioner at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 29 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once each four years the commission shall send such notice by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by the following section of this act a copy of which notice shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time specified in such notice and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he proves his qualifications as an elector

Section 30 Canvass of Registered Voters Any inspector of registration on his own motion or on complaint of any person known to him and when directed by any commissioner shall

(a) Investigate all questions relating to the registration of electors and for that purpose shall have power to enter and inspect any house dwelling building inn lodging house or hotel within any city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment aforesaid

(b) Inspect any copy and register of lodgers in lodging houses inns or hotels relating to or affecting the right of any person to vote or to be registered in like manner

(c) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when violation is punishable as a crime

(d) Call on any police or peace officer of such city or of the county to assist the inspector of registration in the maintenance of peace at any polling place or in making any arrest as aforesaid

(e) Leave a notice at the address from which any person is registered when such person shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered Such notice shall require such elector to "satisfy the commission of his qualifications as a voter" on or before a date and hour which the notice shall appoint and which shall not be later than the fifth day preceding the election or primary next ensuing The inspector shall give written report of such cases to the commission which shall cause a confirmation of each such notice to be sent by mail promptly to such person at the from which he is registered "and shall also mail a copy of each such notice to the city chairman of the political party in which such person may be enrolled at least forty-eight hours prior to the time specified in such notice"

At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not proved his qualifications as an elector

Section 31 Comparison and Correction of Registers Preliminary Street Lists (a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each general and municipal election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commissions shall cause to be made at least fifty and not more than one hundred exact copies of each such list and as soon as possible and not later than the first day of March in each year shall distribute the same among the inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties bodies of electors and candidates interested therein giving at least ten copies of each street list to the city committee of each political party or body of electors upon the written application of the chairman thereof and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on the file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 32 Corrected Street Lists Posting Not later than the fifteenth day prior to each general and municipal election and spring primary and not later than the seventh day prior to each fall primary the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house number The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Such lists shall be distributed to the same people and in the same manner and number as is hereinbefore provided for in the case of preliminary lists except the various city committees shall receive but five copies A copy of the corrected street list of each election district shall forthwith be publicly posted at the polling place of such district Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 33 Petitions to Strike Off Names Any qualified elector including any watcher registrar or in-

spector of registration of the city may file his petition with the commission praying for the cancellation of the registration of any registered elector of the city upon such grounds as he may set forth in such petition under oath One of the commissioners shall fix a time and place for hearing such petition not later than five days before any fall primary or ten days preceding any election or spring primary and the petitioners shall cause forty-eight hours notice of the proceeding to be given to the person whose registration is in question by leaving a copy of the petition with the time and place fixed for hearing the same indorsed thereon with an adult person at his place of residence as given by him to the registrars and recorded in the registers and upon proof of service of such notice or proof that there is no one residing at the address given the commissioners shall proceed with a public hearing of the petition notice of which shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time set therefor Any person whose name appears on a register shall be deemed prima facie to be legally registered at the place given as his residence on the registration card and in such cases the failure of such person to appear at the hearing shall not be considered sufficient reason for removing his name from the register The burden of proving that such person is not a resident of the election district in which he is registered or that for any other reason his name appears illegally thereon shall be upon the petitioner and such proof shall be made by evidence which would be legal and competent before a court of record produced at such hearing but the commissioners if satisfied after the production of such evidence that the said person is not legally entitled to be registered shall cancel the registration of such elector and amend accordingly the general and district registers and the other records affected

Section 34 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceding an election or primary the commission shall deliver to the county commissioners of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election day of any person who has removed from one election disrtict to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 35 Persons Registered are Entitled to Vote if Identified by Signature District Register as Ballot Check List and Voters' Certificates as Voting Check List at Elections Challenging of Persons Registered Return of Voters Certificates and Register (a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law or this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership Provided That no elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for the same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary in such city without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer of election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district and if challenged as to betting or as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secertary of the Commonwealth substantially as follows

Voter's Certificate

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

..... Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines) .....

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or

initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature and after the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting check List" and the name of the district and date of the primary or election and the said voter's certificates so bound shall in such city constitute the voting check list heretofore required by law All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officer shall be carefully preserved and returned to the commission with the list of voters

(g) The district register hereby provided for shall be used at each election and primary in such city by the election officers in the place of the register known as the ballot check list heretofore required by law As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The voters' certificates herein called the voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 36 Entry of Information in General Registers following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates as having voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration affidavits of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration affidavits in each register a supplemental card Each supplemental card shall be printed in a color different from the registration affidavits It shall have the same serial number as the registration affidavit followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration affidavit Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other date required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration affidavit to which it relates by permanent fasteners in such a manner that the contents of the registration affidavit may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration affidavit of any elector the registration affidavit shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 37 Cancellation of Registration Upon Failure to Vote at Two Succeeding Elections Starting immediately after the municipal election held in the year one thousand nine hundred and thirty-five and immediately after each general municipal and primary election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector whom such record shows as having failed to vote at any two succeeding elections after his registration the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has failed to vote at two succeeding elections and that in order to be qualified to vote at any subsequent election he must again be registered by personal application before a commissioner or registrars in the manner provided by this act

Section 38 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 39 Appeals to Court Hearing Costs (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of the city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to strike off or remove names upon any petition of any kind aforesaid may without the payment of any costs file an appeal with the proper court of common pleas not later than the fourth day preceding any fall primary or any eighth day preceding any election or spring primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter indispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered do novo unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election offices of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel any opposing party or the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 40 Production of Documents Et Cetera at Appeals At the written request of any person taking an ap-

peal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 41 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses and all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said court if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission and the appellant until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission or for the appellant taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 42 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission of refuses to obey its subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court of commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioners or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder

or delay any commissioners or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed therein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

Section 43 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided herein this act shall be in force and take effect from and after the first day of June one thousand nine hundred and thirty-five

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 44 Repeal of Prior Laws Proviso (1) The act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-seven) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commission and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting the certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regullating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect pool taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive leagalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" and the amendments and supplements thereof are hereby repealed

(b) All other acts or parts of act in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And said bill having been read at length the second time and agreed to

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1423, as follows:

An Act To further amend article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing therein authority for appropriations to fire companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws fifteen) is hereby further amended by adding thereto at the end thereof a new subheading to read as follows

(1) Fire Companies

Section 495 Appropriations to Fire Companies The board of commissioners may annually appropriate money to any volunteer fire company in any political subdivision of the county actively organized and operating for the fire protection of the inhabitants of such political subdivision or neighboring subdivisions for the support and maintenance of such company

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1233, as follows:

An Act Requiring street cars to be equipped with caution lights

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall be unlawful for any street car to be operated in and upon the highways of any county within this Commonwealth unless equipped at the rear with a red signal lamp of such design and so placed as to be clearly visible for a distance of one hundred feet under ordinary atmospheric conditions Such signal lamp shall be so designed mechanically or electrically as to permit

the operator of the street car to indicate when he is reducing the speed of the car

Section 2 Hereafter it shall be unlawful for the operator of any street car in any county within this Commonwealth to neglect or fail to give warning by means of such signal lamp that he is reducing the speed of the street car of which he is the operator

Section 3 Any owner who shall fail to comply with section one of this act shall upon conviction thereof be sentenced to pay a fine of ten dollars ($10) for each day such street car is operated in violation of this act and any operator who shall neglect or fail to give the warning required herein shall upon conviction thereof be sentenced to pay a fine of ten dollars ($10) for each offense

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## RECONSIDERATION OF VOTE

Mr. LONG. Mr. Speaker, I move that the vote by which the House agreed to transcribe House Bill No. 979, Printer's No. 176, for third reading, be reconsidered.

The motion was agreed to.

Mr. LONG. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading be reconsidered.

The motion was agreed to.

Mr. LONG. Mr. Speaker, I move that the vote by which the House agreed to the title be reconsidered.

The motion was agreed to.

Mr. LONG. Mr. Speaker, I move that the vote by which the House agreed to the various sections be reconsidered.

The motion was agreed to.

## BILL PASSED IN ORDER

Mr. LONG. Mr. Speaker, I move that this bill be passed over in its order.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 861, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled "An act fixing the time when statutory law hereafter enacted shall become effective"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight' entitled "An act fixing the time when statutory law hereafter enacted shall become effective" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all laws hereafter enacted finally [by] at a regular session of the General Assembly except laws making appropriations shall be in full force and effect only from and after the first day of September next following their final enactment unless a different date is specified in the act itself

Appropriation laws or laws having appropriation items enacted finally at a regular session of the General Assembly shall be in full force and effect from and after the first day of June next following their final enactment unless a different date is specified in the act itself or unless any such appropriation law or law having an appropriation item is enacted finally after the first day of June in any year in which case it shall be in full force and effect immediately upon final enactment

All laws enacted finally at a special or extraordinary session of the General Assembly shall be in full force and effect immediately upon final enactment unless a different date is specified in the act itself

The words "final enactment" or "enacted finally" as used in this act shall be construed to mean the time when the procedure required by the Constitution for the enactment of a bill into a law has been complied with

'Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 473, entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the

administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refuding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventeen) is hereby further amended to read as follows

Section 41 (a) 1 [When a fiduciary shall have in his hands any moneys the principal or capital whereof is to remain for a time in his possession or under his control and the interest profits or income whereof are to be paid away or to accumulate or when the income of real estate shall be more than sufficient for the purpose of the trust such fiduciary may invest such moneys in the stock or public debt of the United States or in the public debt of this Commonwealth or in bonds or certificates of debt constituting the direct and general obligation of any of the counties cities boroughs townships school districts or poor districts of this Commonwealth or in first mortgages on real estate in this Commonwealth securing bonds or other obligations not exceeding in amount two-thirds of the fair value of such real estate or in ground rents in this Commonwealth or in bonds payable not more than twenty years after date of one or more individuals secured by a deed or deeds of unencumbered real estate in this Commonwealth conveyed to a corporation organized under the laws of this Commonwealth and authorized to act as trustee in trust for the benefit of all such bondholders but the total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing it and the trustee shall not be exempted by contract or otherwise from responsibility for performing the ordinary duties of trustees or in trust certificates issued by a trust company organized under the laws of this Commonwealth certifying that the holders thereof are respectively the owners of undivided interests in deposits with such trust company of securities in which trust funds may be invested under the preceding provisions of this clause Provided That nothing herein contained shall authorize any fiduciary to make any investment contrary to the directions contained in the will of the decedent in regard to the investment of such moneys

It shall be the duty of any trustee of any property securing any investment which may be made hereunder at any time upon demand to disclose to any bondholder or certificate holder and to the representative of any public agency authorized by law to examine the affairs of the trustee any information which may be requested regarding any of the trust property in its possession

Within the meaning of this clause the "fair value" of real estate shall be the value placed thereon in writing by a reputable person who shall be especially familiar with real estate values shall have actually inspected the real estate before making his valuation and shall certify that his valuation was made after inspection of the premises]

Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Sub-Section (1) United States Obligations Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Sub-Section (2) Pennsylvania Obligations Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of the Commonwealth is pledged

Sub-Section (3) Local Government Obligations Bonds or other interest-bearing obligations of any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that at the date of the investment in such bonds or other interest-bearing obligations such political subdivision is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Sub-Section (4) Mortgages Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or it shall be amortized in installments totaling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Sub-Section (5) Ground Rents Ground rents secured upon unencumbered improved real estate situate within this Commonwealth provided that the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Sub-Section (6) Real Estate Bonds Bonds of one or more individuals or corporations secured by improved real estate situated within this Commonwealth not including real estate used as a theatre or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estate so conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary

plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of the investment if such mortgage bonds by such fiduciary provided that such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (7) Fractional Interests A fractional undivided interest in any investment in which a fiduciary is authorized by this section to invest trust funds apportioned to an estate of which the person or corporation creating such fractional undivided interest in the fiduciary

In the case of an investment in a fractional interest in a mortgage if the date of such investment is subsequent to the original date of the mortgage or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of such investment provided that such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds or other obligations secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (8) Railroad Obligations Railroad obligations subject to the following provisions

(a) As used in this sub-section the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-guage railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for any of such fiscal years ending during the period from December thirty-first one thousand nine hundred and thirty to December thirty-first one thousand nine hundred and thirty-five inclusive and shall have been not less than one and one-half times its fixed charges for any such fiscal year ending after December thirty-first one thousand nine hundred and thirty-five

(b) As used in this sub-section the words "railroad obligations" shall include and mean obligations which meet following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on not less than two-thirds of the total length of the railroad lines covered by its lien a part of which two-thirds shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census The railroad lines covered by the mortgage shall be either subject to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien then the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or

of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding fifteen years from the first date of issue of any thereof in approximately equal annual or semiannual installments beginning not later than three years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this sub-section The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged bonds and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this sub-section

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges Fixed charges shall be rent for leaser roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Sub-Section (9) Obligations of Gas Water and Electrical Companies The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from other corporations and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business or businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State or Commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must

be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of seucrities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien gage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (10) Obligations of Telephone Companies The following obligations of any corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a maior portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period provided such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay the interest thereon

(3) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said the proceeds of the new financing and for such five year securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this sub-section have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be of and the total expense of maintaining and operating all respectively the total amount earned from the operation property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter.

(7) The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the

gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of section provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (11) General Provisions

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this section when such non-legal investment was received by such fiduciary pursuant to the terms of the will deed decree of court or other instrument or if such non-legal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such non-legal investment

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement by two reputable persons familiar with real estate values in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

On the question,

Will the House agree to the section?

Mr. WICKERSHAM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 27, lines 16 to 25, by striking out all of said lines, both inclusive

Amend section 1, page 27, line 26, by striking out the letter "(d)" and insert in lieu thereof "(c)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgment and executions thereof and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended; further defining the nature and kind of investments of trust funds to be made by fiduciaries.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1806 as follows:

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred fifty-one) is hereby further amended to read as follows

Section 224 [Weekly] Monthly Returns of Licenses Issued by County Treasurer Every county treasurer of this Commonwealth shall each [week] month forward to the Department of Revenue a complete list of the resident and non-resident licenses granted with the names and addresses of the licensees on blanks to be furnished by the department at the cost of the Commonwealth

Section 2 This act shall become effective on the first day of the month succeeding the date of its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 183 as follows:

A Joint Resolution Proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section eighteen of article three of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 18 No appropriations shall be made for charitable educational or benevolent purposes to any person or community nor to any denominational or sectarian institution corporation or association Provided That appropriations may be made for pensions or gratuities for military services and to blind persons twenty-one years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 184 as follows:

A Joint Resolution Proposing an amendment to section seven article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section seven of article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 7 The General Assembly shall not authorize any county city borough township or incorporated district to become a stockholder in any company association or corporation or to obtain or appropriate money for or to loan its credit to any corporation association institution or individual Provided That the General Assembly may authorize any county city borough township or incorporated district to appropriate money for assistance to mothers having dependent children and to aged persons without adequate means of support

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 153 as follows:

A Joint Resolution Proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteen article hereof

That section one of article nine is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation a uniform value in money of the total taxable value of each persons property or of the taxable value of homesteads and also all public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines Uniformity shall not be required in the case of income inheritance estate and other excise taxes which may be graded or graduated and provide for exemptions but all such taxes shall be levied and collected under general laws

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 317 as follows:

AN Act Providing that where a tract of land has been or shall hereafter be annexed to a city borough or township and is a part of an election district therein it shall be a part of the same State-senatorial congressional and legislative district as the said election district

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in every case where a tract of land has been or shall hereafter be annexed to a contiguous city borough or township under the provisions of any act of assembly and said annexed land has become or becomes a part of an election district in such city borough or township it shall hereafter or upon such annexation be a part of the same State-senatorial congressional and legislative district as the election district to which it is annexed and shall cease to be a part of any other State-senatorial congressional and legislative district to which it may have belonged

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bil No. 1655 (Senate Bill No. 29), entitled:

A Joint Resolution proposing an amendment to article fourteen of the constitution of the Commonwealth of Pennsylvania by adding section eight.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair has been informed that a number of the members are not playing fair with either the Chair or the Sergeant-at-Arms. Under the orders of the House itself, the space back of the rail is to be kept clear for the members, and yet a number of the members, the Chair is informed, bring in friends under the guise of taking them into the consultation room which is a deception that is not worthy any member of this House. The House itself has given orders to keep that space clear. The Chair hopes that in future this practice will

be discontinued. It is not fair to the members, it is not fair to the Chair and it is not fair to the Sergeant-at-Arms. The Chair and the Sergeant-at-Arms are only the servants of the House and they are trying to carry out the orders of the House. The Sergeant-at-Arms will see that the rule is enforced.

## BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1477, as follows:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions after popular referendum and the appointment of their members by the county commissioners and prescribing the powers and duties of such commissions the county commissioners and the Secretary of Agriculture of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever one hundred or more citizens residents of a county petition the county commissioners for the establishment of a county mosquito extermination commission the county commissioners shall at the next general municipal primary or special election occurring more than thirty days after the filing of such petition submit to the voters of the county the question whether or not a mosquito extermination commission shall be established in the county Such questions shall be printed on the ballot or ballot labels in the form provided by the general election laws for the submission of such questions The vote on such question shall be counted returned and computed in the manner prescribed by the general election laws

Section 2 If a majority of the voters voting upon such question shall vote in favor of the establishment of such commission the county commissioners shall within thirty days thereafter appoint a mosquito extermination commission for such county consisting of five members The members first appointed shall hold office for terms of one two three four and five years respectively as specified in their certificates of appointment Annually thereafter the county commissioners shall appoint one member of such commission to serve for a term of five years Vacancies in the membership of such commission shall be filled by the county commissioners for the unexpired term The members of such commission shall serve without compensation No person employed by the county commissioners for service with the mosquito extermination commission shall be a member thereof The commission shall annually choose a chairman from among its members

Section 3 It shall be the duty of the county commissioners to provide the mosquito extermination commission with a suitable office where its maps plans documents records and accounts shall be kept subject to public inspection at such times and under such reasonable regulations as the commission may determine

The county commissioners shall have power after consulting with the mosquito extermination commission to appoint a secretary for such commission and to employ such other officers and employes as the county commissioners deem necessary to carry out the purposes of this act The compensation of such secretary officers and employes shall be fixed by the salary board in counties where such board exists otherwise by the county commissioners

The county commissioners shall have power after consulting with the mosquito extermination commission to prescribe the duties of such officers and employes and to make rules and regulations for carrying out the provisions of this act

Section 4 The Secretary of Agriculture of the Commonwealth of Pennsylvania is hereby authorized and empowered to cooperate with and assist each mosquito extermination commission in the effective carrying out of its plans and work He shall be a member ex officio of each such commission and may authorize a deputy to attend its meetings as his representative He and his said deputy shall serve without compensation except that the necessary expenses actually incurred by them in the attendance at meetings of said commissions shall be allowed and paid by the Commonwealth as a part of the expenses of the Department of Agriculture He shall furnish the said commissions with such surveys maps information and advice as they may require for the prosecution of their work or as in his opinion will be of advantage in connection therewith

Section 5 The county commissioners shall have power after consulting with the mosquito extermination commission to eliminate all breeding places of mosquitoes within the county for which such commission is appointed and to do and perform all acts and to carry out all plans which in the opinion and judgment of such commission may be necessary or proper for the elimination of breeding places of mosquitoes or which will tend to exterminate mosquitoes within said county

Any water in which mosquito larvae breed is hereby declared a nuisance and subject to abatement as such Whenever any such breeding place exists on any lands in the county which should in the opinion of the mosquito extermination commission be abated the county commissioners shall in writing order the owner or owners of such lands to abate the same within a period to be specified in such order If at the expiration of such period such order has not been complied with or if the owner or owners of the land cannot be ascertained or found the county commissioners shall at once abate said nuisance

Section 6 Each mosquito extermination commission shall on or before the first day of November in each year submit to the Secretary of Agriculture a detailed estimate of the money required for the ensuing year and a plan of the work to be done and the methods to be employed The Secretary of Agriculture shall have power to approve modify or alter such estimates plans and methods and the estimate plan and method finally approved by him shall be by him forwarded to the county commissioners of the county on or before the first day of January following its receipt

Section 7 It shall be the duty of the county commissioners to appropriate annually the amount of money so approved by the Secretary of Agriculture Provided That in no year shall the amount so appropriated exceed one-fourth of one mill on each dollar of the assessed value of taxable real estate in the county The sums so appropriated or so much thereof as may be required shall be paid out from time to time by the county treasurer on the orders of the county commissioners

Section 8 It shall be the duty of each mosquito extermination commission annually on or before the first day of February of each year to submit to the Secretary of Agriculture and to the county commissioners of the county a report setting forth the amount of moneys expended during the previous year the methods employed the work accomplished and any other information which in its judgment may be pertinent

Section 9 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr Speaker and members of the House, there has been much comment regarding this bill and a bit of humor has passed between myself and other members so that a word of explanation possibly is in order.

In our county a continual annoyance by mosquitos has caused a survey to be made by certain residents of some of the neighborhoods affected, in order to consider the practicability of getting rid of this pest. Not only is the personal comfort of our present population involved but a favorable reflection in real estate valuables is thought will be the result.

Ten boroughs and three townships in Delaware County have already spent about twelve hundred dollars in a preliminary survey with the services of a State College etymologist. The results of their work, embodied in a

report I have available, are convincing and practically enough for these citizens to get further pledges to continue their efforts.

This will enable the voters of any county to set up a commission serving without pay to take charge of the detail under the supervision of the county commissioners who make the appointment of the commission.

The United States government has proved mosquito extermination to be possible. We in Delaware County would like to set up the necessary enabling acts for any county to get rid of this pest if the voters so express themselves, and I ask your support of this bill.

I shall be glad to refer any technical questions to Doctor Surface, who is acquainted with this subject, and I will ask the members to give this bill their support, enabling the citizens of any county to undertake this work if the citizens so express themselves to that effect.

Mr. SUMNEY. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Sproul.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. SPROUL. I will, Mr. Speaker.

Mr. SUMNEY. Mr. Speaker, if the gentleman's answer to my question is in the affirmative I will pledge him my support and guarantee him that any man who votes against this bill is not a friend of mine.

Will this method exterminate mosquitos where it is being used?

Mr. SPROUL. Mr. Speaker, I will answer that question as I answered it in my preliminary remarks by saying that the people in Delaware County working for one year the results so far have been successful enough to continue their efforts, pledging the necessary money out of their own pockets, and the United States government has proved the practicability of the elimination of mosquitos whenever they go into a new territory.

Mr. SUMNEY. Mr. Speaker, I heartily support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | Mason, | Shreiner, |
| Alexander, | Finnerty, | McCreary, | Shugarts, |
| Allen, | Fitch, | McDermott, | Siegel, |
| Altenburg, | Flanagan, | McDevitt, | Simon, |
| Andrews, | Flinchbaugh, | McElroy, | Simpson, |
| Arnold, | Flynn, | McHenry, | Sinwell, |
| Atkins, | Forrest, | McKinney, | Sloan, |
| Aukerman, | Furman, | Melchiorre, | Smith, J. A., |
| Waine, | Gates, | Mentzer, | Smith, W. G., |
| Baker, J. J., | Gerard, | Merrell, | Snyder, F. E., |
| Baldi, | Gillette, | Moomaw, | Snyder, J. L., |
| Barber, | Green, | Mooney, | Sowers, |
| Barnhardt, | Greenstein, | Moore, | Spangler, |
| Bernhard, | Habbyshaw, | Moran, | Sproul, |
| Blumberg, | Haberlen, | Moul, | Stank, |
| Boose, | Hagerty, | Muir, | Stevens, |
| Boyd, R., | Haluska, | Murrin, | Stewart, |
| Boyer, | Hamilton, F. P., | Nagel, | Stone, |
| Bradley, | Hamilton, R. S., | Nothnagle, | Stott, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Harmuth, | Ominsky, | Surface, |
| Brown, J. E., | Hart, | O'Neill, | Tahl, |
| Brown, H. S., | Hartman, | Panton, | Terry, |
| Brownfield, | Hefferon, | Parks, | Tronzo, |
| Brumbaugh, | Hermansen, | Patterson, C., | Trout, |
| Burke, | Hetrick, | Patterson, J. W., | Tumelty, |
| Cannon, | Hindman, | Perry, | Turner, |
| Caputo, | Hirsch, | Peters, | Van Allsburg, |
| Carr, | Hoffner, | Pfaff, | Van Sickle, |
| Carson, | Holland, | Phillips, | Walker, |
| Chervenak, | Holstrom, | Piole, | Wall, |
| Coakley, | Hoopes, | Powers, | Wasserman, |
| Cochran, | Horst, | Reising, | Weidemann, |
| Cohen, | Jackson, | Reynolds, | Weiss, |
| Coleman, | Jones, | Rhys, | Welliver, |
| Condon, | Kane, | Rinn, | Welsh, |
| Conner, | Kelder, | Roan, | Westrick, |
| Coolahan, | Kelso, | Robinson, | White, |
| Cordier, | Kilroy, | Rooney, | Wickersham, |
| Davies, | Kinney, | Root, | Wilson, |
| Decker, | Klingler, | Ruffennach, | Winner, |
| Denning, | Kobelak, | Ruth, | Witkin, |
| Diehl, | LaRue, | Sarraf, | Wood, |
| Dilley, | Linderman, | Scanlon, | Woodside, |
| Downey, G. E., | Long, | Schrope, | Yeakel, |
| Downey, J. J., | Longaker, | Schwab, | Yourishin, |
| Duffort, | Lovett, | Schwartz, | Zappala, |
| Eberharter, | Lynch, | Shaw, | Zimmerman, |
| Eroe, | Male, | Shepard, | Sarig, |
| Falkenstein, | | Shortz, | |

NAYS—2

Baker, F. T., Schrock,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1082, as follows:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined [to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings] as

The correction of faulty and defective vision without the use of drugs using instead all or any mechanical method or appliance

A person engages in the "practice of optometry" within the meaning of this act who examines or attempts to

examine the eyes of any person for the purpose of prescribing glasses or lenses in any form or who holds himself or herself out to the public as being able or legally authorized so to do or who advertises in any manner any establishment office business or place for the examination of the eyes of persons for the prescribing of glasses without including in said advertisement the name of the licensed optometrist in charge

Section 2 Sections five and six of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 5 Every person desiring to commence the practice of optometry or if now in practice to continue the practice thereof after January first one thousand nine hundred and eighteen except as herein otherwise provided shall take the examination provided in this act and satisfy the other requirements hereof as here provided Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act or for one year in this and for the year preceding it in another State and is of good character shall be entitled to take a limited examination covering the following only

(a) The limitation of the sphere of optometry
(b) The necessary scientific instruments used
(c) The form and power of lenses used
(d) A correct method of measuring presbyopia hypermetropia myopia and astigmatism
(e) The writing of formulae or prescriptions for the adaption of lenses in aid of vision

The board shall also permit the taking of limited examinations by and the license of any person who shall apply therefore before the first day of January one thousand nine hundred and twenty-two who at the time of the passage of the act to which this is an amendment or the time when the limited examinations under said act were held was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was at such time or times otherwise unavoidably absent from this State or was physically handicapped and unable to take such examination Provided however That any such person shall have engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of the act to which this is an amendment or for one year in this Commonwealth and one year in another State and shall be of good character

Any person who at the time of the passage of the act to which this is an amendment was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was otherwise unavoidably absent from this State or was physically handicapped and unable to take the examination and who was actually engaged in the practice of optometry but who had engaged in such practice less than two years and any person over the age of twenty-one years of good moral character who has a preliminary education equivalent to two years of the course of high school and after the first day of January one thousand nine hundred and twenty-five has had a preliminary education equivalent to a four year high schol course whose standard is approved by the Department of Public Instruction which preliminary education shall be ascertained by examination or by acceptable certificate as to credentials for work done in such approved institution and has graduated from a school or college of optometry approved by the Department of Public Instruction as recommended by the State Board of Optometrical Examiners on satisfactory completion of a course in optometry of not less than three years shall be entitled to take a standard examination Such courses shall be not less than thirty-four weeks of attendance in each calendar year with a total of at least one thousand hours of actual classroom laboratory and clinical instruction Such schools of optometry to be approved must have their own building or buildings have a separate classroom for each class and have separate laboratories adequately equipped with suitable apparatus for individual instruction in gross anatomy histology chemistry physiology and physiological optics geometrical and physical optics and physics and ophthalmic mechanics The faculty shall consist of a sufficient number of qualified instructors to teach the subjects of the course The clinic shall consist of sufficient space and equipment to take care of a sufficient number of patients to provide at least four hundred clinic hours for each senior student

Said standard examination shall consist of tests in practical theoretical and physiological optics in theoretical and practical optometry and in the anatomy and physiology of the eye and in pathology as applied to optometry Provided That any person not less than twenty-one years of age who is actually engaged in the practice of optometry at the time of the passage of this act shall be entitled to take the standard examination merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee In case of failure at any limited examinatioon the applicant shall have the privilege of continuing the practice of optometry and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optometry in this Commonwealth Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office or place of business wherein said person shall practice optometry together with the photograph of said person attached to the lower right hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board Peddling from door to door practicing under any other name but that of a holder of a certificate of licensure or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office or place of business is specifically forbidden under penalty of revocation of certificate by the board except that optometrical service may be rendered in their home to patients who are physically unable to visit the certificate holders' offices Certificate holders may however establish a branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination [and is in charge of a regular licensed optometrist] Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 3 Section nine of said act as amended by the act approved the twentieth day of March one thousand

nine hundred and twenty-nine (Pamphlet Laws twenty-six) is hereby further amended to read as follows

Section 9 The State Board of Optometrical [Education Examination and Licensure] Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit practicing under any other name but that of a holder of a certificate of licensure or the peddling from house to house or person to person or the establishment of temporary offices or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical business in which untruthful statements are made [or the failure to deliver the certificates provided for in section six of this act] or false or fraudulent or deceptive or misleading advertising or what is commonly known as "bait" advertising or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 4 Sections eleven and twelve of said act as amended by said act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 11 [Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or the treatment or diagnosis of diseases of or injuries to the human eye or the right to use drugs or medicines in any form for the treatment or examination of the human eye] Nothing in this act shall be construed as conferring on the holder any title or word indicating that he is engaged in any other practice other than that of optometry The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist without the word "optometrist" following the name immediately following and in conjunction therewith

Section 12 The provisions of this act shall not apply [to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery]

(a) To physicians practicing medicine under the medical act of one thousand nine hundred and eleven and its amendments or

(b) To persons selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry

Section 5 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional provision not been included therein

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McCreary, | Shortz, |
| Alexander, | Ferko, | McDermott, | Shreiner, |
| Allen, | Finnerty, | McDevitt, | Shugarts, |
| Altenburg, | Fitch, | McElroy, | Siegel, |
| Andrews, | Flanagan, | McHenry, | Simon, |
| Arnold, | Flinchbaugh, | McKinney, | Sinwell, |
| Atkins, | Flynn, | Melchiorre, | Sloan, |
| Aukerman, | Forrest, | Mentzer, | Smith, J. A., |
| Baine, | Furman, | Merrell, | Smith, W. G., |
| Baker, F. T., | Gates, | Moomaw, | Snyder, F. E., |
| Baker, J. J., | Gerard, | Mooney, | Snyder, J. L., |
| Baldi, | Gillette, | Moore, | Sowers, |
| Barber, | Green, | Moran, | Spangler, |
| Barnhardt, | Greenstein, | Moul, | Sproul, |
| Bernhard, | Habbyshaw, | Muir, | Stank, |
| Blumberg, | Haberlen, | Murrin, | Stevens, |
| Boose, | Hagerty, | Nagel, | Stewart, |
| Boyd, R., | Haluska, | Nothnagle, | Stone, |
| Boyer, | Hamilton, F. P., | O'Keefe, | Stott, |
| Bradley, | Hamilton, R. S., | Ominsky, | Sumney, |
| Brancato, | Harkins, | O'Neill, | Surface, |
| Brennan, | Harmuth, | Panton, | Tahl, |
| Brown, H. S., | Hart, | Parks, | Terry, |
| Brown, J. E., | Hartman, | Patterson, C., | Tronzo, |
| Brownfield, | Hefferon, | Patterson, J. W., | Trout, |
| Brumbaugh, | Hermansen, | Perry, | Tumelty, |
| Burke, | Hetrick, | Peters, | Turner, |
| Cannon, | Hindman, | Pfaff, | Van Allsburg, |
| Caputo, | Hirsch, | Phillips, | Van Sickle, |
| Carr, | Hoffner, | Piole, | Walker, |
| Carson, | Holland, | Powers, | Wall, |
| Chervenak, | Holstrom, | Reising, | Wasserman, |
| Coakley, | Hoopes, | Reynolds, | Weidemann, |
| Cochran, | Horst, | Rhys, | Weiss, |
| Cohen, | Jackson, | Rinn, | Welliver, |
| Coleman, | Kane, | Roan, | Welsh, |
| Condon, | Kelder, | Robinson, | Westrick, |
| Conner, | Kelso, | Rooney, | White, |
| Coolahan, | Kilroy, | Root, | Wickersham, |
| Cordier, | Kinney, | Ruffennach, | Wilson, |
| Davies, | Klingler, | Ruth, | Winner, |
| Decker, | Kobelak, | Sarraf, | Witkin, |
| Denning, | LaRue, | Scanlon, | Wood, |
| Diehl, | Linderman, | Schrock, | Woodside, |
| Dilley, | Long, | Schrope, | Yeakel, |
| Downey, G. E., | Longaker, | Schwab, | Yourishin, |
| Downey, J. J., | Lovett, | Schwartz, | Zappala, |
| Duffort, | Lynch, | Shaw, | Zimmerman, |
| Eberharter, | Male, | Shepard, | Sarig. |
| Eroe, | Mason. | | |

NAYS—2

| | |
|---|---|
| Jones, | Simpson, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## BILL ON FINAL PASSAGE

Mr. McCREARY. Mr. Speaker, I desire to call up at this time House Bill No. 1250, Printer's No. 520, on page 8 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCREARY,

The House resumed the consideration on final passage of House Bill No. 1250, entitled:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of

prothonotaries and recorders in connection therewith conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue and fixing penalties

On the question,

Shall the bill pass finally?

Mr. McCREARY. Mr. Speaker and members of the House, I ask permission to take this microphone for two reasons: One is to save time and confusion and the other is because I wish every member of this House to understand what I say in regard to House Bill No. 1250, because it concerns every member of this House and also every man, woman and child in this great state.

It is House Bill No. 1250, and for your information, let me ask you to turn to page nine, section seven and at page twenty-five, section thirty; these are the two important features of this bill that I wish to call to your attention.

Let me state again that this is not a new bill, it is an old one,—it is older than any man in this House. This particular bill was passed in 1844. This book that I have is yellow with age. The personal property clause is found on page nine, clause nine, section seven, and since that time this bill has been amended nine times, once in 1866, once in 1879, 1881, 1889, 1891, 1913, 1927, 1933, and now it is up for amendment the tenth time.

It is old because it is a tax bill, and it was passed ninety-one years ago when real estate was really the only source of wealth in this state, and since then, as you all know, a marvellous change has taken place, and this bill instead of being a tax on intangible property as it should have been during the past twenty-five years, taking the load off of real estate, but because this bill was not enforced the tax remained on real estate and it has been nearly taxed out of existence.

Now, gentlemen, there is no politics about this, there is no personality about it, there is no nationality about it nor sectionalism. It covers the whole range of every person in this state. It is state-wide, and every man, woman, and child directly or indirectly pays taxes. The thing we need is an equalization of taxes, and that is all this Bill No. 1250 does. It equalizes the taxation, takes the burden off of real estate and puts an equal part or a part of it at least on the tangible property, which you all understand is stocks, bonds, and other forms of wealth. For your information let me give you just a very few figures. Figures are hard to remember, but can remember the few that I am trying to hand you. They are these: The total estimate on real estate values in this state is twelve billion dollars, and on that twelve billion dollars in this state there is assessed and taxes paid on ten billion dollars; likewise the assessed value of intangibles in this state is also ten billion dollars, and yet that assessed valuation and the tax collected on it is only two billion seven hundred fifty million dollars, leaving a balance of eight billion two hundred fifty million dollars of intangible values in this state that so far has gone exempt or has not been paying the four mill tax. In addition to that all of the real estate is assessed at a figure of thirty mills on the valuation, while all of the intangibles have never paid their tax before now.

The Governor's Bill, No. 925, makes the tenth amendment to this 1844 bill in raising the four mill tax to six mills, and instead of leaving it in the counties he has turned the collection of it over to the Department of Revenue and proposes to have the Department of Revenue collect six mills instead of four. Likewise he proposes to return three mills to the county and the state keep three, but out of the counties' share comes the cost of collection of the Department of Revenue which is estimated at one million five hundred thousand dollars, leaving the counties who now get four mills only three mills and taking a million and a half dollars out of that for the cost of collection.

You see, members of the House, here is where House Bill 1250, which is really a companion bill to Bill No. 925, introduced by the administration, provides a different method of collection, which will not cost the county or the state either one of them one penny, because in this bill it is intended to use the Indiana method of collecting this kind of intangible tax, it simply means to put stamps on all intangibles, and the owner of the security has to buy those stamps from the county treasurer and put those on his own securities, and therefore he is his own assessor and collector, and it doesn't cost the county one cent.

If you turn to section 30 on page 25 you will find what will happen to the owner of the security if he does not obey this law. His security turns to ashes in his hands, because he can neither collect them, sell them, or mail them until these such stamps are included. Now, members of the House the Administration bills now provide for stamp collection on tobacco, it also provides for stamp collection on documents. Now, all I am asking it to also provide for stamp collection on intangibles which means morgtages, bonds, notes, and everything of that kind.

Now, members of the House, there is no competition, there is no opposition between this Bill No. 1250 and the Administration's Bill No. 925. The only difference is in the method of collection. That one costs the county a million and a half dollars estimated, paid over to the Revenue Department, while Bill No. 1250 puts the assessment and collection of that intangible tax in the hands of the security owners themselves.

Now, it only takes, as the gentleman over here said this morning, commonsense to decide which of these is the more economical, which of these will leave the most money in the county and in the state. Again I am just offering you as few figures as possible, because I know how hard it is to retain them. Here is the result; if you pass Bill No. 1250 the estimated savings to the state are these, it will save the cost of collection by the Revenue Department of a million and a half dollars. It will save to the state that half cent that we pay to the county on every gallon of gasoline estimated at ten million dollars. The state retains that instead of handing it over to the county. It will save, estimated, one half of the money that the State now appropriates for public education, because when these counties get the full amount of the four mill tax they will not need that state appropriation by one half. That is estimated that again the counties will return to the state two millions out of six millions and retain the four, which they now have according to the law, and the total of these figures is this, that at the end of the biennium the state will have had fifty-four million, five hundred thousand dollars instead of forty-nine million dollars that they estimate they are going to receive by the passage of Bill No. 925.

So whichever way you look at it, members of this House, this bill No. 1250 allows the counties to retain the four mill tax which they have had for the last 22 years, but

which through the neglect of the county commissioners they have failed to collect, but this measure will put the assessment and the collection of their six mill tax up to the owner of the security. Now, I ask you to vote yes on this bill, not out of consideration to me,—that is an unimportant matter but because I tell you frankly, and I firmly believe it, that this is a good bill for every man, woman and child in this State, and in the eloquent words of our friend Thaddeous Stevens, is in the interest of the poor people, the poorest inhabitant and the meanest hut in the mountains.

Members of this House, here is an opportunity to have your home-rule in your own county and I believe that every member in this House in the campaign last summer upheld the idea of home-rule. Then why do we hand the collection of millions of dollars over to the Revenue Department when the people in our own county can do that collecting and assessing themselves, and retain four mills instead of three with the cost of collection taken out. Vote yes on this bill if you believe in home-rule.

On the question recurring,
Shall the bill pass finally?

## BILL RECOMMITTED

Mr. FURMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further consideration.

The motion was agreed to.

## BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1737, as follows:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by extending the scope of the title defining and further prohibiting the practice of law and providing additional penalties including the forfeiture of corporate charters for violations of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and the act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as last amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-three (Pamphlet Laws sixty-six) are hereby amended to read as follows

An Act making it unlawful for any person partnership association or corporation to practice law or to hold himself herself or itself out or advertise himself herself or itself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing [a penalty] penalties therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall not be lawful for any person or partnership [association or corporation] in any county in the State of Pennsylvania to practice law or to hold himself herself or itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that he she or it is a practitioner of the law of this or any other State nation country or land or in any manner to advertise that he she or it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of the law of this or any other state nation county or land without such person or all the members of such partnership having first been duly and regularly admitted to practice law in a court of record of any county in this Commonwealth in accordance with the regularly established rules governing such admissions [Provided however That nothing herein contained shall be construed as prohibiting corporations of the first class acting in good faith and in pursuance of the purposes of their charters from rendering through attorneys-at-law legal service to the members of such corporations]

It shall not be lawful for any association or corporation in any county in the State of Pennsylvania to practice law or to hold itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that it is a practitioner of the law of this or any other state nation country or land or in any manner to advertise that it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of law of this or any other state nation country or land

Section 2 For the purposes of this act the practice of law shall be deemed to include among other things the following acts or services

(a) The appearance as an attorney-at-law for any other person partnership association or corporation in any court of this Commonwealth or before any commission referee master or any body board committee or commission constituted by law or having authority to hear and determine controversies

(b) The preparation and furnishing by persons partnerships associations or corporations of opinions in proceedings in law or in equity as to the necessary parties thereto and the preparation and rendering of advice in relation to conveyances and other papers pertaining to real estate transactions for the benefit of others Provided That nothing contained in this clause or in any other provision of this act shall be construed as affecting or in any wise limiting or restricting the right of a duly licensed real estate broker partnership association or corporation to prepare deeds mortgages leases and other papers relating to or arising out of or connected with a real estate and conveyancing business or to give advice in connection with real estate or conveyancing services

(c) The giving of legal advice or the furnishing of attorneys-at-law or the rendering of legal services of any kind directly or indirectly to any person partnership association or corporation for compensation and the conduct of a legal department for the benefit of others Provided that nothing contained in this clause shall apply to a duly incorporated real estate board

(d) The advising of persons by a trustee as to their legal rights in the administration of a trust in which they are interested where a conflict of interests exists between such persons and the trustee or between persons interested in the same trust unless such persons shall be represented by an attorney-at-law not connected with or employed by the trustee

(e) The preparation or furnishing of opinions as to the condition or validity of the title to real estate or the advising of a patron or prospective patron concerning legal matters or procedure on litigation or proposed litigation involving the title to real estate when the person partnership association or corporation furnishing such

advice is not an insurer of the title of the real estate involved

(f) The preparation of any will for others regardless of whether the person partnership association or corporation preparing such will is named therein as executor or trustee or the preparation for a valuable consideration of contracts trusts agreements leases deeds mortgages releases or other legal instruments or documents to which the person partnership association or corporation is not a party and in which he or it has no interest Provided That nothing herein contained shall be deemed to prohibit any physician or other person upon request from reducing to writing the will of any person who is unable to do so because of the extremity of his last sickness or to prohibit any person from acting as the amanuensis of any person making his own will The naming of such person partnership association or corporation as an executor or trustee shall be deemed valuable consideration within the meaning of this paragraph

(g) The preparation drafting or advising in the preparation or drafting of escrow instruments and instructions which express or purport to set forth either an agreement between the buyer and the seller or the rights and liabilities of the parties thereto Provided however That this paragraph shall not be construed to include provisions necessary for the protection of the person partnership association or corporation as escrow agent and for the disbursement of money upon the happening of stated events

(h) The drafting and preparation on behalf of others of corporate records or the furnishing of advice on legal matters pertaining to incorporation corporate management or procedure to others

The enumeration of the above acts or services which constitute the practice of law shall not be construed to mean that all acts other than those enumerated do not constitute the practice of law nor shall such enumeration be construed to be a complete or exclusive list of acts or services which constitute the practice of law

Section 3 The fact that any member officer trustee director agent or employe of any partnership (other than one composed entirely of attorneys-at-law) association or corporation indicted under the provisions of this act is an attorney-at-law duly admitted to practice before the courts of this Commonwealth shall not constitute a defense on the trial of any person or any such partnership association or corporation for the violation of the provisions of this act

Section 4 (a) This act is not intended to limit diminish or impair in any manner any rights or remedies legal or equitable heretofore existing or hereafter created by law whereby any persons partnerships corporations or associations illegally practicing law may be restrained therefrom or punished therefor

(b) Nothing in this act shall affect or impair the right of an executor or administrator trustee guardian or other fiduciary to do and perform all acts and matters in proceedings in the Orphans' Court or otherwise which any individual not an attorney-at-law may lawfully do when acting in the same fiduciary capacity

(c) This act shall not prevent a corporation from lawfully engaging in the examination and insuring of titles to real property nor shall it prohibit a partnership association or corporation from employing one or more attorneys-at-law in and about its own immediate affairs or in any litigation to which it is or may be a party

(d) The provisions of this act shall not apply to organizations organized for benevolent or charitable purposes or for the purpose of assisting persons without means in the pursuit of any civil remedy nor to the legal departments of municipalities or of other political subdivisions

Section [2] 5 Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall upon conviction therefor be sentenced to pay a fine not exceeding five hundred dollars and to undergo an imprisonment not exceeding one year either or both at the discretion of the court

Any partnership association or corporation violating the provisions of this act or whose officers agents or employes violate the provisions of this act shall be guilty of a misdemeanor and shall upon conviction thereof be liable to a fine not exceeding one thousand dollars and the cost of prosecution and any corporation upon conviction for a second offense shall in addition to the above penalty also forfeit its corporate charter and may be liquidated and dissolved by a receiver appointed in a court of competent jurisdiction in an action brought for that purpose by the Attorney General on behalf of the Commonwealth of Pennsylvania

Section 6 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 7 Effective Date This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. MOUL. I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the sponsor of this bill, the gentleman from Allegheny, Mr. Eberharter, permit himself to be interrogated?

Mr. EBERHARTER. Mr. Speaker, I will.

Mr. MOUL. Mr. Speaker, what will be the status of the justices of the peace of Pennsylvania if this bill becomes law? What will be his status?

Mr. EBERHARTER. Mr. Speaker, this bill will not in any way restrict or limit the right of any justice of the peace as it exists at the present time before the passage of this bill. He will have every right that he has at the present time.

Mr. MOUL. Mr. Speaker, do the justices of the peace at the present time give any legal advice?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman I really do not know whether or not the justices make a practice of giving legal advice as such.

Mr. MOUL. Mr. Speaker, does the justice of the peace at the present time have the right to pass judgment?

Mr. EBERHARTER. Mr. Speaker, justices of the peace at the present time have the right to pass judgment on matters brought before them in a legal way.

Mr. MOUL. Mr. Speaker, in passing judgment does the justice of the peace not actually give legal advice?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman I would say that he does not give legal advice when he is passing judgment on a case or a matter that is brought before him in a legal way.

Mr. MOUL. Mr. Speaker, does the gentleman think that a justice of the peace should be permitted to give legal advice,—do you think he is competent to give legal advice?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman from York, Mr. Moul, I would say that the giving of legal advice requires a good bit of education and specialization along that line and as a general thing I would say that a justice of the peace is not competent to give legal advice generally because he is not specially trained.

Mr. MOUL. Then, Mr. Speaker, the gentleman says that he is not competent to give legal advice, but he says that not being competent to give legal advice he should be permitted to pass judgment?

Mr. EBERHARTER. Mr. Speaker, he is permitted to pass judgment by virtue of being a justice of the peace, by virtue of the fact that both sides of the question are submitted to him. and that is one of the duties that is given to him by virtue of his election to his office. Of

course the justice of the peace when he renders judgment is subject to appeal to a court of law.

Mr. MOUL. Mr. Speaker, may I ask the gentleman, do you think that he should be permitted to pass judgment if he is not competent to give legal advice?

Mr. EBERHARTER. Mr. Speaker, I believe that a justice of the peace should be permitted, as he is permitted at the present time, to pass judgment on any case that is brought before him in a legal way.

Mr. MOUL. Mr. Speaker, how would the gentleman justify that position? If he is not capable of giving legal advice in any case whatsoever, why should he be permitted to pass judgment?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman from York, Mr. Moul, I would say that when a case is brought before a justice of the peace each side presents the evidence, the justice of the peace decides, first, on the question of fact brought before him. Then, if a question of law arises he passes judgment on that which is subject to appeal to a court.

Mr. MOUL. Mr. Speaker, when a case is brought before the justice of the peace, — for example, take a case brought by a state policeman, — I believe that the law at present where a man is arrested for a violation of the law, that is the Motor Code, he must be taken to the nearest justice of the peace under the law at the present time. Under this bill would it require legal advice on both sides in order to hear that case before sentence can be passed by the justice?

Mr. EBERHARTER. Mr. Speaker, absolutely it would not require legal advice.

Mr. MOUL. Mr. Speaker, then how could the justice make a decision, for a moment ago the gentleman told me that he would have to depend upon the arguments presented on both sides. If there is no counsel present on either side, then how can he render judgment if he is not capable of passing judgment without advice?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman I would say that I did not say that the justice of the peace is not capable of passing judgment. There is no question in the mind, I should think, of any member of this House, that a justice of the peace or an alderman has the right to pass judgment on any case before him, and I don't think that I made the statement that a justice of the peace is not capable of doing so or that he has not the right to do it. Under this bill he has absolutely the same right he always has had.

Mr. MOUL. Mr. Speaker, the amendments offered to the bill call for a real estate man to have the privilege to draw up deeds, mortgages, contracts, and so forth. In other words a real estate man under the provisions of the bill now is permitted to prepare papers the same as the lawyers; is that correct, in so far as real estate is concerned?

Mr. EBERHARTER. Mr. Speaker, in so far as real estate is concerned I would answer the gentleman by saying that his statement is substantially correct.

Mr. MOUL. Mr. Speaker, will the gentleman please tell the House what is required in order to get a real estate broker's license?

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman, if I may, I am not familiar with the provisions of the licensing act pertaining to real estate brokers, so that I do not think I could qualify as an expert on real estate brokers law.

Mr. MOUL. Mr. Speaker and members of the House, being a real estate broker myself, I do know the requirements which are necessary to obtain a real estate broker's license, and when I get up to oppose this bill I am doing so in order to be consistent. The provisions of this bill as it is now written, with the amendments would be a wonderful blessing to me as a real estate man because it now places me in a position as one who can go out and secure the deed writing and the mortgage writing and the contract writing and so forth that has been practiced in our territory for a long time by justices of the peace, and when I get up to oppose this bill today I want you to understand that I am doing it in order to be consistent, because this would certainly be a real benefit to me as a broker.

The gentleman did not answer the question as to what is required to be done to become a broker. All you need to do in Pennsylvania today is to fill out a blank and send it to Harrisburg, pay ten dollars and you are a real estate broker. It doesn't require that you know anything about the law. You can simply pay your ten dollars and be a broker. It is a poor bill to carry out the idea that the lawyers had in mind for the simple reason that you are going to make the justices of the peace and everybody else who wants to write out real estate papers become a real estate broker and you are not going to better the legal status at all.

I hope the members of this House will vote "no" on this bill.

Mr. MALE. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Eberharter?

The SPEAKER. Will the gentleman from Allegheny, Mr. Eberharter, permit himself to be interrogated?

Mr. EBERHARTER. I will, Mr. Speaker.

Mr. MALE. Mr. Eberharter, will answer me by yes or no. Will a justice of the peace be permitted to write mortgages or wills as the bill is written up?

Mr. EBERHARTER. Mr. Speaker, I would say that any person can write a deed or a will under certain circumstances. The question is not one that can be properly answered yes or no.

Mr. MALE. I have a lot of letters here protesting against this bill, saying it will hurt business, and I am a real estate broker who paid eleven dollars and seventy-five cents to do business. I feel I can go out and take the business away from a lawyer according to your bill and a squire cannot. Is that right?

Mr. EBERHARTER. Mr. Speaker, I did not understand the entire question. I didn't know that the gentleman was interrogating me. If he will repeat his question, I will try to answer it.

Mr. MALE. Mr. Speaker, I am a real estate broker, paid eleven dollars seventy-five cents for my license. According to your bill I can write deeds and wills, can I not?

Mr. EBERHARTER. Mr. Speaker, that is not absolutely correct. Under certain circumstances you can write wills and under certain circumstances as a real estate broker you can write deeds and mortgages.

Mr. MALE. Mr. Speaker, a justice of the peace cannot write a deed or a will according to your bill.

Mr. EBERHARTER. Mr. Speaker, in answer to the gentleman I would say that under certain circumstances a justice of the peace can write a will or a deed.

Mr. MALE. Mr. Speaker, may I ask under what certain circumstances?

Mr. EBERHARTER. Mr. Speaker, the amendment on page six says that under certain circumstances any person can write a will. If you will just read that amendment on page six.

Mr. MALE. Mr. Speaker, didn't I hear the gentleman say just now—

The SPEAKER. Has the gentleman from Northampton the latest print of the bill? What printer's number does the gentleman have? The gentleman is informed that he is reading from the pink bill. The bill has been amended. The gentleman will find a copy of the bill on his file under Printer's No. 618.

Mr. MALE. Mr. Speaker, under the new bill will you have the squire write a will or a mortgage or a deed?

Mr. EBERHARTER. Mr. Speaker, I believe I answered that question twice before.

Mr. MALE. Mr. Speaker, but the gentleman did not answer it by yes or no.

Mr. EBERHARTER. Mr. Speaker, the question is one that cannot be answered by yes or no.

Mr. MALE. Ladies and gentlemen of the House, I think this is a very bad bill. In the first place my Republican friends when they voted on the bill, Mr. Witkin and Mr. Blumberg changed their votes for the purpose of reconsidering the vote. In our town we have not got a lawyer to go to. When we have deeds to draw we go to our own squire for that writing. They have it all fixed up for two dollars and if we go to a lawyer he charges us five dollars. According to this bill now the price would be ten dollars. I would advise all of you to vote "No" on this bill.

Mr. EBERHARTER. Mr. Speaker, I had not intended to take up any more of the time of this House in respect to this bill, but I think I might be able to clarify the matter in the minds of some of the members of the House by stating that in my opinion this bill is nothing more or less than a codification of the existing law today pertaining to the practice of law.

The only thing that this bill does, in my opinion, and as was stated by the gentleman from Philadelphia, Mr. Sowers, when the bill was up for debate the other day, was to attach a penalty for the individual that violates the law in this regard, and as has been laid down by the United States Supreme Court. I would like to say to the members of the House that this bill does not have what may be called selfish interests. It has long been recognized that the public need protection from those who practice law without the proper qualifications. And in that connection, members of the House, in 1934 the Supreme Court of Pennsylvania said in a decision which has been followed ever since, and a decision which took into account the decisions of other states and the laws of other states. It says: "The strict regulation and control of persons who render legal services is as necessary and essential to the welfare of the public at large as the requirements for the practice of medicine or dentistry."

Now, in that connection, members of the House, you can see that when any person has an important document to draw, that he needs the protection, he needs the advice of somebody who is competent to render the right kind of legal advice. I submit to you that in the drawing of important legal documents it is more necessary to have the services of a competent attorney than it is in the trial of a case. In the trial of a case, members of the House, the trial of the case is open to the public, you have an impartial judge sitting up there to see that justice is done. Whenever important papers are to be drawn the parties in interest are there by themselves, and they are taking the advice of a person who is not competent to give them the advice and I say, therefore, that the drawing of an important legal document requires special training which the ordinary person does not have.

In that connection I would like to read from the decision of a New York Appellate Court. It states, "The practice of law, as that term is now commonly used, embraces much more than the conduct of litigation. The greater and more responsbile and delicate part of a lawyer's work is in other directions, drafting instruments, creating trusts, formulating contracts, and so forth require legal knowledge of the highest order."

Now, members of the House, the state courts of Ohio, Massachusetts, New York, and practically all the states of the Union have laws relating to the practice of law. This is not a measure that can be classed as a selfish measure. This is a measure drawn to protect public interest. Members of the House, we voted just recently on bills that had the same idea in mind. We voted on the optometrists bill. I call your attention, members of the House, to the fact that as a matter of public protection doctors, dentists, nurses, undertakers, osteopaths, pharmacists, architects, engineers, barbers, accountants and beauticians all have laws regulating their practice.

Under this law real estate brokers also have protective measures in the interest of the general good. If this law is passed it will be in the interest of the public and I ask you, members of the House, in voting on this measure to give it the same consideration that you did to these other measures when you enacted them into law.

Mr. HALUSKA. Mr. Speaker and members of the House, I am not a lawyer, but I am a justice of the peace, so I arise to oppose this bill. There is under this act on page 2, line 23, and on page three up to line nineteen it states very clearly that no person shall practice law in a legal way with certain exceptions. It will eliminate, to my way of thinking, the powers entirely of the justice of the peace, and thereby abolish that office, and I hope the members of this House will consider that fact and vote "no" on this measure.

Mr. SCHWARTZ. Mr. Speaker and members of the House, in the listening to the discussion of this bill it seems to me that they are misinterpreting this bill. Last Monday this bill was defeated for the reason that objection was raised by real estate men. This bill has now been amended to protect the rights of real estate men to conduct real estate business. He has no right, as my friend, Mr. Moul, of York says, to prepare contracts. I am a real estate man, and I will frankly admit that it is a matter for a lawyer to prepare legal contracts. That has been removed from this bill. Another amendment was made to the bill on page 5, where the bill read "directly and indirectly to any person partnership, association or corporations, either for or without compensation."

You will find there that "either for or without" has since been removed from this bill. That allows any layman to offer or give advice as long as he is not a lawyer or holds himself out to be compensated as a lawyer. This bill is a duplication of the Supreme Court decision in the Smeltzer case. It only puts in one thing the penalty for

violation. No man, for instance, may put a shingle in his window when he is a real estate man or the words "Attorney at Law" or to pose as an attorney at law when he is not a man learned in the law.

The objection was raised that a man dying in the hospital cannot get his attorney. The bill was amended and that objection has been removed from this bill, and I see no reason why anyone should say that a squire is able to prepare a will or a deed or a mortgage. As my good friend, from Northampton said, it only costs $11.75 for a man to get a license as a real estate broker, and he can file that application as he said, and send it to Harrisburg, for 11.75 and have a real estate broker's license in his office and that will make him able to write a deed, a bond or a mortgage and all other necessary papers connected with his real estate duties.

Only two weeks ago this House passed a bill requiring an educational test to become a real estate man, and I hope that if this becomes a law we will have to have certain qualifications for a man to become a real estate man. I voted in the negative the last time this bill was before the House. Now as the bill is before you I am going to vote "aye" and I ask you to vote aye on this bill.

Mr. HALUSKA. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Schwartz.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Schwartz permit himself to be interrogated?

Mr. SCHWARTZ. I will, Mr. Speaker.

Mr. HALUSKA. Mr. Speaker, will the gentleman from Philadelphia say then if any man shall procure a license to the amount of $11.75 that they shall be qualified to be a real estate man in the law.

Mr. SCHWARTZ. No, I said to get a real estate broker's license.

Mr. HALUSKA. To get a real estate broker's license?

Mr. SCHWARTZ. Mr. Speaker, under the present act they just fill an application out. He must be a man, an American citizen and so forth and so on, of good character and he can obtain real estate broker's license.

Mr. HALUSKA. Mr. Speaker, would the gentleman say then that if a man be an American citizen and have $11.75 that he would have more knowledge of the law than a justice of the peace who has practiced for twenty or twenty-five years.

Mr. SCHWARTZ. Mr. Speaker, I do not understand the gentleman's question.

Mr. HALUSKA. Mr. Speaker, the gentleman stated awhile ago that one of the qualifications that he must have, are that he is an American citizen.

Mr. SCHWARTZ. Mr. Speaker, I said, and maybe I should repeat the answer for you, all that is necessary for a man to become a real estate broker is to receive an application and fill the application out and one of the requirements on that application is that he must be an American citizen, of good reputation.

Mr. HALUSKA. Are there any further questions that he must fill in that application?

Mr. SCHWARTZ. Mr. Speaker, not that I can remember there might be some suggestions as to character.

Mr. HALUSKA. Mr. Speaker, again I shall ask the gentleman the same question; by filling out that same application, why should he know more about the practice of law than a man who has been a justice of the peace who has practiced law for twenty years.

Mr. SCHWARTZ. Mr. Speaker, a justice of the peace can apply for a real estate license and so can a lawyer. We have put in a bill today that a lawyer who wants to practice as a real estate man must get a license the same as a real estate broker. For your information the Chairman of the law and Order Committee has already made an application.

## POINT OF ORDER

Mr. HALUSKA. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HALUSKA. Mr. Speaker, the gentleman is talking about law and order and I am asking him a question. I would like to have the gentleman state the qualifications one must have to procure that license.

Mr. SCHWARTZ. Mr. Speaker, I have stated that before.

Mr. HALUSKA. Mr. Speaker, the gentleman has not answered my question.

Mr. SCHWARTZ. Mr. Speaker, I am terribly sorry. I have answered that question three times and if the gentleman does not understand the answer I would suggest that he go to the Secretary of the Commonwealth and get an application himself, and the questions are plain enough there, the same as I have explained them.

Mr. HALUSKA. Mr. Speaker, the gentleman does not know what qualifications you must have to procure that license. If he had ten dollars seventy-five cents————

## POINT OF ORDER

Mr. CAPUTO. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Beaver, Mr. Caputo will state his point of order.

Mr. CAPUTO. Mr. Speaker, the gentleman is not speaking on the bill before the House.

The SPEAKER. The point is not well taken.

Mr. HALUSKA. Mr. Speaker, I desire to know what qualifications you must have before you can procure the license. If anybody in this House can answer that question, I should like to have it answered.

Mr. YOURISHIN. Mr. Speaker and members of the House, I am going to be very brief. In listening to the discussion of this bill, as to how it affects real estate men, squires, and so forth, I believe the bill is drawn in order that no one whether he is a squire or whether he is a real estate man or whether he is a common ordinary layman can go out and advertise himself as being an attorney. That is the simple language in this bill and I believe that it is a good bill so far as labor is concerned because the laboring man when he goes for information pertaining to law, he is going to get it from an attorney and not from his friends. If anyone comes to me as a layman and asks me for information concerning any law, this bill does not prevent me from giving him that information, but it does prevent me from charging a fee or holding myself out as an attorney. I say in the interests of the workingman, in the interests of the public and in the interest of everyone, this is a good bill, and I ask the members to vote "aye" on it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—116

| | | | |
|---|---|---|---|
| Achterman, | Finnerty, | McElroy, | Schwartz, |
| Altenburg, | Fitch, | McHenry, | Shaw, |
| Arnold, | Flanagan, | Melchiorre, | Shepard, |
| Atkins, | Flynn, | Moomaw, | Shreiner, |
| Aukerman, | Gerard, | Mooney, | Shugarts, |
| Baine, | Green, | Moran, | Smith, J. A., |
| Baker, J. J., | Greenstein, | Murrin, | Smith, W. G., |
| Baldi, | Habbyshaw, | Nagel, | Sowers, |
| Barber, | Hagerty, | Nothnagle, | Sproul, |
| Blumberg, | Hamilton, F. P., | O'Keefe, | Stank, |
| Boose, | Hamilton, R. S., | Ominsky, | Stott, |
| Boyer, | Harkins, | Panton, | Sumney, |
| Brancato, | Hart, | Patterson, C., | Surface, |
| Brown, H. S., | Hartman, | Patterson, J. W., | Tahl, |
| Brumbaugh, | Hindman, | Peters, | Tronzo, |
| Burke, | Hirsch, | Pfaff, | Turner, |
| Cannon, | Holland, | Phillips, | Walker, |
| Caputo, | Holstrom, | Piole, | Wasserman, |
| Cochran, | Hoopes, | Powers, | Weidemann, |
| Cohen, | Kane, | Reising, | Weiss, |
| Coleman, | Kilroy, | Reynolds, | Welsh, |
| Condon, | Kinney, | Robinson, | White, |
| Conner, | Klingler, | Rooney, | Wickersham, |
| Coolahan, | Kobelak, | Root, | Wilson, |
| Decker, | LaRue, | Ruffennach, | Witkin, |
| Denning, | Long, | Ruth, | Woodside, |
| Dilley, | Longaker, | Sarraf, | Yeakel, |
| Eberharter, | Lovett, | Scanlon, | Yourishin, |
| Eroe, | Mason, | McDevitt, | Zappala, |
| Falkenstein, | | | |

NAYS—65

| | | | |
|---|---|---|---|
| Alexander, | Flinchbaugh, | Merrell | Snyder, F. E., |
| Allen, | Gates, | Moore, | Spangler, |
| Baker, F. T., | Gillette, | Moul, | Stevens, |
| Barnhardt, | Haberlen, | Muir, | Stewart, |
| Bernhard, | Haluska, | Parks, | Stone, |
| Boyd, R., | Hefferon, | Perry, | Terry, |
| Brennan, | Hermansen, | Rhys, | Trout, |
| Brown, J. E., | Hetrick, | Rinn, | Van Allsburg, |
| Carr, | Horst, | Roan, | Van Sickle, |
| Chervenak, | Jones, | Schrock, | Wall, |
| Coakley, | Kelder, | Schwab, | Welliver, |
| Cordier, | Linderman, | Shortz, | Westrick, |
| Diehl, | Male, | Siegel, | Winner, |
| Downey, G. E., | McCreary, | Simon, | Wood, |
| Downey, J. J., | McDermott, | Sinwell, | Zimmerman, |
| Duffort, | Mentzer, | Sloan, | Sarig, |
| Ferko, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## BILL ON THIRD READING

Mr. RUTH asked and obtained unanimous consent to call up out of order House Bill No. 1721, Printer's No. 606, on page 11 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1721, as follows:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing penalties and making an appropriation

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" are hereby reenacted and amended as follows

An Act Relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof authorizing the board with the approval of the Governor to fix prices to be paid or charged for milk and the products thereof providing for the licensing of milk dealers and the payment of fees thereof requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation

Whereas Unhealthful unfair unjust destructive demoralizing and economic trade practices have been and are now carried on in the production sale and distribution of milk and milk products in this Commonwealth whereby the dairy industry in the Commonwealth and the constant supply of pure milk to inhabitants of the Commonwealth are imperiled and

Whereas Such conditions constitute a menace to the health welfare and reasonable comfort of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well-being of the inhabitants of this Commonwealth to promote the

public welfare and to preserve the strength and vigor of the race by declaring that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania is a business affecting the public health and affected with a public interest and

Whereas The production and distribution of milk is a paramount industry upon which the prosperity of the Commonwealth in large measure depends and

Whereas The present acute economic emergency being a part the consequence of a severe and increasing disparity between the prices of milk and other commodities which disparity has largely destroyed the purchasing power of milk producers for industrial products has broken down the orderly production and marketing of milk and has seriously impaired the agriculture assets supporting the credit structure of the Commonwealth and its local governmental subdivisions and

Whereas The danger to the pubic health and welfare is immediate and impending the necessity urgent and such as will not admit of delay or relaxation in public supervision and control in accord with proper standards of production sanitation and marketing the foregoing statements of fact policy and application of this act are hereby declared to be matters of legislative determination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the exercise of the police power of the Commonwealth and to protect the public health and public welfare it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared to be the legislative intent that this act shall be an emergency measure enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the health welfare and comfort of the inhabitants thereof

Section 2 Short Title This shall be known and may be cited as the "Milk Control Board Law"

Section 3 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Board" means the temporary State agency created by this act to be known as the "Milk Control Board"

"Consumer" means any person other than a milk dealer who purchases milk for fluid consumption

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portion thereof designated by the board as a natural marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk buttermilk ice cream mix powdered whole milk powdered skimmed milk and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans or containers which do not contain more than eight and one quarter (8¼) pounds or more than one hundred and thirty-two (132) fluid ounces

"Milk Dealer" means any person including any store as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agriculture association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer provided however that if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto and further provided that such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells milk within this Commonwealth

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk within the Commonwealth of Pennsylvania

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

B Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

C Section headings shall not be construed to affect in any manner the scope or meaning of any section of this act

D The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 4 Creation of Milk Control Board Membership Applicability of Administrative Code A There is hereby created an independent administrative board to be known as the Milk Control Board The board shall consist of three members who shall be nominated and by and with the consent of the Senate appointed by the Governor Each member shall receive a salary at the rate of six thousand dollars ($6,000) per annum

B Each member of the board at the time of his appointment and qualifications shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of one year next preceding his appointment

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The Governor shall designate one of the members of the board as chairman The chairman shall when present preside at all [meeting] meetings and in his absence a member designated by the chairman shall preside

Two members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least two members

C The board may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the board shall prescribe and shall receive such compensation as the board with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the board

D Except as otherwise specifically provided in this act the board and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred and twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

Section 5 General Powers of Board A The board is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power

(1) To supervise and regulate the entire milk industry of this act it shall have the power to issue subpoenas for disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth provided however that nothing contained in this act shall be construed to alter amend or repeal The Public Service Company Law or any of the laws of this Commonwealth relating to the public health or to the prevention of fraud or deception

(2) To investigate as the emergency permits and regulate as the emergency requires all matters pertaining to th entire milk industry of this Commonwealth including the production manufacture processing storage transportation disposal distribution and sale of milk and milk products in this Commonwealth including the establishment of reasonable trade practices [and] systems of production

control and marketing area enforcement committees in connection therewith

B The operation and effect of any provision of this act conferring a general power upon the board shall not be impaired or qualified by the granting to the board by this act of a specific power or powers

C The board either itself or through its duly authorized agent may hold such hearings either at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act

Section 6 Power of Board to Subpoena Penalty A In order to enable the board to carry out the provisions of this Commonwealth including the production transportation requiring the attendance of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the board believes to have information of importance to it in carrying out the purposes and intent of this act The board may likewise issue commissions letters rogatory or other appropriate processes outside the Commonwealth

The board shall likewise have the power to question such witnesses under oath or affirmation and to examine such books and papers

The board may delegate to any member thereof or any employe designated by it the powers granted to it under this section

B Any witness who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the board to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

C Each witness required to attend before the board or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County

Section 7 Rules Regulations and Orders A [The] Subject to the approval of the Governor where such approval is hereinafter expressly required the board may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law Every general rule regulation or order of the board shall be posted for public inspection in the main office of the board at least [three] six days before it shall become effective and at least four days before it shall become effective shall be mailed to all licensees affected thereby shall be given such further publicity by advertisement in a newspaper or otherwise as the board shall deem advisable An order applying only to a particular person or persons named therein shall be served on the person or persons affected

B An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except such service need not be made by the sheriff or (2) mailed charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of the Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of some other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

C The posting in the main office of the board of any rule regulation or order not herein required to be served and the mailing thereof as above provided and the giving of such further publicity thereto if any as the board deems advisable or the proper service of one required to be served shall constitute due and sufficient notice to all persons affected by such rule or order A rule of the board when duly posted and filed as provided in this section shall have the force and effect of law The board shall upon request mail to any person any general rule or regulation of the board [It may charge a reasonable fee for such service]

Section 8 Entry and Inspection Pursuant to carrying out the purposes of this act any member of the board or any employe designated for the purpose shall have access to may may enter at all reasonable hours all places where milk or any product thereof is being produced stored bottled processed manufactured sold or otherwise handled. Any member of the board or any designated employe thereof also shall have power at all reasonable hours to inspect all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the board to administer this act The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the board and the various departments of the States government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court The board however may use such information together with other similar information for compilation and publication of statistics of the industry in this Commonwealth

Section 9 Violations Remedies A Except as otherwise specifically provided in this act any person violating any provisions of this act or any rule regulation or order of the board lawfully made shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00) and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be [subject to] sentenced to pay a fine [not exceeding one hundred dollars] of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one year or both in the discretion of the court For each day during which any such violation shall continue such person shall be deemed to have committed an additional violation

B The board may institute such action at law or in equity as may appear necessary to enforce compliance with any provisions of this act or to enforce compliance with any rule regulation or order of the board made pursuant to the provisions of this act and in addition to any other remedy may apply to the court of common pleas of Dauphin County for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist

Section 10 Licenses to Milk Dealers Applications Grant Suspension and Revocation A Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell milk to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

B The board may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding [three] one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The board may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

C An application for a license to operate as a milk dealer shall be made [within thirty days after this act takes effect and] annually [thereafter] on or before April fifteenth by mail or otherwise to the board upon blanks prepared under authority of the board and shall be accompanied by the fee required by this act The license year shall commence May first and shall end April thirtieth following The applicant shall state the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant be a co-partnership or association the full name of each member shall be stated If the applicant be

a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the board filed or served as required in this act and such other facts with respect to the license as may be required by the board pursuant to this act

D The board shall grant a license to an applicant complying with the provisions of this act and of [any] rules and regulations issued by the board pursuant thereto The board may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer when satisfied that he has

(1) rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contact "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) without reasonable cause failed to account and make payment for any milk purchase from a producer

(3) committed any act injurious to the public health or public welfare or to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence of a course of conduct on the part of the milk dealer tending to such demoralization shall be construed to be prima facie evidence of a violation of this act

(4) made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution has been returned wholly or partly unsatisfied

(5) been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders of dairy products produced by its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) continued in a course of dealing of such nature as to satisfy the board of an intent of the milk dealer to deceive or defraud producers or consumers

(7) failed either to keep records or to furnish the statements or information required by the board

(8) made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) where the milk dealer is a partnership or corporation and any individual holding any position owning any substantial interest therein or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) where the milk dealer has violated any of the provisions of this act or any of the rules regulations or orders of the board

E Before refusing to grant or to reissue or before suspending or revoking or before refusing to transfer a license the board shall afford the applicant or the licensee respectively an opportunity to be heard It shall give to such applicant or licensee by registered mail sent to his last known address at least five days' actual notice of such hearing

F Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the board to such transfer is obtained but in the case of a receiver or an executor or administrator who succeeds to the business of a licensee he may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the board Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license

Applications for such transfers shall be filed with the board at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 11 License Fees A The board shall charge and collect license fees from milk dealers on a yearly basis as follows

Where a milk dealer received during any of the twelve calendar months immediately preceding the period for which the license is issued a daily average total quantity of milk

(1) not exceeding twenty pounds a license fee of one dollar

(2) exceeding twenty pounds but not exceeding one hundred pounds a license fee of three dollars

(3) exceeding one hundred pounds but not exceeding [one thousand] five hundred pounds a license fee of ten dollars

(4) exceeding [one thousand] five hundred pounds but not exceeding [two thousand five hundred] one thousand pounds a license fee of [seventeen dollars and fifty cents] fifteen dollars

(5) exceeding [two thousand five hundred] one thousand pounds but not exceeding [four] two thousand pounds a license fee of [twenty-five] thirty dollars

(6) exceeding [four] two thousand pounds but not exceeding [ten] three thousand pounds a license fee of [fifty] forty dollars

(7) exceeding [ten] three thousand pounds but not exceeding [twenty] four thousand pounds a license fee of [seventy-five] fifty dollars

(8) exceeding [twenty] four thousand pounds but not exceeding [sixty] five thousand pounds a license fee of [one hundred fifty] sixty dollars

(9) exceeding [sixty] five thousand pounds but not exceeding [one hundred thousand] seven thousand five hundred pounds a license fee of [two hundred] seventy-five dollars

(10) exceeding [one hundred thousand] seven thousand five hundred pounds but not exceeding [two hundred fifty] ten thousand pounds a license fee of [three hundred fifty] one hundred dollars

(11) exceeding [two hundred fifty] ten thousand pounds but not exceeding [five hundred] fifteen thousand pounds a license fee of [five hundred] one hundred fifty dollars

(12) exceeding [five hundred] fifteen thousand pounds but not exceeding [seven hundred fifty] twenty-five thousand pounds a license fee of [one thousand] two hundred dollars

(13) exceeding [seven hundred fifty] twenty-five thousand pounds but not exceeding [one million] fifty thousand pounds a license fee of [one thousand seven hundred fifty] three hundred dollars

(14) exceeding [one million] fifty thousand pounds but not exceeding one hundred thousand pounds a license fee of [two thousand] five hundred dollars

(15) exceeding one hundred thousand pounds but not

exceeding two hundred fifty thousand pounds a license fee of one thousand dollars

(16) exceeding two hundred fifty thousand pounds but not exceeding five hundred thousand pounds a license fee of one thousand five hundred dollars

(17) exceeding five hundred thousand pounds but not exceeding seven hundred fifty thousand pounds a license fee of two thousand five hundred dollars

(18) exceeding seven hundred fifty thousand pounds but not exceeding one million pounds a license fee of three thousand five hundred dollars

(19) exceeding one million pounds a license fee of five thousand dollars

B Except as otherwise expressly provided by this act the license fees fixed by this section shall be paid before any license or any renewal thereof is issued

C The fee for a license issued on or after

(1) August first but prior to November first shall be three-fourths of the annual fee

(2) November first but prior to February first of the succeeding year shall be one-half of the annual fee

(3) February first but prior to May first shall be one-fourth of the annual fee

D Milk dealers who have not engaged in the milk business during the prior year shall pay the minimum license fee of one dollar and in addition thereto at such time or times as the board may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received by such dealer during any of such months

E Milk sold and distributed outside of this Commonwealth in any state which charges a license fee of milk dealers shall not be included in the determination of the amount of the license fee provided that such milk is actually computed in determining the amount of such license fee in such other state [Likewise milk utilized for or sold in the form of manufactured products shall not be included in the determination of the amount of the license fee but] In computing the license fee to be charged by the board the fluid milk equivalent of cream and of condensed or concentrated milk or buttermilk ice cream mix powdered whole milk skimmed milk or powdered skimmed milk sold within this Commonwealth or in any state in which it is not actually computed in the determination of the license fee of a milk dealer shall be [included] ascertained and filed in such manner as the board shall prescribe [in computing the license fee to be charged by the board unless in the case of condensed or concentrated whole or skimmed milk it is sold in hermetically sealed cans]

F The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

Section 12 Licensee's Bonds or Securities [Exemptions] A Except as otherwise specifically provided in this act a license shall not be issued to a milk dealer purchasing milk from producers within this Commonwealth unless the milk dealer shall execute and file with the application a personal bond approved by the board Such bond shall be upon a form prescribed by the board shall be in a sum to be fixed by the board but not exceeding] by more than twenty-five per centum] the value of the maximum amount of milk purchased from producers in any one month during the preceding year [and in any event not exceeding one hundred thousand dollars shall be executed by a surety company authorized to do business in this Commonwealth] and shall be conditioned for the faithful compliance by the licensee with the provisions of this act and the rules and regulations of the board and for the payment of all amounts due to producers for milk sold by them to such licensee subsequent to the posting of such bond upon such terms and conditions as the board may prescribe

[B In lieu of the bond required of a milk dealer by this section the board may accept a collateral bond of the milk dealer secured by an actual deposit with the board or with a bank bank and trust company or national bank within the Commonwealth of money to the full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved by the board Such collateral bond shall be conditioned upon the same terms and in the same manner as is provided by this section in the case of a bond given by a surety company and the security or securities deposited therewith shall constitute a trust fund for producers from whom the licensee purchases milk]

C The board may likewise grant to any milk dealer the authority to substitute for any bond or any collateral another bond or other collateral provided that such other bond or collateral meets all the requirements of this act

[D] B A licensee shall from time to time when required by the board make and file with the board a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the board which statement shall contain the names of the producers from whom milk was purchased the amount due to producers and any other relevant facts required by the board If it shall appear from such statement or from facts otherwise ascertained by the board that the [security] personal bond afforded to producers selling milk to such licensee [by the surety bond or by the collateral bond] does not adequately protect such producers or if such licensee so elects the board may require such licensee to give [an additional] a surety or collateral bond in a sum to be determined by the board [or additional security for the collateral bond] but not exceeding by more than twenty-five per centum the value of the maximum amount of milk purchased from producers in any one month during the preceding year and in any event not exceeding one hundred thousand dollars

Likewise the board may grant a reduction or prescribe an increase of [the surety bond or the collateral] any bond if it shall appear that owing to a decrease or increase in the business of the licensee or to other causes a bond in a lesser or greater amount will protect producers selling milk to such licensee

[E] C All surety bonds and all collateral bonds together with any moneys security or securities given as collateral therefor received by the board from milk dealers pursuant to the provisions of this section shall be transmitted by the board to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the board

[F] D The licensee shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any securities deposited by such licensee with the board and by it transmitted to the State Treasury for safe-keeping in accordance with the provisions of this act Provided however That such licensee shall not be entitled to such interest or dividends if there is on file with the board a valid unpaid claim of a producer against such licensee based on milk sold by such producer to such licensee

[G] E The board may by reasonable rule or regulation provide the procedure for the payment out of the bonds or security or securities required by this section of the valid claims of producers based on sales by them of milk to the licensee who has posted the bonds or security or securities Provided however That if the bond or security or securities which have been posted by a milk dealer shall be insufficient to pay in full the just claims of producers who have sold milk to such licensee the moneys available shall be divided pro rata among them

The board shall have the power in its discretion to sue on the bond on behalf of producers

[H] F A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this section and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this section

[I If satisfied from an investigation of the financial condition of any applicant for a license under this act that such milk dealer is solvent and possessed of sufficient assets reasonably to assure payment to producers from whom he purchases milk the board may by official

order exempt such applicant from posting the surety bond or bond secured by collateral required by this section In such case the applicant shall post with the board his personal bond in such form to such amount not greater than the maximum fixed by this section for surety bonds and upon such conditions as shall be prescribed by the board

The board may at any time it deems such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

[J any milk dealer is financially unable to post such surety bond or bond secured by collateral as may be required by the board pursuant to the provisions of this act he may file with the board under oath or affirmation upon a form to be prescribed by the board an application for exemption from posting such surety bond or bond secured by collateral on the ground of his financial inability to do so Attached to such application shall be the signed statement of the producers from whom the dealer purchases his milk or of any cooperative agricultural association or similar association or corporation representing such producers to the effect that such producers or such association or corporation on their behalf consent to the exemption of such milk dealer from posting such surety bond or bond secured by collateral Such consent may be upon such special terms of payment and such other conditions as shall be agreed upon between such producers or such cooperative agricultural association or similar association or corporation on their behalf and the milk dealer and approved by the board

The board may by official order exempt from posting a surety bond or a bond secured by collateral any dealer who has complied with the provisions of this subsection

The board may at any time it deem such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

Section 13 Classification of Licenses The board may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer if he be granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon the effective date of this act

Section 14 Licenses Appeals from Board Decisions A Any person aggrieved by an order of the board fixing the price at or the terms upon which milk may be bought or sold or by any other general rule regulation or order of the board may file an appeal therefrom in the Superior Court within twenty days after the issuance of such order fixing the price of milk or such other general rule regulation or order but such appeal shall not be permitted to act as a supersedeas

B Any person aggrieved by an order of the board in which the board refuses to issue reissue or transfer or revokes or suspends a license to operate as a milk dealer or by any other order fo the board applying only to a particular person or persons named therein and not otherwise specifically provided for in this section may within twenty days after the issuance of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a nonresident who has no place of business within the Commonwealth in the court of common pleas of Dauphin County No appeal filed under this subsection shall be permitted to act as a supersedeas unless a bond shall be filed in such sum and with such sureties as shall be determined by the court conditioned for the payment of costs and such sum as may be fixed by the court in order to hold harmless the producers affected by the order from which the appeal has been taken

C The appeal provided by this section from action of the board both in the cases of appeals to the Superior Court of Pennsylvania and appeals to the various courts of common pleas shall be by petition against the board officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioners objections to the action and decision of the board and no objection not so specified shall be considered by the court Upon service of a summons upon the board returnable within ten days from its date the board shall on or before the return day file an answer which shall deny or admit the allegations of fact in the petition and which shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact if any of the board based upon such testimony a copy of all orders made by the board in the proceedings and a copy of the action or decision of the board which the petition calls upon the court to reverse

D Upon the filing of the boards answer the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the board shall not be the basis of the decision of the court The case shall be heard upon the record certified to the court by the board Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the board for the taking of further testimony

The court shall upon the record transmitted to it by the board determine whether or not the order appealed from is reasonable and in conformity with law If it shall determine that the order is unreasonable or illegal it shall remit the case to the board with directions to reform the findings or order or revoke the order in accordance with the courts opinion The court shall have full power to assess the costs upon either party or to divide them between the parties

E From a decision of a court of common pleas on the validity of an order of the board in which the board refused to issue reissue or transfer or [revoke] revoked or suspended a license an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law In all other cases in which this section authorizes an appeal to a court of common pleas from an order of the board the decision of the court of common pleas shall be final and there shall be no appeal herefrom

Section 15 Records The board may require licensees to keep the following records

(1) A record of all milk received detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test prices paid and deductions or charges made

(2) A record of all milk sold classified as to grade location and market outlet and size and style of container with prices amounts received therefor

(3) A record of quantities and prices of milk sold

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the items of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk

(7) A record of all other transactions affecting the assets liabilities or net worth of the licensee

(8) Such other records and information as the board may deem necessary for the proper enforcement of this act

Section 16 Reports A Each licensee shall from time to time as required by rule or order of the board make and file a verified report on forms prescribed by the board of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period of time specified in the order

B The board may at any time that it deems such action to the best interests of the dairy industry require similar reports from milk dealers whom it has pursuant to the

provisions of this act exempted from the requirement of procuring a license

Section 17 Payment of Fees into State Treasury "Milk Control Fund" Appropriation Expenses of Board A All moneys collected or received by the board arising from license fees penalties or any other source shall be paid by the board into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund"

B As much of the [moneys] money from time to time in the "Milk Control Fund" as may be necessary is hereby specifically appropriated to the [board] Milk Control Board to be used to pay its expenses including the following

(1) Salaries of the board of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the board for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol Buildings either in or outside of the capital city occupied by the board

(3) Premium for workmen's compensation insurance covering the officers and employes of the board

(4) Premiums for surety bonds for such officers or employes of the board as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the board for full-time use including premiums for liability insurance covering such motor vehicles and the members of the board and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the board

(6) Furniture stationery materials supplies and all other overhead expenses of the Board

(7) All other expenses of every kind and description necessary for the performance by the board of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

C As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

[B] D Estimates of the amounts to be expended under this act by the [board] Milk Control Board either itself or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the [board] Milk Control Board or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time of the making of any such requisition

Section 18 Order Fixing Price of Milk Penalties for Violation A The board shall ascertain by such examination or investigation as the emergency may warrant what prices for milk in the several localties and markets of the Commonwealth and under varying conditions will be most beneficial to the public interest and will best protect the milk industry in the Commonwealth and insure a sufficient quantity of pure and wholesome milk to adults and minors in the Commonwealth having special regard to the health and welfare of children residing therein The board shall take into consideration all conditions affecting the milk industry including the amount necessary to yield a reasonamle return to the producer and to the milk dealer

B [The] Subject to the approval of the Governor the board after making such examination or investigation shall fix by official order the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged for milk sold within the Commonwealth wheresoever produced including the following classes

(1) By milk dealers to other milk dealers
(2) By milk dealers to consumers
(3) By milk dealers to stores either for consumption on the premises or resale to consumers
(4) By stores to consumers except for consumption on the premises where sold

When pursuant to statute regulations adopted thereunder or ordinance various grades of milk are specified the board shall fix the minimum price and may fix the maximum price applicable to each in each of the classes Orders fixing minimum and maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk dealers in any manner which the board deems advisable and may vary according to the classes to which they are applicable Provided however That this section shall not be construed to empower the board to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

C It is hereby declared to be the legislative intent that the public emergency requires that the benefits of any increase of prices received by milk dealers by virtue of the minimum price provisions of this section shall be given to producers except in any case where the board with the approval of the Governor deems a deviation from this policy necessary in order to maintain proper milk markets and outlets for producers The board shall whenever it deems such action necessary to accomplish this purpose issue with the approval of the Governor orders rules or regulations to effectuate this intent

D The board after making the examination or investigation provided by this section shall with the approval of the Governor fix by official order the minimum prices to be paid by milk dealers to producers and others for milk and may with the approval of the Governor fix by official order the minimum prices to be paid to producers and others by or through any arrangement with any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for producers at a blended price based upon sales thereof in the various classes or otherwise and whether such price is paid either directly to the producers or to such association or corporation Provided however That the fixing of prices to be paid [by milk dealers] to producers for milk to be used solely in manufacturing shall be discretionary with the board The order of the board with respect to the minimum prices to be paid to the producers and others shall apply to the locality or zone in which the milk is produced and to the market or markets in which the milk so produced is sold and may vary in different localities or markets according to varying uses and different conditions Each such order may classify such milk by forms classes grades or uses as the board may deem advisable and may specify the minimum prices therefor

The board may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk

E After the board with the approval of the Governor shall have fixed prices to be charged or paid for milk whether by class grade or use it shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at any price less or more than such price or prices as shall be applicable to the particular transaction [and no] No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less or more than such price or prices as shall be applicable to the particular transaction whether by any discount or rebate or free service or advertising allowance or a combined price for such milk together with another commodity or commodities or service or services which is less or more than the aggregate of the prices for the milk and the price or prices for such other commodity or commodities or service or services when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the board for milk of that class or grade taking into consideration a proper allowance for the cost of the transportation of such milk

F [The] Subject to the approval of the Governor the board may upon its own motion or upon application from time to time alter revise or amend an official order at any time made with respect to the prices to be charged or paid for milk After making such investigations and before making revising or amending any order fixing the price to be charged or paid for milk the board shall hold a hearing thereon after giving reasonable notice thereof to interested parties of whom the board has notice and to the public in such newspaper or newspapers as in the judgment of the board shall afford sufficient notice and publicity

G It is hereby declared to be the legislative intent that the instant whenever that may be that the handling within the Commonwealth by a milk dealer of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the board shall attach but this shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans or in tanks to be used solely for manufacturing purposes by the original consignee thereof [After any such milk so produced shall have come to rest within the Commonwealth it shall be unlawful except in any cases in which the board shall otherwise determine for any milk dealer to sell such milk within the Commonwealth if he has paid to the producer thereof outside the Commonwealth a price lower than that which he would have been required to pay for milk produced within the Commonwealth purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof]

H It is also declared to be the legislative intent that the producers of milk in this Commonwealth who sell their milk to milk dealers for shipment into and sale in another state where prices to producers are regulated by a state board or other authority with powers substantially similar to the Milk Control Board established by this act shall receive the same price that producers in such other state receive for milk purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof It shall be unlawful for any milk dealer except in any cases in which the board shall otherwise determine to pay to a producer within this Commonwealth for milk to be sold in such other state a price lower than that fixed by the state board or other authority in such other state for sale of milk in such other state for similar purposes and under similar conditions minus a proper allowance for the transportation of the milk to the market in such other state

[Section 19 Legislative Intent It is hereby declared to be the legislative intent that no provisions of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Provided however That the powers of subpoena entry and inspection vested in the board under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals to determine that the blended or other prices paid to producers are reasonable and conform with the contract if any between them and such association or corporation and for the purpose of otherwise administering this section Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis Also no provision of this act shall be deemed or construed to effect the contracts of such cooperative agricultural association or corporation with its producers nor to affect or abridge the rights and powers of such an association or any of its operations unless such contracts or operations are determined by the board to discriminate unfairly between or to be otherwise injurious to producers This section shall not however be construed to exempt such association or corporation from the jurisdiction of the board over the prices at which it may sell milk to milk dealers or consumers]

Section 20 Interstate and Federal Compacts The board is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations hold joint hearings and issue joint or current orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 21 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof and producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and similar information by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them Any such producers and associations or corporations may confer and discuss the cost of production of marketing market conditions and prices for sale or milk

Section 22 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part thereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 23 Saving Clause No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 24 Duration of Board The board shall continue with all its powers and shall be subject to all the duties and responsibilities prescribed by this act until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven at which time it shall be deemed abolished and the powers duties and jurisdiction conferred or imposed upon the board by this act shall terminate All books papers records and documents in its possession upon that date shall remain in the possession of the Department of Agriculture

Section 25 Appropriation In addition to any other appropriation made by this act the sum of one hundred thousand dollars ($100,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act until the thirty-first day of May one thousand nine hundred thirty-five

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-five and ending on the thirtieth day of April one thousand nine hundred thirty-seven

On the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven all unencumbered and unexpended money remaining in the Milk Control Fund

shall be paid into the General Fund For such purpose such moneys are hereby appropriated

Section 26 This act shall take effect immediately upon its approval by the Governor and shall continue in effect until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. HORST. Mr. Speaker, do I understand this bill is still on second reading?

The SPEAKER. The bill is on third reading.

Mr. HORST. Mr. Speaker, it has not passed third reading; that is what I mean?

Mr. Speaker. It has not passed third reading.

Mr. HORST. Mr. Speaker, I object to calling this bill out of order.

Mr. Speaker, since this bill was passed on second reading and amended last Thursday there has been so much of interest in the amendments that were adopted at that time that I feel that this body should send this bill back to the committee, in order that the objections that have been raised to certain features may be reconsidered.

I will say this, that I am in favor of a milk control bill and a milk control board, and my proposition is not to kill this bill by any means, because as I said, I am in favor of a milk control board, but because certain of the amendments that were put in here are so far reaching in their effects, and since the bill as it was amended last Thursday has brought about the action of the farmers' groups in this state, I feel that we owe it to them to give them consideration.

I might say this for the benefit of the members of the House, that since last Thursday the Legislative committee of the Pennsylvania Council of Farm organizations, which is comparable to the Pennsylvania Federation of Labor, has made a study of this bill and they have raised opposition and are opposed to the far reaching effects of certain amendments to this bill. I might also say for the benefit of the House since this bill was amended as I stated last Thursday there has been a meeting of the legislative committee of the Council of Cooperative organizations of Pennsylvania, of which there are one hundred forty-six member organizations, and they likewise have raised objections to certain amendments which appear in this bill.

Now, for that reason, because of the fact that these amendments came up and were acted upon last Thursday and then we adjourned until last night, and because of the fact that farm organizations cannot move as fast as possibly as some business organizations can, because of their wide representation, they feel that we are justified in delaying this matter for a day or two until we can hear and give these people an opportunity for expression.

If the bill had not been changed as it was first reported in this House, that objection might not have been so great, but it has been changed, materially changed, and for that reason, Mr. Speaker.

## MOTION TO RECOMMIT

Mr. HORST. Mr. Speaker I move that this bill No. 1721. Printer's No. 606, be re-committed to the Committee on Agriculture for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

Mr. WESTRICK. Mr. Speaker and members of the House, as Chairman of the Committee on Agriculture I would like to lay before this body the action that has already been taken by the Committee on Agriculture. On the second day of April in the Educational Forum, a public hearing was granted. These people of whom Representative Horst now speaks failed to appear and present all their objections at that time. Last Thursday, after adjourning or shortly before adjourning oral arrangements were made whereby the Committee on Agriculture would meet yesterday afternoon at half past three for the purpose of hearing any further amendments that might be offered or that might be suggested.

At that meeting several propositions were taken up before the whole Committee on Agriculture with the idea that if these amendments were necessary they might be added before this bill came up for third reading.

Different propositions were talked over and it was unanimously agreed by those present that the bill come before the House as it now is. It seems to me, gentlemen of the House, that this is another proposition of stalling off. We must realize that the old milk control board expires the last day of this month. Our sub-committee on agriculture met last week until midnight several nights in order that this thing might be whipped into shape so that we would not be without a milk control bill.

If these representatives of the cooperatives were so sure that the bill was not proper and right, why did they not appear yesterday at least and present their objections to the Committee on Agriculture?

As chairman of that committee I have not been approached by a single one of those fellows outside of the members of this House until this morning, showing plainly that these men are not playing fair with this committee. I ask you if you think the committee which is to act should be considered at least in a small measure should those proposals not be brought before the Committee.

I ask that this motion be voted down and that this bill be placed on the calendar in its order of business, and that we act on it today, not next week or some other time.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, an observation from the gallery last night; the House of Representatives reminded a certain person very much of a Rembrandt painting, because of the great profusion of windmills, is well taken in my remarks today and I will confine them to two pertinent points in this discussion.

I believe that this bill has had ample hearing. As told to you by the gentleman from Cambria, Mr. Westrick, on the second of April public hearings were held from two thirty to six thirty. At that time a great number of people testified as to their position on this bill. You have on your desk a compendium of those remarks which goes to show that the people who are objecting now to the passage of this bill and wish to have it postponed for further hearing and further consideration, as suggested by the letter placed upon your desk, or in your postoffice box last night, were the people who did not appear at that time and place themselves on record as opposed to any of the provisions of this bill.

It is true that there have been amendments offered to this bill, forty in all. Sixty-two were suggested. These sixty-two were considered from every angle by the sub-

committee of the House and the Senate. Thirty-eight of those sixty-two were adopted and two more were while it was in the sub-committee of the House and the Senate. We sat down night after night in that sub-committee and tried to improve this bill. Every suggestion that is offered in the letter placed on your desk last night came up for full consideration at that non-partisan meeting of the sub-committee of the Senate and the House.

I have just one observation to give to you, and that is when you hear the testimony of those people who came, as you will see from this compendium from every corner of the State,—some of them from Warren, Erie, Butler, Washington County—came to me and said after the meeting "Mr. Smith, we have come a long ways to present our complaints to the board. This is an open hearing and the people who have not come here to be heard should not chisel when we go back home. We expect you to keep faith with us and not hear testimony that they would not give in the face of the facts that were presented here today."

Gentlemen of the House, we cannot break faith with those people who came here at their own expense to give us their own testimony and sell them out to their enemies.

We have at the end of this story reference made to the economic laws of supply and demand. This plan to postpone is a plan whereby this economic law of supply and demand can be dragged before us again. I warn you I serve notice of the fact that long before we had such a thing as economic laws of supply and demand we had a law thousands of years ago handed down from Sinai: "Thou shalt not steal." It is for the purpose of carrying through to the full affect that law of Sinai that this bill go through as it has been presented to us by the sub-committee of the House and Senate. I ask you to vote for this bill.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—153

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Long, | Shaw, |
| Alexander, | Falkenstein, | Longaker, | Shepard, |
| Allen, | Finnerty, | Lovett, | Shreiner, |
| Andrews, | Fitch, | Lynch, | Shugarts, |
| Arnold, | Flanagan, | Male, | Siegel, |
| Aukerman, | Flinchbaugh, | Mason, | Simon, |
| Baine, | Flynn, | McCreary, | Simpson, |
| Baker, F. T., | Furman, | McDermott, | Smith, J. A., |
| Baker, J. J., | Gerard, | Melchiorre, | Spangler, |
| Baldi, | Gillette, | Mentzer, | Stank, |
| Barber, | Green, | Moomaw, | Stevens, |
| Bernhard, | Greenstein, | Mooney, | Stone, |
| Blumberg, | Habbyshaw, | Moore, | Stott, |
| Boose, | Haberlen, | Moran, | Sumney, |
| Boyer, | Hagerty, | Moul, | Surface, |
| Bradley, | Haluska, | Muir, | Terry, |
| Brancato, | Hamilton, F. P., | Murrin, | Tronzo, |
| Brown, H. S., | Hamilton, R. S., | Nagel, | Trout, |
| Brown, J. E., | Harkins, | O'Keefe, | Tumelty, |
| Brownfield, | Harmuth, | Ominsky, | Van Allsburg, |
| Brumbaugh, | Hetrick, | Panton, | Van Sickle, |
| Burke, | Hindman, | Parks, | Walker, |
| Cannon, | Hirsch, | Patterson, C., | Wall, |
| Caputo, | Hoffner, | Patterson, J. W., | Wasserman, |
| Carr, | Holland, | Pfaff, | Weiss, |
| Carson, | Holstrom, | Piole, | Wellliver, |
| Chervenak, | Hoopes, | Powers, | Welsh, |
| Coakley, | Horst, | Reising, | Westrick, |
| Cochran, | Jackson, | Rhys, | White, |
| Cohen, | Kane, | Rinn, | Wilson, |
| Coleman, | Kelder, | Robinson, | Winner, |
| Condon, | Kelso, | Ruffennach, | Witkin, |
| Coolahan, | Kilroy, | Ruth, | Wood, |
| Decker, | Kinney, | Sarraf, | Woodside, |
| Diehl, | Klingler, | Scanlon, | Yeakel, |
| Downey, G. E., | Kobelak, | Schrock, | Zappala, |
| Downey, J. J., | LaRue, | Schrope, | Zimmerman, |
| Duffort, | Linderman, | Schwab, | Sarig, |
| Eberharter, | | | |

NAYS—22

| | | | |
|---|---|---|---|
| Barnhardt, | Denning, | Phillips, | Sproul, |
| Boyd, R., | Gates, | Roan, | Stewart, |
| Brennan, | Hermansen, | Root, | Turner, |
| Conner, | Jones, | Shortz, | Weidemann, |
| Cordier, | Merrell, | Snyder, F. E., | Yourishin, |
| Davies, | Peters, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. BRENNAN. Mr. Speaker, I am voting "no" and wish to file the following reasons:

I am voting "no" on House Bill No. 1721 for the reason that there has been a request made for the bill to be recommitted for amendment.

## REASONS FOR VOTE

Mr. HORST. Mr. Speaker, I desire to be recorded as voting "aye" and wish to file my reasons:

I voted "aye" on House Bill No. 1721. I favor a milk control law providing for a milk control board with ample powers to perform the functions necessary. I am not in sympathy with the very wide powers the bill gives to the board in its control over farmers' milk organizations set up by farmers to conduct their business. Such organizations should be subject to the regulations of the board as to price of product sold and any other actions of such organizations contrary to price regulation should be under the control of the board. But the board should not meddle with into the management of such organizations as section 18 now makes possible.

## REASONS FOR VOTE

Mr. MERRELL. Mr. Speaker, I am voting "no" and desire to file the following reasons:

In voting against House Bill No. 1721, I do so because Co-operatives are not exempt from its provisions. This bill in its present form could destroy in a short time the many benefits which members of Co-operatives have worked for many years to build up.

## REASONS FOR VOTE

Mr. FRANK E. SNYDER. Mr. Speaker, I desire to be recorded as voting "no" and filed my reasons therefor:

In voting against House Bill No. 1721, I do so because Co-operatives are not exempt from its provisions. This bill in its present form could destroy in a short time the many benefits which members of Co-operatives have worker for many years to build up.

## REASONS FOR VOTE

Mr. STEWART. Mr. Speaker, I am voting "no" and wish to file my reasons:

When section nineteen was taken from the bill, thought it was all right, but upon further examination Section 18 line 7 to 16 were embodied in the bill to include the part in Section 19, that was objectionable to the milk dealers of my county who have asked me to oppose this part in the bill. Hence I vote "no."

## REASONS FOR VOTE

Mr. WOOD. Mr. Speaker, I desire to be recorded as voting "aye" and wish to file the following reasons:

I vote "aye" on House Bill No. 1721, as we must have some control of the milk business, during this emergency, but I am of the opinion that it gives too much power to the control board over the Co-operative Agricultural Associations in regulating their own business. These Co-operatives are the only means available to farmers to secure equality in bargaining. They should be fostered rather than destroyed.

## TIME EXTENDED ON BILL

Mr. ANDREWS. Mr. Speaker, I move that the time on House Bill No. 811, Printer's No. 447, entitled:

An Act to amend section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prohibiting mayors from holding other public offices

on page 8 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

## REPORT OF COMMITTEE ON COMMITTEES

Mr. O'KEEFE. Mr. Speaker, the Committee on Committees submits the following recommendations and assignments:

The Hon. Edwin C. Winner of Montgomery County to the following committees: Banking, Aeronautics, Game, Manufactures, and Public Utilities.

The Hon. Clinton Sowers of Philadelphia County to the vacancy on Ways and Means.

On the question,

Will the House adopt the report?

It was adopted.

## ANNOUNCEMENTS

## COMMITTEE MEETINGS

The Committee on State Government will meet immediately after this morning's session in room 324.

The Committee on Law and Order will meet at 2:30 P. M. today in room 521.

All members of Fifth Class Counties will meet at 3:00 P. M. today in room 323.

The Committee on Public Utilities will hold a public hearing on House Bill No. 950 at 3:00 P. M. today, in room 521, E floor.

The Committee on Judiciary Special will not meet today.

The Committee on Aeronautics will meet after tomorrow morning's session in room 521.

The Committee on Judiciary Local will meet after tomorrow morning's session in room 325.

The Committee on Municipal Corporations will meet after tomorrow morning's session in room 324.

The Committee on Education will meet tomorrow at 9:15 A. M. in room 326.

The Committee on Insurance will meet tomorrow at 10:00 A. M. in room 323.

The Committee on Judiciary General will meet tomorrow at 10:00 A. M. in room 325.

The Committee on State Government will meet tomorrow at 10:00 A. M. in room 324.

The Committee on Boroughs and Townships will meet tomorrow at 10:30 A. M. in room 326.

The Committee on Counties will meet tomorrow at 10:30 A. M. in room 324.

There will be a meeting of the Republican members of the House in the Senate Caucus Room at 10:00 A. M. tomorrow.

## ANNOUNCEMENT BY MR. WITKIN

Mr. WITKIN. Mr. Speaker, I would like to make an announcement.

The SPEAKER. The gentleman from Philadelphia will make his announcement.

Mr. WITKIN. Mr. Speaker and members of the House, there has been a statement made to the effect that Republican members will meet tomorrow morning at ten o'clock, but inview of the fact that there are now so many other committee meetings scheduled for that time, the meeting at ten o'clock will not take place, and the Speaker has kindly consented to arrange for a time and place some time during the session tomorrow morning to hold that meeting.

## ADJOURNMENT

Mr. SIMPSON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 2:11 P. M.) the House adjourned until Wednesday, April 17, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, APRIL 17, 1935 No. 47

## SENATE

WEDNESDAY, April 17, 1935.

The Senate met at 11:00 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O Thou great Jehovah, Thou who didst lead Israel as a shepherd guideth his flock, we beseech Thee so to lead us.

Thou didst bring Thy chosen people out of their bondage in Egypt; Thou didst make them to walk in a dry path through the depths of the sea; by a pillar of cloud by day and fire by night Thou didst direct them for forty long years in their journey across a dreary wilderness. When they forgot Thee, going after false gods, Thou didst bring them to defeat. Finally Thou didst part the waters of a great river that they might enter into a land flowing with milk and honey.

Release us, O God, from our bondage to sin. Lead us across the desert which we call life. Keep us near Thee that we may not lose sight of the manifestations sent by Thee to mark out our way. Help us to shun the false gods which might lead us to defeat. At last bring us to that happy destination where the wicked cease from troubling and the weary shall find rest. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HARRIS, the further reading was dispensed with, and the Journal was approved.

### LEAVE OF ABSENCE

Mr. GRAFF asked and obtained leave of absence for the Senator from Luzerne, Mr. HARVEY.

### PETITIONS

#### PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from the Knights of the Ku Klux Klan, Philadelphia, Pittsburgh Piping and Equipment Co., Pittsburgh, and numerous residents of Sugar Grove Township, protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

#### PROTESTING AGAINST A GENERAL SALES TAX

The Chair also laid before the Senate petitions from the Greenville Business Men's Association, Greenville, and the Pennsylvania Unemployed League protesting against a general sales tax.

Which were referred to the Committee on Finance.

#### FAVORING PENDING TAX LEGISLATION

The Chair also laid before the Senate petitions from numerous clubs and individuals throughout the State favoring pending tax legislation.

Which were referred to the Committee on Finance.

#### FAVORING HOUSE BILL No. 494

The Chair also laid before the Senate petition from P. J. Connolly, Wilkes-Barre, favoring House Bill No. 494.

Which was referred to the Committee on Education.

#### FAVORING CONSTITUTIONAL REVISION

The Chair also laid before the Senate petition from the Council of the City of Erie favoring constitutional revision.

Which was referred to the Committee on Constitutional Changes.

#### FAVORING INVESTIGATION OF STATE EMERGENCY RELIEF

The Chair also laid before the Senate petition from Chas. H. Wise, Butler, favoring an investigation of the State Emergency Relief.

Which was referred to the Committee on Finance.

#### OPPOSING CHANGE IN SYSTEM OF APPOINTMENT OF MEMBERS TO THE BOARD OF EDUCATION

The Chair also laid before the Senate petition from the Methodist Episcopal Preachers Meeting of Philadelphia opposing changing the system of appointment of members to the Board of Education.

Which was referred to the Committee on Education.

#### FAVORING PENDING TAX LEGISLATION

Mr. REED (Washington) presented petitions from the Brotherhood of Locomotive Engineers, Brownsville, and numerous residents of Cokeburg, favoring pending tax legislation.

Which were referred to the Committee on Finance.

#### FAVORING PENDING TAX LEGISLATION

Mr. CAVALCANTE presented petition from the Brotherhood of Locomotive Engineers, Brownsville, favoring pending tax legislation.

Which was referred to the Committee on Finance.

FAVORING IMPOSING A TAX ON SALT AND SUGAR

The Secretary presented to the Senate petition from George Eyerman, Wilkes-Barre, favoring imposing a tax on salt and sugar.

Which was referred to the Committee on Finance.

REPORTS FROM COMMITTEE

Mr. BATCHELOR, from the Committee on Judiciary Special reported as committed, Senate Bill No. 144, entitled:

An Act prescribing the method of making applications for unemployment, poor or other relief for the needy; making misrepresentations and misstatements in connection therewith misdemeanors; and prescribing penalties.

Mr. BENNETT, from the Committee on Education, reported as committed, or as amended, Senate Bill No. 834, (House Bill No. 1788), entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commssions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses.

BILLS INTRODUCED

Mr. REED read in his place and presented to the Chair, Senate Bill No. 953 entitled

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven, (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended, making possible the concurrent sentencing of persons convicted of more than one offense in certain cases.

Which was committed to the Committee on Judiciary General.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 954, entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds.

Which was committed to the Committee on Banking.

Mr. NORTON read in his place and presented to the Chair, Senate Bill No. 955, entitled:

An Act making an appropriation to the Beulah Anchorage of Reading, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. SALUS read in his place and presented to the Chair, Senate Bill No. 956, entitled:

An Act providing equal rights to all persons in places of public accomodation, resort and amusement.

Which was committed to the Committee on Judiciary General.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. ZIESENHEIM. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 669 (House Bill No. 224), on third reading entitled;

An Act requiring certain cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vaction each year except in emergency cases.

Mr. STAUDENMEIER. Mr. President, I second the motion.

The motion was agreed to

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 669 (House Bill No. 224), as follows:

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city except cities of first class having fire departments shall allow and permit every member of such fire departments to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebrations and to have an annual vacation of not less than fourteen days without diminution of the salary or compensation fixed by ordinance or resolution of such city This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Salus, |
| Bean, | Howell, | Prince, | Shapiro, |
| Bennett | Huffman, | Prince, | Sones, |
| Buckman, | Hunsicker, | Pytko, | Sordoni, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |

| | | | |
|---|---|---|---|
| Coyne, | Mallery, | Reed, | Trainer, |
| Ealy, | McClure, | (Washington) | Woodward, |
| Frey, | McCreesh, | Rice, | Ziesenheim, |
| Gelder, | McGinnis, | Roberts, | |

NAYS—1

Thompson, (Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

## BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 616, as follows:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in ctiies of the first class and on certain school taxes in school districts of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual instalments beginning June first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

Section 2 In case any taxpayer shall default in the payment of any instalment of taxes or in the payment of current taxes as required in section one of this act the penalties and interest or penalties as the case may be on the instalments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law

Section 3 The abatement of penalties and interest and the allowance of discounts on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county but the taxpayer shall become liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 4 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 22, on third reading, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 67, entitled:

An act requiring return courts judges and boards sitting to record, compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |

| | | | |
|---|---|---|---|
| Clark, | Mallery, | Reed | Thompson |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 73, entitled:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the county and canvass of the vote and the sealing of the ballot box

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 340, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligations of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Schuylkill-Columbia

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. HARRIS. Mr. President, I ask unanimous consent that Senate Bill No. 432 (House Bill No. 678), on third reading, entitled:

An Act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 444, entitled:

An Act making an appropriation to the American Hospital for Diseases of the Stomach of Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |

| | | | |
|---|---|---|---|
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward. |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 520, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 549 (House Bill No. 318), entitled:

An Act to amend sections ten and fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violations of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of and returning canvassing and computing the vote cast at primary elections regulating the form of the numbered lists of voters regulating the duties of election officers in calling and tabulating the votes and regulating return board procedure

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Salus, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 567 (House Bill No. 321), entitled:

An Act to amend section six as amended section eight and section ten as amended of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committeemen of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" providing that only register and enrolled members of political parties shall be qualified to sign nomination petitions and limiting the number of specimen ballots to be given candidates at primaries

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Norton, | Rupp, |
| Baumer, | Homsher, | Owlett, | Salus, |
| Bean, | Howell, | Pierson, | Sones, |
| Bennett, | Huffman, | Prince, | Sordoni, |
| Buckman, | Hunsicker, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, (Centre) | |
| Clark, | Law, | Reed, (Dauphin) | Thompson, (Westmoreland) |
| Coyne, | Mallery, | Reed, (Washington) | Trainer, |
| Ealy, | McClure, | Rice, | Woodward, |
| Frey, | McCreesh, | Roberts, | Ziesenheim, |
| Gelder, | McGinnis, | | |

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 733, entitled:

An Act making an appropriation to the Wills Eye Hospital Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Chapman, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Rice, | Trainer, |
| Coyne, | McClure, | Roberts, | Woodward, |
| Ealy, | McCreesh, | Rodgers, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Miller, | | |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 820, entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, (Dauphin) | Thompson, (Centre) |
| Chapman, | Law, | Reed, (Washington) | Thompson, (Westmoreland) |
| Clark, | Mallery, | Rice, | Trainer, |
| Coyne, | McClure, | Roberts, | Woodward, |
| Ealy, | McCreesh, | Rodgers, | Ziesenheim, |
| Frey, | McGinnis, | | |
| Gelder, | Miller, | | |
| Graff, | | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

## BILL RECOMMITTED

Mr. ROBERTS. Mr. President, I move that Senate Bill No. 252 (House Bill No. 39), on second reading, entitled:

An act to promote the objects of the National Housing Act by authorizing building and loan associations, banks, bank and trust companies, savings banks, trust companies, insurance companies, associations and exchanges, to make loans pursuant to titles one and two of the National Housing Act and by authorizing executors, administrators, guardians, trustees, buliding and loan associations, banks, bank and trust companies, savings banks, trust companies, insurance companies, associations, and exchanges to invest in mortgages insured and in debentures issued by the Federal Housing Administrator by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in securities of national mortgage associations and providing for the use of such bonds debentures and other securities as collateral or deposit security.

be recommitted to the Committee on Banking for the purpose of a hearing.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 581, as follows:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation

Whereas Local government of small areas were developed in the past principally because of the lack of adequate means of transportation and communication and

Whereas The development of local government has not kept step with the development of transportation and communication and functions of government have been added from time to time without proper study or knowledge of the correct allocation of such functions and

Whereas The support of local government has become a financial problem and ways and means should be devised to lessen the existing and ever-increasing cost of local government which is now mainly a burden on real property and of creating a more scientific and simplified system therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That a commission is hereby created which shall consist of ten members five of whom shall be appointed by the President of the Senate and five shall be appointed by the Speaker of the House The commission shall be known as the "Local Government Commission" The commission shall organize at the call of the President pro tempore of the Senate by electing a chairman vice-chairman and a secretary The secretary need not be a member of the commission The members of the Commission shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the discharge of their duties

Section 2 It shall be the duty of the commission to study and investigate (a) the functions of local government their proper allocation and the possibility of eliminating unnecessary functions and the duplication and over-lapping of functions (b) the cost of local government and ways and means of reducing this cost and lessening the burden on local taxpayers (c) the advisability and feasibility of increasing the areas or changing the boundaries of local governments of establishing larger units for administration by consolidation of units by cooperative arrangements between them for the performance of certain functions or by other means and generally ways and means of organizing a simple system of local government and to exercise such other functions as may be deemed necessary to carry into effect the spirit and intent of this act

Section 3 The commission shall have power to recommend tentative plans for the consolidation or organization of any units of local government or changes in the boundaries thereof The commission after holding public hearings shall prepare and recommend for adoption a plan or plans of local government consolidation or changes of political boundaries for any or all units of local government

Section 4 The commission shall make a first report to the Legislature of the session of one thousand nine hundred and thirty-seven not later than February first of that year said report to contain a statement of the progress of its work and such drafts of legislation and constitutional amendments if any as it deems necessary to carry into effect the provisions and objectives of this act and as will if enacted enable the commission to complete its work

Section 5 The commission shall have power to employ and fix the compensation of such experts stenographers and assistants as may be deemed necessary to carry out the work of the commission but due diligence shall be exercised by the commission to enlist such voluntary assistance as may be available from citizens research organizations and other agencies in Pennsylvania or elsewhere generally recognized as qualified to aid the commission with information as to existing conditions or advice as to possibilities in governmental economies or reorganization The Legislative Reference Bureau The Bureau of Statistics of the Department of Internal Affairs and other agencies of the Commonwealth as well as all local governments within the Commonwealth shall give the commission on request such information and assistance as may be reasonably accessible

Section 6 The term "local government" as used in this act shall be construed to include counties cities boroughs towns townships school districts and poor districts except counties of the first and second class and cities of the first second and second class A

Section 7 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of the expenses of the members of the commission for the compensation and expenses of the secretary and other appointees of the commission for printing for postage supplies telephone telegraph rent and miscellaneous expenses and generally for the purposes of carrying into effect the provisions of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 608, as follows:

An Act To amend article twenty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by prescribing the powers and duties of the boards of trustees of State Teachers Colleges and the Cheyney Training School for Teachers repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article twenty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenues and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred fifty-two) is hereby further amended by inserting therein after section two thousand and one a new section to read as follows

Section 2001.1 The boards of trustees of the several teachers colleges and the Board of Trustees of the Cheyney Training School for Teachers shall have general direction and control of the property and management pecuniary and otherwise of their respective institutions Each of the said boards of trustees shall have the power and its duty shall be

(a) Subject to the approval of the Superintendent of Public Instruction to elect a president principal or superintendent of the institution who shall subject to the authority of the board administer the institution and if deemed advisabe a business manager

(b) On nomination by the president principal or superintendent from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board of this Commonwealth except as otherwise provided by law

(d) Subject to the approval of the Superintendent of Public Instruction to make such by-laws rules and regulations for the management of the institution as it may deem advisable

(e) To contract for directly and purchase and pay for from appropriations made by the Commonwealth and from income derived from their respective institutions for services supplies equipment and all other expenses of maintenance and operation necessary for the proper conduct of their several institutions and the purposes for which they are intended No department of the State government shall act as purchasing agent for any of said colleges or institutions Provided That all requisitions for service and purchases shall be approved by the Department of Public Instruction

(f) To collect all amounts payable by or for pupils for instruction and maintenance

Section 2 That section one thousand three hundred and eleven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the

Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employs of certain departments boards and commissions shall be determined" is hereby repealed in so far as it relates to State Teachers College and the Cheyney Training School for Teachers

That clause (d) of section two hundred and six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby repealed in so far as it relates to State Teachers Colleges and the Cheyney Training School for Teachers

All other parts of said acts and their amendments inconsistent herewith are hereby repealed

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 666, as follows:

An Act Regulating the motor vehicle junk business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definition "Motor vehicle junk business" or "motor vehicle junk yard" shall include any business and any place of storage or deposit whether in connection with another business or not which displays or in or upon which there are displayed to view from a public highway two or more unregistered motor vehicles which are unfit for reconditioning for use on the public highways or used parts of motor vehicles or old iron metal glass paper cordage or other waste or discarded or second-hand material which has been a part or intended to be a part of any motor vehicles the sum of which parts or material shall be equal in bulk or two or more motor vehicles

Section 2 Purpose of Act For the purpose of promoting the health safety and general welfare of municipalities and governmental subdivisions in the State for the purpose of conserving the value of buildings and encouraging the most appropriate use of land for the purpose of providing for the public health comfort and general welfare in living and working conditions for the purpose of facilitating highway development and transportation and for the purpose of regulating and restricting unsightly and detrimental developments tending to depreciate the value of property and obstruct progressive improvements in such municipalities and governmental subdivisions the proper authorities of any city borough town or township in addition to other powers conferred by law upon such cities boroughs towns or townships or the respective officials thereof are authorized to enact ordinances or resolutions creating restricted districts within which any motor vehicle junk yard or motor vehicle junk business shall not be permitted to be established provided in any city borough town or township having a duly established zoning commission or planning commission or board such zoning commission planning commission or board shall have the authority to create such restricted districts by the adoption of appropriate rules orders or regulations

Section 3 Certificate of Approval from Local Authorities No person firm or corporation shall establish operate or maintain a motor vehicle junk yard or motor vehicle junk business unless a certificate of approval of the location to be used therefor has been procured from such authorized local officials certifying that such location is not within a duly established district restricted against motor vehicle junk yards or motor vehicle junk business and a license to establish or maintain such a yard or such a business obtained from the said Secretary of Revenue of motor vehicles as hereinafter provided

Section 4 Application for Certificate Hearing Application for such certificate of approval shall be made in writing to the authorized local officials zoning or planning commission or board as the case may be and unless the location for such junk yard or business shall be within a restricted district estabished as provided in section two of this act such local officials commission or board shall assign a hearing upon such application to be held within the municipality in which such location is situated not less then two nor more than four weeks from the date of the receipt of such application Notice of such hearing shall be sent to such applicant by mail postage paid to the address given on such application to the Secretary of Revenue and by publication once in a newspaper having a circulation within such municipality not less than seven days before the date of such hearing Said local officials commission or board in considering such application shall take into account the nature and development of surrounding property the proximity of churches schools hospitals public buildings or other places of public gathering the sufficiency in number of other such yards or businesses in the vicinity the health safety and general welfare of the public and the suitability of the applicant to establish maintain or operate such yard or business and to receive a license therefor Each applicant for such certificate of approval shall pay a fee of twenty-five dollars together with the costs of the publication of such notice and the reasonable expenses of such hearing to the treasurer of such municipality

Section 5 Secretary of Revenue may Impose Conditions The Secretary of Revenue or his representative shall examine the location or proposed location of each motor vehicle junk yard or business adjacent to any highway and said Secretary may make reasonable general regulations concerning and applicable alike to the establishment operation or maintenance of all such yards or businesses as shall be essential to the safety and general welfare of the public and no license for any such yard or business shall be issued until such regulations have been compiled with Upon violation of any of the regulations established

under the provisions of this section the Secretary of Revenue after notice to such violator and giving him opportunity to be heard may revoke the license issued or any renewal thereof

Section 6 Examination and License Fee Upon receiving such certificate of approval each applicant for a motor vehicle junk yard or motor vehicle junk business license shall present such certificate to the Secretary of Revenue together with a fee of twenty-five dollars for the examination of the location or proposed location of each such motor vehicle junk yard or business adjacent to a trunk line or State-aid highway and shall pay a license fee to said Secretary for each motor vehicle junk yard or business of twenty-five dollars if the land used or to be used for such yard or business shall be five acres or less and fifty dollars if such land be in excess of five acres Upon receipt of such certificate of approval the payment of the required license fee and observance of regulations required such license shall be issued by the Secretary of Revenue for the period ending the thirtieth day of September next following Any license may be renewed from year to year upon payment of the same fee as required for the original license The holder of a license issued in accordance with the provisions of this act shall certify to said Secretary of Revenue upon the sale by him of any motor vehicle that at the time of such sale such motor vehicle was in suitable condition to be operated upon the highways or not as the case may be

Section 7 Publications of Ordinance Etc Any resolution ordinance order rule or regulation creating a restricted district or districts within which any motor vehicle junk yard or business shall not be located or established under the provisions of this act shall forthwith be filed with the clerk of the municipality and said clerk shall within ten days thereafter cause such resolution or ordinance to be published once in such municipality

Section 8 Appeal Any person firm or corporation aggrieved by the action of any local officials zoning commission or board taken pursuant to the provisions of this act may within thirty days from the date of the acting complained of and upon giving bond in the sum of one hundred and fifty dollars appeal to the court of common pleas of the county within which such city borough town or township is situated and any person firm or corporation aggrieved by any action of said Secretary of Revenue or his authorized representative taken pursuant to said provision may within said time of thirty days and upon giving such bond appeal to the court of common pleas of Dauphin County in the same manner as is provided for appeals in civil actions Upon any such appeal said court shall make such order in relation to the action appealed from as it may deem equitable

Section 9 Penalties Any person or any officer or agent of any firm or corporation who shall establish operate or maintain a motor vehicle junk yard or motor vehicle junk business in any location within a restricted district created under the provisions of this act or shall establish operate or maintain such junk yard or business without procuring such certificate of approval from the local officials and holding a license therefor or shall violate any provision of this act shall upon summary conviction thereof be fined not more than one hundred dollars or imprisoned not more than ninety days or both Each day of such establishment operation or maintenance in violation hereof shall constitute a separate offense In addition to the penalties hereinbefore prescribed the Secretary of Revenue or the local officials commission or board upon a violation of any of the provisions of this act may petition the court of common pleas of the county where such yard or business is located to enjoin a further operation or maintenance of such yard or business and to abate the same as a public nuisance Such court in any such action may upon finding such yard or business has been established operated or maintained in violation of the provisions of this act issue such injunction as it shall deem equitable and make such order for the discontinuance or abatement of such yard or business as a nuisance as it shall find necessary

Section 10 Revocation of License Upon Sale or Transfer of Business Any license issued by the Secretary of Revenue under the provisions of this act shall be revoked by and surrendered to said Secretary upon the sale transfer or conveyance of any such licensed junk yard or business

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 730, as follows:

An Act to amend section one of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred eighteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" extending said act to issues where any of the bonds thereof have matured

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred eighteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any county city borough incorporated town township poor district or school district of this Commonwealth shall have issued bonds any of which have matured and remain unpaid or which shall hereafter mature it shall be lawful for such county city borough incorporated town townships poor district or school district for the purpose of refunding or retiring the entire issue of such outstanding bonds or at maturity any of such outstanding bonds to issue new bonds bearing interest not exceeding six per centum (6%) per annum and payable not more than twenty years from the date thereof and to exchange such new bonds for such outstanding bonds Provided however That the face value of the new bonds so authorized to be exchanged shall not exceed the face value of the outstanding bonds to be refunded or retired And provided further That such municipality shall not pay any compensation or commission for obtaining such exchanges in excess of one per centum (1%) of the face value of any new bonds actually exchanged as aforesaid

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 746 (House Bill No. 1156), entitled:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act

Sections 1 to 10 inclusive of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created and established in every city of the second class in this Commonwealth a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police of such city which fund shall be known as the "Policemen's Relief and Pension Fund of the City of ....."

Section 2 Such fund shall consist of and to it shall be transferred and paid

(1) All disciplinary fines imposed upon the policemen of such city

(2) The income from any and all trust funds which may hereafter be established by gift for the benefit of such persons as are eligible to be beneficiaries under this fund

(3) The dues of the members of the fund as hereinafter stipulated

(4) All donations of money from whatever source which shall be made to the fund

(5) All monies heretofore required to be paid by cities of the second class to the organization or association constituting and having in charge the distribution of police pension funds in such cities

(6) Sums to be annually paid into said fund by each city of the second class in amounts sufficient to maintain the pensions or compensations due under this Act The public authorities of every city of the second class charged with the disbursements expenditures and appropriations thereof shall annually set aside apportion and appropriate out of all taxes and income of the said cities unto the fund hereby created a sum sufficient to maintain the pensions or compensations due under this Act and to carry out the provisions of this Act

Section 3 There is hereby created for the care management and control of such fund a board of managers consisting of eleven members to be known as the "Policemen's Pension Fund Board of the City of ....." The personnel thereof shall be as follows the president of council the city controller and the director of the department of public safety who shall be ex-officio members and eight elective members from among the following classes of the members and beneficiaries of such fund one member to be elected from among the inspectors captains and lieutenants of both police and detectives one member to be elected from among the sergeants and detectives two members to be elected from among the beneficiaries of the fund and four members to be elected from among the active members of the fund who are of the rank and file and not classified in any of the foregoing groups

The first board of managers the members of which shall hold office until the first day of February one thousand nine hundred and thirty-six shall consist of those persons who at the effective date of this Act shall be the members of the board of directors or managers of the organization or association which is designated as the official and authorized organization or association to hold receive and distribute the funds for the purpose of pensioning the police officers of said cities of the second class under the provisions of the Act of Assembly of April fifth one thousand nine hundred and seventeen Pamphlet Laws thirty-nine

The Board is hereby authorized to make and establish such rules and regulations for the care management and operation of the fund created by this Act as shall not be inconsistent with the provisions of this Act

Section 4 Elections of the eight elective members of the Board shall be held annually on the second Monday of January of each year beginning with the year one thousand nine hundred and thirty-six and the said members so elected shall take office on the first day of February following their elections

Vacancies among the elective members of the board shall be filled by the board at its next meeting for the unexpired term

The time and place of holding the annual elections shall be designated and fixed by the board herein created

Section 5 The president and the vice-president of the Board shall be elected by the members of the Board The Board shall elect a secretary-treasurer from the members of the fund and may elect or appoint a solicitor and such other employes as the Board may deem necessary and shall fix the salary or compensation of all officers and employes elected or appointed by the Board

Section 6 The president shall preside at all meetings of the Board He shall sign all necessary papers approved by the Board requiring his signature and perform such other duties as may be required by his office

The secretary-treasurer shall keep minutes of all meetings of the Board receive and receipt for all payments to the fund and keep accurate accounts between the fund and its members All checks shall be signed by the secretary-treasurer and countersigned by the president or vice-president of the Board

The Board shall hold regular monthly meetings at a time and place to be fixed by the Board Special meetings of the Board shall be called by the president whenever he deems it necessary or upon written request of five members of the Board or twenty-one members of the fund

Section 7 The Board shall designate and choose the bank or banks trust company or trust companies in such city in which the monies of the fund shall be deposited

The Board may invest the monies of the fund in such State County or Municipal bonds of the State of Pennsylvania or in bonds of the United States Government as they may deem to the best interest of the fund The accounts of the fund shall be audited annually by the city controller or oftener if the Board requests the same to be done and a copy of the audit shall be furnished to the council of the city and copies to the members of the board

Section 8 The membership of the fund shall consist of

(1) All persons who shall after the effective date of this Act become employes of the Bureau of Police as uniformed policemen or as detectives including all substitute uniformed employes of the Bureau of Police superintendent of police assistant superintendent of police inspector of police inspector of traffic inspector of detectives captain of police captain of detectives lieutenant of police lieutenant of detectives lieutenant of traffic lieutenant of motorcycles detective sergeant of police turnkey patrolman cornerman motorcycle patrolman radio patrolman Morals Court officer Traffic Court officer and precinct detectives provided that the membership of any person who shall become a member of the fund under and by virtue of the provisions of this subsection shall be in no way affected or impaired by the fact that he thereafter becomes a chief Bertillon operator or Bertillon operator who shall have come from the ranks and provided further that membership under this sub-section shall exist solely by virtue of the provisions of this sub-section and without the making of any application

(2) Each present employe of the Bureau of Police as classified by part (1) of this Section who at the effective date of this Act is a member of any Employes' Pension Fund created under the Act of May twenty-eight one thousand nine hundred and fifteen Pamphlet Laws five hundred ninety-six if and only if he elects to withdraw and resign from the said Employes' Pension Fund and to apply for membership in the fund created by this Act

(3) Each person who at the effective date of this Act is a member of any other association corporation or fund in the same city constituted for and having in charge the distribution of police pension funds but to whom a pension has not yet been granted by said other association corporation or fund if and only if he waives his right to receive any other pension than a death benefit from the said other association corporation or fund and applies for membership in the fund created by this Act and assigns to the fund created by this Act whatever amount of his contributions to the said other association corporation or fund of which he is a member at the effective date of this Act he is permitted to withdraw from the said association corporation or fund by the laws and rules thereof now or hereafter in effect

(4) Each member of any other association corporation or fund in the same city existing or created for purposes similar to the purposes of the fund created by this Act to whom prior to the effective date of this Act a pension has been granted by the said other associations corporation or fund and who has not forfeited his right to receive the said pension whether at the effective date of this Act he is receiving the said pension or not if and only if he waives his right to receive from the said other association corporation or fund any other pension than a death benefit and applies for membership in the fund created by this Act The waiver in such case is only to take effect as of the date that the member first receives pension payments from the fund created by this Act

Section 9 The forms for application for membership required under sub-sections (2) (3) and (4) of Section 8 hereof shall be determined by the board of managers These forms shall include the waivers and assignments required under the provisions of Section 8 hereof Upon the filing with the secretary-treasurer of the fund of an application properly filled out and executed on the form prescribed by this Section an applicant shall automatically become a member of the fund created by this Act

Section 10 Each member in active service shall be required

(1) To contribute to said fund three percentum of his rated monthly salary or wages which shall be deducted from his salary or wages by the city controller from the payroll for the last half of each month and paid into the fund

(2) Substitute employes of the Bureau of Police as classified under sub-section (1) of Section 8 hereof shall be credited for pension and paid on the basis of actual days served in the Bureau of Police

(3) Regular and substitute employes shall serve at least one day in each month in order to be credited for one month's service for pension under this Act

The eleventh section of the bill was read as follows:

Section 11 When any member of the fund shall resign or be dismissed from service or shall die while in active service there shall be paid to him or to his executor or administrator if his service has been terminated by death from the fund all dues paid by him into the fund without interest and all monies which the fund may have received under any assignment made by the said member to the fund at the time of his admission to membership under the provisions of sub-section (3) of Section 8 hereof

On the question,

Will the Senate agree to the section?

Mr. FRY. Mr. President, I move to amend section 11, page 9, line 2, by striking out the word "due" and insert in lieu thereof "die"

Mr. THOMPSON (Centre). Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended.

It was agreed to.

The twelfth to the twenty-first sections of the bill were read as follows and agreed to:

Section 12 A member of the fund who has severed his connection therewith and has subsequently again become a member thereof shall be required to pay a re-admission fee of $5.00 and to return to the fund such monies as were paid to him from the fund when his membership in the fund was terminated

Such re-admission fee and refund shall be collected from the monthly salary or wages of the reinstated member over the period of a year in the manner provided for in sub-section (1) of Section 10 hereof or in such manner and period as the board of managers may determine Full payment thereof shall be a condition precedent to the member being eligible to receive the benefits of the fund

If however any such reinstated member shall be injured in the line of duty before he shall have made such full restitution and if the disability caused by such injury shall continue beyond the period during which compensation shall be paid to him under the provisions of the Workmen's Compensation Act of Pennsylvania he shall be eligible to pension under this Act but any amount in which he shall have been indebted to the fund at the date of his injury shall be repaid if the board in its discretion shall so require in such monthly payments as said board may determine which amounts shall be deducted from his pension as and when monthly payments thereof shall be made

Section 13 Members of the fund shall be eligible to receive pensions from said fund as follows

(1) A member who has been admitted into membership under the provisions of sub-section (4) of Section 8 hereof shall at once and automatically be entitled to receive a pension as hereinafter stipulated

(2) A member who has been admitted to membership in this fund within sixty days from the effective date of this Act under the provisions of subsection (2) or subsection (3) of Section 8 hereof shall be entitled to receive a pension from this fund upon written application of such member stating his desire to withdraw from service in said city or that his employment by the said city has been terminated and showing that such member has rendered at least twenty years' service to the said city at least one year of which was immediately prior to his application but which need not have been otherwise continuous service Such service shall total twenty years and shall include service in the armed forces of the United States in times of war provided that the Board of Managers for good cause shown to their own satisfaction may permit a member who has been admitted to membership more than sixty days after the effective date of this Act to go on pension upon filing a written application containing the statements prescribed by this sub-section

(3) Any member who has become a member of this fund under the provisions of sub-section (1) of Section 8 hereof or who has been admitted to membership under the provisions of sub-section (2) or subsection (3) of Section 8 hereof more than sixty days after the effective date of this Act shall be entitled to receive a pension from said fund upon written application of such member stating his desire to withdraw from service in said city or that his employment by the said city has been terminated and showing that such member has attained the age of fifty-five years and has rendered at least twenty-five years' service to the said city at least one year of which was immediately prior to his application but need not have been otherwise continuous service Such service shall total twenty-five years and shall include service in the armed forces of the United States in times of war

(4) Any member who while a member of the fund is injured in the line of duty and disabled through such injury shall be entitled to receive a pension from the fund created by this Act upon written application of such member stating such facts and further showing that such disability continues and that the applicant is no longer entitled to payments from the city under the provisions of the Workmen's Compensation Act and its amendments Upon approval by the Board such member of the fund shall become a beneficiary thereunder

Section 14 Beneficiaries under said fund shall be rated and classified and shall be entitled to receive from the

fund per month the amounts indicated in the following table to-wit

| Classification | Monthly Payments |
|---|---|
| Superintendent of Police | $125.00 |
| Assistant Superintendent of Police | 115.00 |
| Inspector of Police | 100.00 |
| Inspector of Traffic | 100.00 |
| Inspector of Detectives | 100.00 |
| Captain of Detectives | 95.00 |
| Captain of Police | 95.00 |
| Lieutenant of Detectives | 95.00 |
| Lieutenant of Police | 90.00 |
| Lieutenant of Traffic | 90.00 |
| Lieutenant of Motorcycles | 90.00 |
| City Detective | 90.00 |
| Sergeant of Police | 85.00 |
| Chief Bertillon Operator | 85.00 |
| Turnkey | 85.00 |
| Patrolman | 80.00 |
| Cornerman | 80.00 |
| Motorcycle Patrolman | 80.00 |
| Morals Court Officer | 80.00 |
| Traffic Court Officer | 80.00 |
| Precinct Detective | 80.00 |
| Bertillon Operator | 80.00 |
| Radio Patrolman | 80.00 |

The pensions for members holding positions not included in the above table shall be rated classified and determined by the Board of Managers in amounts proportionate to the pensions listed in the above table

No pension shall be granted or paid to any member based on the rank or position which he holds at the time of making application for pension unless he has held such rank or position for a period of one (1) year prior to the date of making such application

The first pension payments to be made under this Act shall be those for the month of October one thousand nine hundred and thirty-five which shall be payable on the third working day of November one thousand nine hundred and thirty-five Pension payments thereafter shall always be payable on the third working day of each month and shall be for the preceding month

Section 15 If any beneficiary of the fund shall be awarded a pension and shall thereafter be convicted of felony or shall become an habitual drunkard or shall cease to care for and support his wife and family then and in any such case the Board shall have power by a two-thirds vote to revoke the pension or to suspend the payment thereof or to direct payment of the pension to the family of such beneficiary and in such case the family shall be considered the beneficiary within the meaning of Section 18 hereof

Section 16 Any beneficiary of the fund who may obtain employment in the service of the City itself or County or State or any political sub-division whereof shall suffer suspension of his pension from the fund during the time of such employment

Section 17 The provisions of this Act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

Section 18 The compensation or pension herein provided for shall not be subject to attachment execution levy garnishment or other legal process and shall be payable only to the beneficiary designated by this Act in person and shall not be subject to assignment or transfer

Section 19 The provisions of this Act shall be severable and if any of the provisions thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any of the remaining provisions of this Act It is hereby declared as the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein

Section 20 The following Acts and parts of Acts of Assembly are repealed so far as they apply to cities of the second class viz

An Act entitled" An Act to empower boroughs and cities to establish a Police Pension Fund to take property in trust therefor and regulating and providing for the regulation of the same" approved the 24th day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine)

An Act entitled "An Act to amend section one of the Act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine) entitled 'An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same' directing the establishment of such funds by cities" approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-two)

Section 21 This act shall take effect on the first day of September one thousand nine hundred and thirty-five

Approved the ..... day of ..... 19 .....

The title of the bill was read as follows and agreed to:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care of and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 769, as follows:

An Act to amend sections four five seven and twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" as amended changing the requirements of medical educational institutions and applicants for examinations and licensure and defining new ground for the refusal or revocation of licenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" as amended in part by section three of the act approved the twenty-fifth day of July one thousand nine hundred

and thirteen (Pamphlet Laws one thousand two hundred twenty) and in part by section two of the act approved the twentieth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred fifty-eight) is hereby further amended to read as follows

Section 4 It shall be the duty of the [bureau] board in its discretion periodically to ascertain the character of the instruction and the facilities possessed by each of the various medical educational institutions and hospitals desiring internes either chartered under the laws of this Commonwealth or operating therein for the teaching of the various departments of medicine in accordance with the requirements of this act It shall further be the duty of the [bureau] board by inspection and otherwise to ascertain the facilities and qualifications of medical institutions colleges or hospitals outside this Commonwealth whose graduates or internes desire to obtain medical licensure in this Commonwealth

Any medical institution chartered by this Commonwealth and empowered to confer the degree of medicine that shall be unanimously adjudged by the [bureau] board as failing to provide the proper facilities as maintaining a lower minimum standard than that required under the provisions of this act said minimum standard being in addition to a general preliminary education of not less than a standard four years high school course or its equivalent not less than [one year] two years of college credits in chemistry biology and physics all of which shall have been acquired prior to entering a medical school and a graded medical and surgical course of four years each of which shall be of not less than thirty-two weeks of not less than thirty-five hours of each week of actual work in didactic laboratory and clinical study [in different calendar years] shall be duly notified of the same in writing signed by the secretary of the [bureau] board Failure to conform to the authorized standard after such notification shall render graduates of said institution ineligible for licensure until such time as the instruction and course are made to the standard adopted as herein provided

Section 2 That section five of said act as last amended in part by section three of the act approved the twentieth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred fifty-eight) and in part by section one of the act approved the twenty-fourth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred seventy-one) is hereby further amended to read as follows

Section 5 Applicants for licensure under the provisions of this act shall furnish prior to any examination by the said [bureau] board satisfactory proof that he or she is twenty-one years of age is of good moral character is not addicted to the intemperate use of alcohol or narcotic drugs and has had a general education of not less than a standard four years high school course or its equivalent and not less than [a year] two years of college credits in chemistry biology and physics all of which have been received before admission to medical study and have attended four graded courses of not less than thirty-two weeks of not less than thirty-five hours each of actual work in didactic laboratory and clinical studies [in different calendar years] in some reputable and legally incorporated medical school or college or colleges recognized as such by the [Bureau] Board of Medical Education and Licensure of the State of Pennsylvania the dean or proper officer of which college having certified that the applicant has satisfactorily passed each of said respective courses and shall have completed not less than one year as interne in an approved hospital which shall have at least twenty-five beds to each interne devoted to the treatment of medical surgical gynecological and special diseases shall maintain or establish cooperation with a maternity department or hospital in which each interne shall have not less than six weeks service or the equivalent thereof [during which time he shall have attended or participated in attendance upon not less than six confinements] shall maintain a thoroughly equipped modern pathological and clinical laboratory proportionate to the necessities of the hospital and the records on file of the cases treated in said hospitals shall give evidence of the laboratory work so done by the interne shall maintain a department of anaesthesia consisting of one or more anaesthesiasts who shall have supervision over all the anaesthesia given in the institution and whose duty it will be to instruct all internes in the administration of anaesthesia [and in the case of applicants of acceptable age and otherwise acceptable to the Federal Government shall have received an approved three months field course and service in military medicine] Provided That in the case of those having completed their preliminary educaton prior to the first day of January one thousand nine hundred and twenty of their medical education seven or more years before application for licensure which applicant may not technically or fully fulfil the above preliminary or interne requirements the [Bureau] Board of Medical Education and Licensure in its discretion may accept satisfactory equivalent by a unanimous vote of all members present

This act shall also be construed as applying to hospitals employing on salary graduate internes whose services are confined to the said institutions when they assume individual responsibility in the care of patients

Applicants from countries foreign to the territory of the United States who desire to be licensed by said [bureau] board shall before examination furnish similar proof as to age moral character use of alcohol and narcotics shall present a certificate of United States citizenship or a declaration of intention and shall present a certificate or diploma indicating the completion of a preliminary and medical and surgical education equivalent to the above Each application to the said [bureau] board for examination or licensure shall have attached thereto other affidavit or affirmation of the application as to its verity Any applicant stating any fact in his application which shall thereafter be proven to be false shall be deemed guilty of perjury and on conviction shall be subject to its penalties

Section 3 That section seven of said act as last amended by section one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws four hundred sixty-six) is hereby further amended to read as follows

Section 7 All persons who have complied with the requirements of the rules and regulations of the board and who shall have passed a final examination and who have otherwise complied with the provisions of this act shall receive from the Department of Public Instruction acting for the said board a licensing certificate entitling them to the right to practice medicine and surgery or special branches of medicine and surgery as provided for in section six in this Commonwealth which said license certificate shall be duly registered in the office of the Department of Public Instruction of this Commonwealth in a record book to be properly kept for that purpose and which shall be open to public inspection and a certified copy of said record shall be received as evidence in all courts in this Commonwealth in the trial of any case Provided That this section relating to certificates to practice medicine and surgery shall not apply to officers in the regular medical service of the United States Army and Navy or the United States Public Health and Marine Hospital Service while in discharge of their official duties or to any one who may be a duly registered practitioner of medicine in any State or Commonwealth who may be called upon by a registered physician of this Commonwealth to consult with him in a case under treatment or any one while actually serving as a [member of the resident] student interne under the supervision of the medical or surgical staff of any legally incorporated hospital or State hospital And provided further That any duly registered practitioner of medicine residing in any State near the boundary line between said State and the Commonwealth whose practice extends into this State shall have the right to practice in this Commonwealth at the discretion of the board provided he files with the Secretary of the Board of Medical Education and Licensure of this Commonwealth a certified copy of his registration in the State where he resides and provided that the Board of Examiners of the adjoining State reciprocate by extending the same privilege to practitioners of medicine and surgery in this Commonwealth in which case he shall receive from the secretary of the board created by this act a licensing certificate issued by the said board but which shall be automatically revoked if he changes his said residence or office of practice A record of all persons so licensed

shall be kept in the archives of the Department of Public Instruction at Harrisburg and shall have the standing before the law of any other license issued by the said department for the Board of Medical Education and Licensure In these records shall be registered the names and addresses of each person duly qualified to conduct the practice of medicine or any of the allied branches of the healing art as provided for in this act in Pennsylvania.

And it shall be the duty of all persons now qualified and engaged in the practice of medicine or any of the allied branches of the healing art or who shall hereafter be licensed by the Department of Public Instruction for the Board of Medical Education and Licensure to engage in such practice in the Commonwealth of Pennsylvania to be registered with the said Board of Medical Education and Licensure in the Department of Public Instruction as practitioners on or before the first day of January one thousand nine hundred and twenty-six and thereafter to register in like manner annually on or before the first day of January of each succeeding year The form and method of such registration shall be provided for by the said Board of Medical Education and Licensure in such manner as will enable the Board of Medical Education and Licensure to carry into effect the purposes of this act

Each person so registering with the Board of Medical Education and Licensure shall pay for each annual registration and for the certificate hereinafter provided for a fee of one dollar or such other sum as may be fixed by the Department of Public Instruction under authority of law which fee shall accompany the application for such registration The money thus received shall be paid into the State Treasury for the use of the Commonwealth

Upon receiving a proper application for such registration accompanied by the fee above provided for the Department of Public Instruction acting for said Board of Medical Education and Licensure shall issue its certificate of registration to the applicant Said certificate together with its renewals shall be good and sufficient evidence of registration under the provisions of this act

Any person who shall practice medicine or any of the allied branches of the healing art which come under the provisions of this act without having been registered in accordance with the provisions of this act shall on conviction thereof before any magistrate alderman or justice of the peace in the county where the offense shall have been committed be subject to a fine of not less than ten dollars and not more than one hundred dollars to be collected by summary conviction as like fines are now collected by law or in case of nonpayment of the fine to undergo an imprisonment in the county jail for a period not exceeding ten days Provided That any person so convicted shall have the right of appeal as in any other case of summary conviction

Section 4 That section twelve of said act as last amended by section one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 758) is hereby further amended to read as follows

Section 12 The [Bureau] Board of Medical Education and Licensure shall refuse to grant a license to practice medicine and surgery to an applicant upon the presentation to said [Bureau] Board of Medical Education and Licensure of a court record showing the conviction in due course of law of said persons for producing or aiding or abetting in producing a criminal abortion or miscarriage by any means whatsoever and further the [Bureau] Board of Medical Education and Licensure upon such evidence and proof shall cause the name of any physician licensed to practice medicine and surgery in the Commonwealth of Pennsylvania to be removed from the record in the office of the Superintendent of Public Instruction

The [Bureau] Board or medical Education and Licensure may for a definite or indefinite time refuse revoke or suspend the right to practice medicine and surgery in this State for any or all of the following reasons to wit The conviction in a state or Federal court of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance or any condition which impairs intellect and judgment to such an extent as to incapacitate for the performance or professional duties the board may so act upon satisfactory proof of grossly unethical practice or of any form of pretense which might induce citizens to become a prey to professional exploitation

Any person who is licensed to practice medicine and surgery or any of its branches in the Commonwealth of Pennsylvania or who is an applicant for examination for licensure to practice medicine and surgery in this State against whom are preferred any of the following charges for causing the revocation or suspension of license or for causing refusal of the right to be examined for licensure shall be furnished by the [Bureau] Board of Medical Education and Licensure with a copy of the complaint and shall have a hearing before the [bureau] board or by attorney and witnesses may be examined by said [bureau] board respecting the guilt or innocence of said accused

The revocation or suspension of license of any person licensed to practice medicine and surgery shall be removed when said narcotic or vicious habit hereinbefore specified shall have been adjudged by the said [bureau] board to be cured or overcome and said suspended licentiate deemed capable of practicing his or her profession The revocation or suspension for any other cause of the license of any person licensed to practice medicine and surgery may be removed at such time as it shall appear to the [bureau] board to be just and proper to do so Provided however That any action taken in regard to suspension or revocation of license or removal of any suspension or revocation and the reinstatement of any licentiate must be by a unanimous vote of the members of the [bureau] board

And the said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 781 (House Bill No. 1236), entitled:

An act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds by providing certain exemptions from the payment of fees provided for therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 800 (House Bill No. 1151), entitled:

An Act to amend sections two thousnd nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 801 (House Bill No. 1152), entitled:

An act to amend section two thousand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 804, as follows:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 614 Revocation of Operating Privilege

(a) The secretary shall forthwith revoke for a period of one (1) year from date of revocation and until the fine and costs imposed shall have been fully paid the operating privilege of any person upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of any of the following crimes

1 Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2 Using a false or fictitious name or giving a false or fictitious address in any application or form required under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3 Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident

(b) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle while the operator's license or learner's permit of such person is revoked shall immediately extend the period of such first revocation for an additional like period

(c) The secretary upon revoking any operator's license or learner's permit shall require that such license of any operator whose license or permit is so revoked shall immediately be surrendered to and retained by the department

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 824 (House Bill No. 1021), entitled:

An Act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands at certain highway railroad and railway in-

tersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" by providing for condemnation proceedings and assessment of damages.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 835 (House Bill No. 1789), entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-eight) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 356 (House Bill No. 1143), entitled:

An Act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws eighty-nine one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act appropriating the moneys in The State Stores Fund" making appropriations for the payment of refunds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 865 (House Bill No. 1815), entitled:

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating places and drinking may be cleansed with any suitable cleansing material.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 870 (House Bill No. 1153), entitled:

An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 879), as follows:

An Act making an appropriation to the Western Pennsylvania Hospital Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred and twenty-five thousand dollars ($325,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Western Pennsylvania Hospital Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 880, as folows:

An Act making an appropriation to the Montefiore Hospital Association of Western Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and fifty-one thousand one hundred and ten dollars ($151,110) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Montefiore Hospital Association of Western Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of services per capita in the public ward of such hospital

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 881, as follows:

An Act making an appropriation to the Pittsburgh Homeopathic Medical and Surgical Hospital Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and three thousand dollars ($103,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Pittsburgh Homeopathic Medical and Surgical Hospital Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 911 (House Bill No. 1459), entitled:

An Act to further amend sections one and two and to add sections two A two B two C and two D to the act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 900) entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" providing standards for fresh eggs and prohibiting illegal sales and misbranding

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 930, (House Bill No. 1721) on second reading entitled:

An act to re-enact and amend the title and act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred twenty-two one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperation agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation.

be recommitted to the Committee on Agriculture.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

## BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill has passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1480, entitled:

An Act to amend the title and section one as amended, and section three, of the act, aproved the tenth day of April, one thousand nine hundred and thirty-one (P. L. 23), entitled as amended, "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Pennsylvania Historical Commission; providing for cooperation by the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by transferring the control and supervision of said park to the Department of Forests and Waters.

Whereupon, The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## RESOLUTION RECALLLING FROM THE GOVERNOR SENATE BILL No. 257

Mr. BUCKMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN offered the following resolution which was twice read considered and agreed to;

CONCURRENT RESOLUTION

In the Senate, April 17, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 149, Printer's No. 257, entitled "An act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## REPORTS FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 704, entitled:

An Act making an apropriation to the Louise Tuberculosis Home, Mill Creek Township, Erie County, Pennsylvania.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Municipal Government reported as committed, Senate Bill No. 849, entitled:

An Act to amend Article XIX of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581) entitled 'An act for the better government of cities of the first class of this Commonwealth," by adding thereto Section 18.1, regulating the procedure to be folowed when such cities find it necessary to reduce the number of police officers or firemen.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. PRINCE. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## HOUSE MESSAGE

### HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 149

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 16, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 149, Printer's No. 257, entitled "An act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated," be recalled from the Governor for the purpose of amendment.

### HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 242, RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 242, entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applicants for examination and registration, and changing violations of the act from misdemeanors to summary proceedings.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 224

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 224, entitled:

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1354

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1354, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

## BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 242, entitled:

An Act to amend sections four and fifteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## REPORTS FROM COMMITTEE

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on County Government reported as amended, Senate Bill No. 751, entitled:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief and boards of trustees of the conferring powers and imposing duties upon such county assistance boards, the Governor, courts, county treasurers and the Auditor General; imposing on counties the costs of administration incurred by such boards; providing penalties; and repealing inconsistent acts.

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on State Government re-reported as amended, Senate Bill No. 154, entitled:

An Act providing that State and Federal moneys appropriated and available for unemployment relief and work relief shall be allocated by the Department of Welfare for expenditure either by political subdivisions charged by law with the care of the poor or by county unemployment relief boards appointed by the court of common pleas defining the powers of such political subdivisions and boards providing for the audit of accounts prescribing penalties and repealing existing laws relating to the administration of unemployment relief.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 955, entitled:

An Act making an appropriation to the Beulah Anchorage of Reading, Pennsylvania.

Mr. HARRIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS from the Committee on State Government reported as committed, the following Resolution.

## SENATE REQUESTS CERTAIN INFORMATION RELATIVE TO INCREASING THE STATE POLICE FORCE.

In the Senate, April 1, 1935.

Resolved, That the Superintendent of the Pennsylvania State Police be directed to transmit to the Senate as early as possible, such detailed information as may be in his possession or that he may be able to collect, showing the number of men who would be put out of employment if the General Assembly should by law prohibit the payment of compensation to deputy sheriffs by persons and private corporations, and the number of additional men which should, under such circumstances, be added to the State Police Force.

Resolved, That a copy of this resolution be transmitted to the Superintendent of the Pennsylvania State Police by the Chief Clerk of the Senate.

Mr. LAW. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

## REPORTS FROM COMMITTEE

Mr. PYTKO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO from the Committee on State Government reported as committed, Senate Bill No. 577 (House Bill No. 1281), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined;" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

## BILLS INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair, Senate Bill No. 957, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class; providing for the organization of a board for superintending and managing the drawing and selecting of jurors, and prescribing its powers and duties; conferring powers and imposing duties and liabilities on the sheriff; imposing duties on registration commissions; and prescribing penalties.

Which was committed to the Committee on Judiciary General.

## RECONSIDERATION OF VOTE TO RECOMMIT SENATE BILL NO. 930 (HOUSE BILL NO. 1721).

Mr. PRINCE. Mr. President, I move to reconsider the vote by which Senate Bill No. 930 (House Bill No. 1721), entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1922-34 Pamphlet Laws, one hundred seventy-four) entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties;

regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by licensees other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; also over milk prices and authority to establish marketing area enforcement committees; providing new and changing existing penalties; and making an appropriation

was recommitted to the Committee on Agriculture.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed.

And the question recurring,

Will the Senate agree to the motion to recommit?

Mr. PRINCE. Mr. President, I move that the bill be read the second time.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 930 (House Bill No. 1721), as follows:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" are hereby reenacted and amended as follows

An Act Relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof authorizing the board with the approval of the Governor to fix prices to be paid or charged for milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring lisensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation

Whereas Unhealthful unfair unjust destructive demoralizing and economic trade practices have been and are now carried on in the production sale and distribution of milk and milk products in this Commonwealth whereby the dairy industry in the Commonwealth and the constant supply of pure milk to inhabitants of the Commonwealth are imperiled and

Whereas Such conditions constitute a menace to the health welfare and reasonable comfort of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well-being of the inhabitants of this Commonwealth to promote the public welfare and to preserve the strength and vigor of the race by declaring that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania is a business affecting the public health and affected with a public interest and

Whereas The production and distribution of milk is a paramount industry upon which the prosperity of the Commonwealth in large measure depends and

Whereas The present acute economic emergency being a part the consequence of a severe and increasing disparity between the prices of milk and other commodities which disparity has largely destroyed the purchas-

ing power of milk producers for industrial products has broken down the orderly production and marketing of milk and has seriously impaired the agriculture assets supporting the credit structure of the Commonwealth and its local governmental subdivisions and

Whereas The danger to the pubic health and welfare is immediate and impending the necessity urgent and such as will not admit of delay or relaxation in public supervision and control in accord with proper standards of production sanitation and marketing the foregoing statements of fact policy and application of this act are hereby declared to be matters of legislative determination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the exercise of the police power of the Commonwealth and to protect the public health and public welfare it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared to be the legislative intent that this act shall be an emergency measure enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the health welfare and comfort of the inhabitants thereof

Section 2 Short Title This shall be known and may be cited as the "Milk Control Board Law"

Section 3 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Board" means the temporary State agency created by this act to be known as the "Milk Control Board"

"Consumer" means any person other than a milk dealer who purchases milk for fluid consumption

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof designated by the board as a natural marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk buttermilk ice cream mix powdered whole milk powdered skimmed milk and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans or containers which do not contain more than eight and one quarter (8¼) pounds or more than one hundred and thirty-two (132) fluid ounces

"Milk Dealer" means any person including any store as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agriculture association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer provided however that if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto and further provided that such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells milk within this Commonwealth

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk within the Commonwealth of Pennsylvania

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

B Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

C Section headings shall not be construed to affect in any manner the scope or meaning of any section of this act

D The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 4 Creation of Milk Control Board Membership Applicability of Administrative Code A There is hereby created an independent administrative board to be known as the Milk Control Board The board shall consist of three members who shall be nominated and by and with the consent of the Senate appointed by the Governor Each member shall receive a salary at the rate of six thousand dollars ($6,000) per annum

B Each member of the board at the time of his appointment and qualifications shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of one year next preceding his appointment

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The Governor shall designate one of the members of the board as chairman The chairman shall when present preside at all [meeting] meetings and in his absence a member designated by the chairman shall preside

Two members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least two members

Ç The board may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the board shall prescribe and shall receive such compensation as the board with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the board

D Except as otherwise specifically provided in this act the board and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred and twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

Section 5 General Powers of Board A The board is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power

(1) To supervise and regulate the entire milk industry of this act it shall have the power to issue subpoenas for disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth provided however that nothing contained in this act shall be construed to alter amend or repeal The Public Service Company Law or any of the laws of this Commonwealth relating to the public health or to the prevention of fraud or deception

(2) To investigate as the emergency permits and regulate as the emergency requires all matters pertaining to the entire milk industry of this Commonwealth including the production manufacture processing storage transportation disposal distribution and sale of milk and milk products in this Commonwealth including the establishment of reasonable trade practices [and] systems of production control and marketing area enforcement committees in connection therewith

B The operation and effect of any provision of this act conferring a general power upon the board shall not be impaired or qualified by the granting to the board by this act of a specific power or powers

C The board either itself or through its duly authorized agent may hold such hearings either at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act

Section 6 Power of Board to Subpoena Penalty A In order to enable the board to carry out the provisions of this Commonwealth including the production transportation requiring the attendance of or the production of pertinent books and papers by milk dealers or their em-

ployes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the board believes to have information of importance to it in carrying out the purposes and intent of this act The board may likewise issue commissions letters rogatory or other appropriate processes outside the Commonwealth

The board shall likewise have the power to question such witnesses under oath or affirmation and to examine such books and papers

The board may delegate to any member thereof or any employe designated by it the powers granted to it under this section

B Any witness who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the board to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

C Each witness required to attend before the board or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County

Section 7 Rules Regulations and Orders A [The] Subject to the approval of the Governor where such approval is hereinafter expressly required the board may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law Every general rule regulation or order of the board shall be posted for public inspection in the main office of the board at least [three] six days before it shall become effective and at least four days before it shall become effective shall be mailed to all licensees affected thereby and shall be given such further publicity by advertisement in a newspaper or otherwise as the board shall deem advisable An order applying only to a particular person or persons named therein shall be served on the person or persons affected

B An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of the Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of some other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

C The posting in the main office of the board of any rule regulation or order not herein required to be served and the mailing thereof as above provided and the giving of such further publicity thereto if any as the board deems advisable or the proper service of one required to be served shall constitute due and sufficient notice to all persons affected by such rule or order A rule of the board when duly posted and filed as provided in this section shall have the force and effect of law The board shall upon request mail to any person any general rule or regulation of the board [It may charge a reasonable fee for such service]

Section 8 Entry and Inspection Pursuant to carrying out the purposes of this act any member of the board or any employe designated for the purpose shall have access to may may enter at all reasonable hours all places where milk or any product thereof is being produced stored bottled processed manufactured sold or otherwise handled. Any member of the board or any designated employe thereof also shall have power at all reasonable hours to inspect all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the board to administer this act The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the board and the various departments of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court The board however may use such information together with other similar information for compilation and publication of statistics of the industry in this Commonwealth

Section 9 Violations Remedies A Except as otherwise specifically provided in this act any person violating any provisions of this act or any rule regulation or order of the board lawfully made shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00) and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be [subject to] sentenced to pay a fine [not exceeding one hundred dollars] of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one year or both in the discretion of the court For each day during which any such violation shall continue such person shall be deemed to have committed an additional violation

B The board may institute such action at law or in equity as may appear necessary to enforce compliance with any provisions of this act or to enforce compliance with any rule regulation or order of the board made pursuant to the provisions of this act and in addition to any other remedy may apply to the court of common pleas of Dauphin County for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist

Section 10 Licenses to Milk Dealers Applications Grant Suspension and Revocation A Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell milk to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

B The board may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding [three] one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The board may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

C An application for a license to operate as a milk dealer shall be made [within thirty days after this act takes effect and] annually [thereafter] on or before April fifteenth by mail or otherwise to the board upon blanks prepared under authority of the board and shall be accompanied by the fee required by this act The license year shall commence May first and shall end April thirtieth following The applicant shall state the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant be a co-partnership or association the full name of each member shall be stated If the applicant be a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the board filed or served as required in this act and such other facts with respect to the license as may be required by the board pursuant to this act

D The board shall grant a license to an applicant complying with the provisions of this act and of [and] the rules

and regulations issued by the board pursuant thereto The board may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer when satisfied that he has

(1) rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contact "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) without reasonable cause failed to account and make payment for any milk purchase from a producer

(3) committed any act injurious to the public health or public welfare or to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence of a course of conduct on the part of the milk dealer tending to such demoralization shall be construed to be prima facie evidence of a violation of this act

(4) made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution has been returned wholly or partly unsatisfied

(5) been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders of dairy products produced by its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) continued in a course of dealing of such nature as to satisfy the board of an intent of the milk dealer to deceive or defraud producers or consumers

(7) failed either to keep records or to furnish the statements or information required by the board

(8) made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) where the milk dealer is a partnership or corporation and any individual holding any position owning any substantial interest therein or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) where the milk dealer has violated any of the provisions of this act or any of the rules regulations or orders of the board

E Before refusing to grant or to reissue or before suspending or revoking or before refusing to transfer a license the board shall afford the applicant or the licensee respectively an opportunity to be heard It shall give to such applicant or licensee by registered mail sent to his last known address at least five days' actual notice of such hearing

F Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the board to such transfer is obtained but in the case of a receiver or an executor or administrator who succeeds to the business of a licensee he may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the board Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license

Applications for such transfers shall be filed with the board at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 11 License Fees A The board shall charge and collect license fees from milk dealers on a yearly basis as follows

Where a milk dealer received during any of the twelve calendar months immediately preceding the period for which the license is issued a daily average total quantity of milk

(1) not exceeding twenty pounds a license fee of one dollar

(2) exceeding twenty pounds but not exceeding one hundred pounds a license fee of three dollars

(3) exceeding one hundred pounds but not exceeding [one thousand] five hundred pounds a license fee of ten dollars

(4) exceeding [one thousand] five hundred pounds but not exceeding [two thousand five hundred] one thousand pounds a license fee of [seventeen dollars and fifty cents] fifteen dollars

(5) exceeding [two thousand five hundred] one thousand pounds but not exceeding [four] two thousand pounds a license fee of [twenty-five] thirty dollars

(6) exceeding [four] two thousand pounds but not exceeding [ten] three thousand pounds a license fee of [fifty] forty dollars

(7) exceeding [ten] three thousand pounds but not exceeding [twenty] four thousand pounds a license fee of [seventy-five] fifty dollars

(8) exceeding [twenty] four thousand pounds but not exceeding [sixty] five thousand pounds a license fee of [one hundred fifty] sixty dollars

(9) exceeding [sixty] five thousand pounds but not exceeding [one hundred thousand] seven thousand five hundred pounds a license fee of [two hundred] seventy-five dollars

(10) exceeding [one hundred thousand] seven thousand five hundred pounds but not exceeding [two hundred fifty] ten thousand pounds a license fee of [three hundred fifty] one hundred dollars

(11) exceeding [two hundred fifty] ten thousand pounds but not exceeding [five hundred] fifteen thousand pounds a license fee of [five hundred] one hundred fifty dollars

(12) exceeding [five hundred] fifteen thousand pounds but not exceeding [seven hundred fifty] twenty-five thousand pounds a license fee of [one thousand] two hundred dollars

(13) exceeding [seven hundred fifty] twenty-five thousand pounds but not exceeding [one million] fifty thousand pounds a license fee of [one thousand seven hundred fifty] three hundred dollars

(14) exceeding [one million] fifty thousand pounds but not exceeding one hundred thousand pounds a license fee of [two thousand] five hundred dollars

(15) exceeding one hundred thousand pounds but not exceeding two hundred fifty thousand pounds a license fee of one thousand dollars

(16) exceeding two hundred fifty thousand pounds but not exceeding five hundred thousand pounds a license fee of one thousand five hundred dollars

(17) exceeding five hundred thousand pounds but not exceeding seven hundred fifty thousand pounds a license fee of two thousand five hundred dollars

(18) exceeding seven hundred fifty thousand pounds but not exceeding one million pounds a license fee of three thousand five hundred dollars

(19) exceeding one million pounds a license fee of five thousand dollars

B Except as otherwise expressly provided by this act the license fees fixed by this section shall be paid before any license or any renewal thereof is issued

C The fee for a license issued on or after

(1) August first but prior to November first shall be three-fourths of the annual fee

(2) November first but prior to February first of the succeeding year shall be one-half of the annual fee

(3) February first but prior to May first shall be one-fourth of the annual fee

D Milk dealers who have not engaged in the milk business during the prior year shall pay the minimum license fee of one dollar and in addition thereto at such time or times as the board may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received by such dealer during any of such months

E Milk sold and distributed outside of this Commonwealth in any state which charges a license fee of milk dealers shall not be included in the determination of the amount of the license fee provided that such milk is actually computed in determining the amount of such license fee in such other state [Likewise milk utilized for or sold in the form of manufactured products shall not be included in the determination of the amount of the license fee but] In computing the license fee to be charged by the board the fluid milk equivalent of cream and of condensed or concentrated milk or buttermilk ice cream mix powdered whole milk skimmed milk or powdered skimmed milk sold within this Commonwealth or in any state in which it is not actually computed in the determination of the license fee of a milk dealer shall be [included] ascertained and fixed in such manner as the board shall prescribe [in computing the license fee to be charged by the board unless in the case of condensed or concentrated whole or skimmed milk it is sold in hermetically sealed cans]

F The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

Section 12 Licensee's Bonds or Securities [Exemptions] A Except as otherwise specifically provided in this act a license shall not be issued to a milk dealer purchasing milk from producers within this Commonwealth unless the milk dealer shall execute and file with the application a personal bond approved by the board Such bond shall be upon a form prescribed by the board shall be in a sum to be fixed by the board but not exceeding [by more than twenty-five per centum] the value of the maximum amount of milk purchased from producers in any one month during the preceding year [and in any event not exceeding one hundred thousand dollars shall be executed by a surety company authorized to do business in this Commonwealth] and shall be conditioned for the faithful compliance by the licensee with the provisions of this act and the rules and regulations of the board and for the payment of all amounts due to producers for milk sold by them to such licensee subsequent to the posting of such bond upon such terms and conditions as the board may prescribe

[B In lieu of the bond required of a milk dealer by this section the board may accept a collateral bond of the milk dealer secured by an actual deposit with the board or with a bank bank and trust company or national bank within the Commonwealth of money to the full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved by the board Such collateral bond shall be conditioned upon the same terms and in the same manner as is provided by this section in the case of a bond given by a surety company and the security or securities deposited therewith shall constitute a trust fund for producers from whom the licensee purchases milk]

C The board may likewise grant to any milk dealer the authority to substitute for any bond or any collateral another bond or other collateral provided that such other bond or collateral meets all the requirements of this act

[D] B A licensee shall from time to time when required by the board make and file with the board a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the board which statement shall contain the names of the producers from whom milk was purchased the amount due to producers and any other relevant facts required by the board If it shall appear from such statement or from facts otherwise ascertained by the board that the [security] personal bond afforded to producers selling milk to such licensee [by the surety bond or by the collateral bond] does not adequately protect such producers or if such licensee so elects the board may require such licensee to give [an additional] a surety or collateral bond in a sum to be determined by the board [or additional security for the collateral bond] but not exceeding by more than twenty-five per centum the value of the maximum amount of milk purchased from producers in any one month during the preceding year and in any event not exceeding one hundred thousand dollars

Likewise the board may grant a reduction or prescribe an increase of [the surety bond or the collateral] any bond if it shall appear that owing to a decrease or increase in the business of the licensee or to other causes a bond in a lesser or greater amount will protect producers selling milk to such licensee

[E] C All surety bonds and all collateral bonds together with any moneys security or securities given as collateral therefor received by the board from milk dealers pursuant to the provisions of this section shall be transmitted by the board to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the board

[F] D The licensee shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any securities deposited by such licensee with the board and by it transmitted to the State Treasury for safe-keeping in accordance with the provisions of this act Provided however That such licensee shall not be entitled to such interest or dividends if there is on file with the board a valid unpaid claim of a producer against such licensee based on milk sold by such producer to such licensee

[G] E The board may by reasonable rule or regulation provide the procedure for the payment out of the bonds or security or securities required by this section of the valid claims of producers based on sales by them of milk to the licensee who has posted the bonds or security or securities Provided however That if the bond or security or securities which have been posted by a milk dealer shall be insufficient to pay in full the just claims of producers who have sold milk to such licensee the moneys available shall be divided pro rata among them

The board shall have the power in its discretion to sue on the bond on behalf of producers

[H] F A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this section and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this section

[I If satisfied from an investigation of the financial condition of any applicant for a license under this act that such milk dealer is solvent and possessed of sufficient assets reasonably to assure payment to producers from whom he purchases milk the board may by official order exempt such applicant from posting the surety bond or bond secured by collateral required by this section In such case the applicant shall post with the board his personal bond in such form to such amount not greater than the maximum fixed by this section for surety bonds and upon such conditions as shall be prescribed by the board

[The board may at any time it deems such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

[J any milk dealer is financially unable to post such surety bond or bond secured by collateral as may be required by the board pursuant to the provisions of this act he may file with the board under oath or affirmation upon a form to be prescribed by the board an

application for exemption from posting such surety bond or bond secured by collateral on the ground of his financial inability to do so Attached to such application shall be the signed statement of the producers from whom the dealer purchases his milk or of any cooperative agricultural association or similar association or corporation representing such producers to the effect that such producers or such association or corporation on their behalf consent to the exemption of such milk dealer from posting such surety bond or bond secured by collateral Such consent may be upon such special terms of payment and such other conditions as shall be agreed upon between such producers or such cooperative agricultural association or similar association or corporation on their behalf and the milk dealer and approved by the board

[The board may by official order exempt from posting a surety bond or a bond secured by collateral any dealer who has complied with the provisions of this subsection

[The board may at any time it deem such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

Section 13 Classification of Licenses The board may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer shall if he be granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon the effective date of this act

Section 14 Licenses Appeals from Board Decisions A Any person aggrieved by an order of the board fixing the price at or the terms upon which milk may be bought or sold or by any other general rule regulation or order of the board may file an appeal therefrom in the Superior Court within twenty days after the issuance of such order fixing the price of milk or such other general rule regulation or order but such appeal shall not be permitted to act as a supersedeas

B Any person aggrieved by an order of the board in which the board refuses to issue reissue or transfer or revokes or suspends a license to operate as a milk dealer or by any other order of the board applying only to a particular person or persons named therein and not otherwise specifically provided for in this section may within twenty days after the issuance of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a nonresident who has no place of business within the Commonwealth in the court of common pleas of Dauphin County No appeal filed under this subsection shall be permitted to act as a supersedeas unless a bond shall be filed in such sum and with such sureties as shall be determined by the court conditioned for the payment of costs and such sum as may be fixed by the court in order to hold harmless the producers affected by the order from which the appeal has been taken

C The appeal provided by this section from action of the board both in the cases of appeals to the Superior Court of Pennsylvania and appeals to the various courts of common pleas shall be by petition against the board officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioners objections to the action and decision of the board and no objection not so specified shall be considered by the court Upon service of a summons upon the board returnable within ten days from its date the board shall on or before the return day file an answer which shall deny or admit the allegations of fact in the petition and which shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact if any of the board based upon such testimony a copy of all orders made by the board in the proceedings and a copy of the action or decision of the board which the petition calls upon the court to reverse

D Upon the filing of the boards answer the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the board shall not be the basis of the decision of the court The case shall be heard upon the record certified to the court by the board Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the board for the taking of further testimony

The court shall upon the record transmitted to it by the board determine whether or not the order appealed from is reasonable and in conformity with law If it shall determine that the order is unreasonable or illegal it shall remit the case to the board with directions to reform the findings or order or revoke the order in accordance with the courts opinion The court shall have full power to assess the costs upon either party or to divide them between the parties

E From a decision of a court of common pleas on the validity of an order of the board in which the board refused to issue reissue or transfer or [revoke] revoked or suspended a license an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law In all other cases in which this section authorizes an appeal to a court of common pleas from an order of the board the decision of the court of common pleas shall be final and there shall be no appeal therefrom

Section 15 Records The board may require licensees to keep the following records

(1) A record of all milk received detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test prices paid and deductions or charges made

(2) A record of all milk sold classified as to grade location and market outlet and size and style of container with prices amounts received therefor

(3) A record of quantities and prices of milk sold

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the items of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk

(7) A record of all other transactions affecting the assets liabilities or net worth of the licensee

(8) Such other records and information as the board may deem necessary for the proper enforcement of this act

Section 16 Reports A Each licensee shall from time to time as required by rule or order of the board make and file a verified report on forms prescribed by the board of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period of time specified in the order

B The board may at any time that it deems such action to the best interests of the dairy industry require similar reports from milk dealers whom it has pursuant to the provisions of this act exempted from the requirement of procuring a license

Section 17 Payment of Fees into State Treasury "Milk Control Fund" Appropriation Expenses of Board A All moneys collected or received by the board arising from license fees penalties or any other source shall be paid by the board into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund"

B As much of the [moneys] money from time to time in the "Milk Control Fund" as may be necessary is hereby specifically appropriated to the [board] Milk Control Board to be used to pay its expenses including the following

(1) Salaries of the board of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may

be assigned by the Department of Justice to the board for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol Buildings either in or outside of the capital city occupied by the board

(3) Premium for workmen's compensation insurance covering the officers and employes of the board

(4) Premiums for surety bonds for such officers or employes of the board as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the board for full-time use including premiums for liability insurance covering such motor vehicles and the members of the board and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the board

(6) Furniture stationery materials supplies and all other overhead expenses of the Board

(7) All other expenses of every kind and description necessary for the performance by the board of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

C As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

[B] D Estimates of the amounts to be expended under this act by the [board] Milk Control Board either itself or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the [board] Milk Control Board or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time of the making of any such requisition

Section 18 Order Fixing Price of Milk Penalties for Violation A The board shall ascertain by such examination or investigation as the emergency may warrant what prices for milk in the several localties and markets of the Commonwealth and under varying conditions will be most beneficial to the public interest and will best protect the milk industry in the Commonwealth and insure a sufficient quantity of pure and wholesome milk to adults and minors in the Commonwealth having special regard to the health and welfare of children residing therein The board shall take into consideration all conditions affecting the milk industry including the amount necessary to yield a reasonamle return to the producer and to the milk dealer

B [The] Subject to the approval of the Governor the board after making such examination or investigation shall fix by official order the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged for milk sold within the Commonwealth wheresoever produced including the following classes

(1) By milk dealers to other milk dealers

(2) By milk dealers to consumers

(3) By milk dealers to stores either for consumption on the premises or resale to consumers

(4) By stores to consumers except for consumption on the premises where sold

When pursuant to statute regulations adopted thereunder or ordinance various grades of milk are specified the board shall fix the minimum price and may fix the maximum price applicable to each in each of the classes Orders fixing minimum and maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk dealers in any manner which the board deems advisable and may vary according to the classes to which they are applicable Provided however That this section shall not be construed to empower the board to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

C It is hereby declared to be the legislative intent that the public emergency requires that the benefits of any increase of prices received by milk dealers by virtue of the minimum price provisions of this section shall be given to producers except in any case where the board with the approval of the Governor deems a deviation from this policy necessary in order to maintain proper milk markets and outlets for producers The board shall whenever it deems such action necessary to accomplish this purpose issue with the approval of the Governor orders rules or regulations to effectuate this intent

D The board after making the examination or investigation provided by this section shall with the approval of the Governor fix by official order the minimum prices to be paid by milk dealers to producers and others for milk and may with the approval of the Governor fix by official order the minimum prices to be paid to producers and others by or through any arrangement with any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for producers at a blended price based upon sales thereof in the various classes or otherwise and whether such price is paid either directly to the producers or to such association or corporation Provided however That the fixing of prices to be paid [by milk dealers] to producers for milk to be used solely in manufacturing shall be discretionary with the board The order of the board with respect to the minimum prices to be paid to the producers and others shall apply to the locality or zone in which the milk is produced and to the market or markets in which the milk so produced is sold and may vary in different localities or markets according to varying uses and different conditions Each such order may classify such milk by forms classes grades or uses as the board may deem advisable and may specify the minimum prices therefor

The board may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk

E After the board with the approval of the Governor shall have fixed prices to be charged or paid for milk whether by class grade or use it shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at any price less or more than such price or prices as shall be applicable to the particular transaction [and no] No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less or more than such price or prices as shall be applicable to the particular transaction whether by any discount or rebate or free service or advertising allowance or a combined price for such milk together with another commodity or commodities or service or services which is less or more than the aggregate of the prices for the milk and the price or prices for such other commodity or commodities or service or services when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the board for milk of that class or grade taking into consideration a proper allowance for the cost of the transportation of such milk

F [The] Subject to the approval of the Governor the board may upon its own motion or upon application from time to time alter revise or amend an official order at any time made with respect to the prices to be charged or paid for milk After making such investigations and before making revising or amending any order fixing the price to be charged or paid for milk the board shall hold a hearing thereon after giving reasonable notice thereof to interested parties of whom the board has notice and to the public in such newspaper or newspapers as in the judgment of the board shall afford sufficient notice and publicity

G It is hereby declared to be the legislative intent

that the instant whenever that may be that the handling within the Commonwealth by a milk dealer of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the board shall attach but this shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans or in tanks to be used solely for manufacturing purposes by the original consignee thereof [After any such milk so produced shall have come to rest within the Commonwealth it shall be unlawful except in any cases in which the board shall otherwise determine for any milk dealer to sell such milk within the Commonwealth if he has paid to the producer thereof outside the Commonwealth a price lower than that which he would have been required to pay for milk produced within the Commonwealth purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof]

H It is also declared to be the legislative intent that the producers of milk in this Commonwealth who sell their milk to milk dealers for shipment into and sale in another state where prices to producers are regulated by a state board or other authority with powers substantially similar to the Milk Control Board established by this act shall receive the same price that producers in such other state receive for milk purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof It shall be unlawful for any milk dealer except in any cases in which the board shall otherwise determine to pay to a producer within this Commonwealth for milk to be sold in such other state a price lower than that fixed by the state board or other authority in such other state for sale of milk in such other state for similar purposes and under similar conditions minus a proper allowance for the transportation of the milk to the market in such other state

[Section 19 Legislative Intent It is hereby declared to be the legislative intent that no provisions of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Provided however That the powers of subpoena entry and inspection vested in the board under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals to determine that the blended or other prices paid to producers are reasonable and conform with the contract if any between them and such association or corporation and for the purpose of otherwise administering this section Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis Also no provision of this act shall be deemed or construed to effect the contracts of such cooperative agricultural association or corporation with its producers nor to affect or abridge the rights and powers of such an association or any of its operations unless such contracts or operations are determined by the board to discriminate unfairly between or to be otherwise injurious to producers This section shall not however be construed to exempt such association or corporation from the jurisdiction of the board over the prices at which it may sell milk to milk dealers or consumers]

Section 20 Interstate and Federal Compacts The board is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations hold joint hearings and issue joint or current orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 21 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof and producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and similar information by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them Any such producers and associations or corporations may confer and discuss the cost of production of marketing market conditions and prices for sale or milk

Section 22 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part thereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 23 Saving Clause No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 24 Duration of Board The board shall continue with all its powers and shall be subject to all the duties and responsibilities prescribed by this act until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven at which time it shall be deemed abolished and the powers duties and jurisdiction conferred or imposed upon the board by this act shall terminate All books papers records and documents in its possession upon that date shall remain in the possession of the Department of Agriculture

Section 25 Appropriation In addition to any other appropriation made by this act the sum of one hundred thousand dollars ($100,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act until the thirty-first day of May one thousand nine hundred thirty-five

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-five and ending on the thirtieth day of April one thousand nine hundred thirty-seven

On the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven all unencumbered and unexpended moneys remaining in the Milk Control Fund shall be paid into the General Fund For such purpose such moneys are hereby appropriated

Section 26 This act shall take effect immediately upon its approval by the Governor and shall continue in effect until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 930 (House Bill No. 1721), the bill just read, be recommitted to the Committee on Agriculture.

Mr. BENNETT. Mr. President, I second the motion.

The motion was agreed to.

## RESOLUTION REQUESTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears nine.

Mr. STAUDENMEIER offered the following resolution which was twice read considered and agreed to:

In the Senate, April 17, 1935.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on Judiciary Special for the use of the Senate Chamber for a public hearing on the Company Store Bill, House No. 918, on Tuesday evening, April 23rd at 8:00 o'clock.

## HOUSE MESSAGE

## LEGISLATURE TO PLEDGE ITS SUPPORT TO THE NATIONAL ADMINISTRATION

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows:

In the House of Representatives, January 29, 1935.

Whereas, Industrial recovery in Pennsylvania is dependent upon the industrial recovery of the nation; and

Whereas, It is the policy of the State Administration to cooperate with the National Administration in providing a job for the man who wants to work; be it

Resolved (if the Senate concur), that this Legislature hereby pledges itself to render its full cooperation and support to the National Administration in expediting and making effective in Pennsylvania its program of public works, relief and recovery; and be it further

Resolved, That a copy of this resolution be forwarded to the Governor and to all heads of State administrative departments by the Secretary of the Commonwealth.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The resolution will be referred to the Committee on Federal Relations.

## BILLS INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair Senate Bill No. 958, entitled:

An Act making an appropriation to the Coudersport General Hospital.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair, Senate Bill No. 959, entitled:

An Act making an appropriation to the Northern Tier Home, Harrison Valley, Potter County, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. RANKIN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN, read in place and presented to the Chair, Senate Bill No. 960, entitled:

An Act providing for the abatement and exoneration of penalties and interest on delinquent taxes in certain cases.

Which was committed to the Committee on Judiciary General.

Mr. PYTKO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO, read in place and presented to the Chair, Senate Bill No. 961, entitled:

An Act to amend section two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and non-resident real estate brokers and real estate salesmen and their business," eliminating from said act the exemption provided therein for attorneys at law.

Which was committed to the Committee on Judiciary General.

Mr. McCREESH. Mr. President, I ask unanmious consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH read in place and presented to the Chair, Senate Bill No. 962, entitled:

An Act making an appropriation to the Hospital of the University of Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair, Senate Bill No. 963, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair, Senate Bill No. 964, entitled:

An Act making an appropriation to the Graduate Hospital of the University of Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. ARON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON read in place and presented to the Chair, Senate Bill No. 965, entitled:

An Act to provide for the issuance and acceptance of certificates from duly licensed optometrists whenever such certificates may now or hereafter be required as to ocular and visual efficiency by any law of the Commonwealth and repealing inconsistent general special and local laws.

Which was committed to the Committee on Public Health.

## REPORT FROM COMMITTEE

Mr. McCLURE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on State Government reported as committed, Senate Bill No. 752, entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements, and the lack of fraud or misrepresentation.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 144, entitled:

An Act prescribing the method of making applications for unemployment, poor or other relief for the needy; making misrepresentations and misstatements in connection therewith misdemeanors; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 577 (House Bill No. 1281), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 704, entitled:

An Act making an appropriation to the Louise Tuberculosis Home, Mill Creek Township, Erie County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 751, entitled:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief and boards of trustees of the conferring powers and imposing duties upon such county assistance boards, the Governor, courts, county treasurers and the Auditor General, imposing on counties the costs of administration incurred by such boards; providing penalties; and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 752, entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements, and the lack of fraud or misrepresentation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 834 (House Bill No. 1788), entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 849, entitled:

An Act to amend Article XIX of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth," by adding thereto Section 18.1, regulating the procedure to be followed when such cities find it necessary to reduce the number of police officers or firemen.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 955, entitled:

An Act making an appropriation to the Beulah Anchorage of Reading, Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

## REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following:

Thomas Giles, Jr., of Mahanoy City, Schuylkill County, as Justice of the Peace in the Borough of Mahanoy City, Schuylkill County, vice his father, Thomas Giles, Sr., deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES

That the Senate do advise and consent to the nominations reported.

On the question,

Wil the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

| | | | |
|---|---|---|---|
| Aron, | Harris, | Norton, | Rupp, |
| Batchelor, | Homsher, | Owlett, | Salus, |
| Baumer, | Howell, | Pierson, | Shapiro, |
| Bean, | Huffman, | Prince, | Sones, |
| Bennett, | Hunsicker, | Pytko, | Sordoni, |
| Buckman, | Kahle, | Rankin, | Staudenmeier, |
| Cavalcante, | Lanius, | Reed, | Thompson, |
| Chapman, | Law, | (Dauphin) | (Centre) |
| Clark, | Mallery, | Reed, | Thompson, |
| Coyne, | McClure, | (Washington) | (Westmoreland) |
| Ealy, | McCreesh, | Rice, | Trainer, |
| Frey, | McGinnis, | Roberts, | Woodward, |
| Gelder, | Miller, | Rodgers, | Ziesenheim, |
| Graff, | | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President I move that the Executive Session do now rise.

Mr. HUFFMAN. Mr. President I second the motion.

The motion was agreed to.

## RESOLUTION REQUESTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. PRINCE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PRINCE offered the following resolution which was twice read considered and agreed to:

In the Senate, April 17, 1935.

Resolved, That the use of the Senate Chamber be granted to the Committee on Agriculture for a hearing on the Milk Bill, Senate Bill No. 930, House Bill No. 1721, at 2:30 o'clock, on oMnday, April 22nd.

## BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 224, entitled:

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

House Bill No. 318, entitled:

An Act to amend sections ten and fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "Uniform Primary Election Law" as amended; by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for, conduct of, and returning, canvassing, and computing the vote cast at primary elections; regulating the form of the numbered lists of voters; regulating the duties of election officers in calling and tabulating the votes; and regulating return board procedure.

House Bill No. 321, entitled:

An Act to amend section six as amended, section eight, and section ten as amended, of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "Uniform Primary Election Law," providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions, and limiting the number of specimen ballots to be given candidates at primaries.

House Bill No. 1354, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

Whereupon,

Thee PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presnted for concurrence bills of the House of Representatives as follows:

House Bill No. 340 (Senate Bill No. 966), entitled:

An Act relating to and regulating industrial homework; prohibiting certain kinds of industrial homework; conferring powers and duties upon the Department of Labor and Industry; requiring permits, certificates, and licenses of persons engaged in industrial homework or distributing such work; imposing a processing fee on employers measured by their payrolls; and imposing civil and criminal penalties.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1698 (Senate Bill No. 967), entitled:

An Act to amend sections three, five, seven, eight, ten, twelve and thirteen of the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "Barbers License Law," further regulating barber shops, barber schools and persons desiring licenses under the provisions of the act.

Which was committed to the Committee on Public Health.

House Bill No. 1840 (Senate Bill No. 968), entitled:

An Act requiring all courts of record and appeal to take judicial notice of public statutes, and judicial decisions by courts of record, of other states and territories of the United States and the District of Columbia.

Which was committed to the Committee on Judiciary General.

House Bill No. 1932 (Senate Bill No. 969), entitled:

An Act making an appropriation to the committe created by a resolution of the House of Representative to investigate the cost of the transportation of anthracite coal.

Which was committed to the Committee on Appropriations.

### RESOLUTIONS RECALLLING FROM THE GOVRNOR HOUSE BILL No. 552

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 17, 1935.

Resolved (if the Senate concur), That House Bill No. 552, Printer's No. 54, entitled:

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

## MOTION TO ADJOURN

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until next Monday morning at nine o'clock.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, last week the Governor asked the Senate to stay in session the entire week, and asked the House to stay in session the entire week. The Governor made the same request this week. I noted from the morning papers that the Republican Senators have finally agred on a tax plan, which I think is a most commendable step. Of course, I feel that it does not raise half enough revenue and it does not tax the right classes of property, nevertheless, it is a beginning, and, as I said, is a commendable beginning.

I am a beginner here, and do not presume to tell the Senate how to conduct the business; but I do feel that we waste a lot of time here in this Senate—meeting a couple of days a week, and I feel that if we should stay here this week at the request of the Governor, we would enter into conference. I see by the paper the Governor is ready for a conference with the Senators on tax measures, and I am sure that is the only way we would ever get anywhere. We all realize that in order to enact a tax bill it must have the support of a good many Republican Senators on this floor.

I feel it would be encouraging news back home if it should go out that the Republican Senators had proposed a tax plan at last, and that we had decided to stay here all week and settle down and do a whole week's work.

The yeas and nays were required by Mr. McGINNIS and Mr. REER (Washington) and were as follows, viz:

YEAS—20

| | | | |
|---|---|---|---|
| Aron, | Ealy, | Hunsicker, | Reed, |
| Batchelor, | Gelder, | Mallery, | (Dauphin) |
| Bean, | Graff, | McClure, | Staudenmeier, |
| Buckman, | Homsher, | Owlett, | Woodward, |
| Clark, | Howell, | Pierson, | Ziesenheim, |
| Coyne, | | | |

NAYS—24

| | | | |
|---|---|---|---|
| Baumer, | Law, | Reed | Sones, |
| Cavalcante, | McCreesh, | (Washington) | Thompson |
| Frey, | McGinnis, | Rice, | (Centre) |
| Harris, | Miller, | Roberts, | Thompson |
| Huffman, | Prince, | Rodgers, | (Westmoreland) |
| Kahle, | Pytko, | Rupp, | Trainer, |
| Lanius, | Rankin, | Shapiro, | |

So the question was determined in the negative.

## RECESS

Mr. BUCKMAN. Mr. President, I move that the Senate do now take a recess until 4:30 p. m.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE BILL No. 70

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 70, entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 831), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications, defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners."

with the information that the House has passed the same without amendment.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill has posed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 70, entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 831), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners."

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## ADJOURNMENT

Mr. HUFFMAN. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The "yeas" and "nays" were required by Mr. REED (Dauphin) and Mr. HOWELL.

Mr. REED (Dauphin). Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—19

| | | | |
|---|---|---|---|
| Baumer, | Law, | Reed, | Sones, |
| Cavalcante, | McCreesh, | (Washington) | Thompson, |
| Frey, | McGinnis, | Rice, | (Centre) |
| Huffman, | Pytko, | Roberts, | Thompson, |
| Kahle, | Rankin, | Rodgers, | (Westmoreland) |
| Lanius, | | Rupp, | |

NAYS—19

| | | | |
|---|---|---|---|
| Batchelor, | Coyne, | Homsher, | Reed, |
| Bean, | Ealy, | Howell, | (Dauphin) |
| Bennett, | Geider, | Mallery, | Staudenmeier, |
| Chapman, | Graff, | McClure, | Trainer, |
| Clark, | Harris, | Pierson, | Woodward. |

Mr. HARRIS. Mr. President, before the vote is announced I desire to file my reasons for voting "no". My reasons are that a few moments ago the Senator from Allegheny, Mr. McGinnis, made a motion and a speech, asking us to remain here. I voted "no" because I am curious to know what business we have to transact, and that information must come from the gentlemen on the other side.

Mr. HOWELL. Mr. President, inasmuch as it is becoming a joke and not a serious proposition, I wish to change my vote from "aye" to "no".

The PRESIDENT. On the question of adjournment, the "ayes" are 19 and the "noes" 19. The Chair votes "aye".

The motion is carried, and the Senate stands adjourned until 12 o'clock noon tomorrow.

The Senate adjourned at 6:10 P. M. until Thursday, April 18, 1935, at 12 o'clock noon.

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# HOUSE OF REPRESENTATIVES

WEDNESDAY, April 17, 1935.

The House met at 11:00 A. M.

The SPEAKER (Wilson B. Sarig) in the Chair.

## PRAYER

The Reverend Warner Brown, pastor of Mt. Zion Baptist Church, Steelton, offered the following prayer.

Shall we bow our heads in silent prayer just a moment.

Almighty God, Heavenly Father, who revealest Thyself to man in the universe as Truth, in nature as Beauty and in Christ as Goodness, help us so to appreciate the truth, the beautiful and the good that we may be willing to become as humble children in our approach to thy goodness; to be sincere in our desire for righteousness, and be faithful in our acceptance of the way that thou hast taught.

Make us appreciative of the blessings already received, and expectant of the good things that thou hast prepared for us.

O God, we make our earnest prayer that thou wilt keep the United States in thy holy protection; that thou will incline the hearts of the citizens to create a spirit of subordination and obedience to government; and entertain brotherly affections and love for one another and for fellow-citizens of the United States at large.

We pray Thee, O God, of might, wisdom, and justice through Whom authority is rightly administered, laws, enacted, and judgments decreed, to assist with Thy holy spirit of counsel and fortitude the President of our country, Governors of our States, members of the legislature and congress, all judges, magistrates and their officers appointed to guard our political welfare, that they may be enabled to discharge the duties of their respective stations to the great honor and glory to Thy name.

O God, preserve this body in the union of spirit and in the peace which the world cannot give; and after enjoying the blessing of this life, be admitted to those which are eternal. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RINN, the further reading was dispensed with and the Journal approved.

## SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

## BILLS INTRODUCED AND REFERRED

By Mr. WEISS HOUSE BILL No. 2271.

An Act making an appropriation to the Trutees of the Duquesne University, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. STEWART. HOUSE BILL No. 2272.

An Act to amend article twelve of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" by adding there to section one thousand two hundred and two A; requiring every teacher, official and employe in the public schools and in educational institutions receiving State aid to subscribe to a certain oath or affirmation.

Referred to the Committee Education.

By Mr. PARKS. HOUSE BILL No. 2273.

An Act to amend section seven hundred and twenty of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended; limiting the number of deer and bear which may be retained for food by land owners and lessees.

Referred to the Committee on Game.

By Mr. McDEVITT. HOUSE BILL No. 2274.

An Act to further amend clause five of section three of the act approved the thirteenth day of May, one thousand nine hundred and nine (P. L. 520)., entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," requiring certain marks and identification for confectionery.

Referred to the Committee on Agriculture.

By Mr. SHUGARTS. HOUSE BILL No. 2275.

An Act to amend Route 17038 of section two of the act approved the first day of June, one thousand nine hundred and thirty-thre (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth, by changing certain routes in the Borough of Clearfield, Clearfield County.

Referred to the Committee on Highways.

By Mr. SHUGARTS. HOUSE BILL No. 2276.

An Act to amend Route 17052 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act. "

Referred to the Committee on Highways.

By Mr. SHUGARTS. HOUSE BILL No. 2277.

A Supplement to the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the Borough of Clearfield, Clearfield County.

Referred to the Committee on Highways.

By Mr. BLUMBERG (by request). HOUSE BILL No. 2278.

An Act to provide for Sexual Sterilization of Mental Defectives, providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. SCHWARTZ. HOUSE BILL No. 2279.

An Act abolishing all existing bodies corporate and politic which are independent of the government of any city of the first class and which provide for the relief of the poor in any area now within the boundaries of any such city of the first class and transferring to such city of the first class all the property, rights, powers, privileges, duties and liabilities of such bodies, and providing exceptions.

Referred to the Committee on Cities.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2280.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act:" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2281.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the

Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2282.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2283.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2284.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2285.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. WELLIVER. HOUSE BILL No. 2286.

An Act to prohibit the use of, or reference to, any religious sect or denomination in the sale or advertisement of narcotics or alcoholic beverages.

Referred to the Committee on Law and Order.

By Mr. FITCH. HOUSE BILL No. 2287.

An Act prohibiting public service companies and municipalities engaged in the business of furnishing, manufacturing or selling gas, water, electric light, electric power or telephone service from imposing any ready to serve or meter charge or meter rental charge, and providing a penalty.

Referred to the Committee on Public Utilities.

By Mr. FITCH. HOUSE BILL No. 2288.

An Act prohibiting State banks, trust companies, bank and trust companies and private banks from charging or collecting service charges in connection with the maintenance and use of accounts in, and other business transacted with, such banking institutions; and imposing penalties.

Referred to the Committee on Banking.

By Mr. MORAN. HOUSE BILL No. 2289.

A Joint Resolution proposing an amendment to section three, article four of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. MORAN. HOUSE BILL No. 2290.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Allegheny.

Referred to the Committee on Highways.

By Mr. HALUSKA. HOUSE BILL No. 2291.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. SCHWARTZ. HOUSE BILL No. 2292.

An Act to amend section two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," eliminating from said act the exemption provided therein for attorneys at law.

Referred to the Committee on Education.

By Mr. MENTZER. HOUSE BILL No. 2293.

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township, Chester County, Pennsylvania, for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States, and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with the United States on such land for the services of legal process thereupon.

Referred to the Committee on Military Affairs.

By Mr. HARKINS. HOUSE BILL No. 2294.

An Act to further amend paragraph ten of section three hundred two of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An Act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and th settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further defining the moneys payable into the State Treasury to the credit of the Manufacturing Fund.

Referred to the Committee on State Government.

By Mr. RUTH HOUSE BILL No. 2295.

An Act to amend section one of the act approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (P. L. 282), entitled "An act to exempt sewing machines and typewriting machines, leased or hired, from levy or sale on execution or distress for rent," extending said act to addressograph machines and multigraph machines, attachments and accessories.

Referred to the Committee on Judiciary General.

By Mr. FORREST HOUSE BILL No. 2296.

An Act to further amend section five of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by providing for a tank regiment.

Referred to the Committee on Military Affairs.

By Mr. FURMAN. HOUSE BILL No. 2297.

A Supplement to an act approved the second day of July, one thousand eight hundred ninety-five (P. L. 425), entitled "An act granting to water power companies, and other corporations owning or controlling water power, authority to develop and distribute electric power by means of their water power, and to erect, construct and maintain the necessary buildings, plant and apparatus for that purpose," by granting to every corporation heretofore organized or hereafter to be organized for the purpose of supplying water power to the public, enlarged power to appropriate property situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles or their supports and other appurtenances or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways requesting temporary or permanent relocation, change of alteration of, or in any pole line facilities of any such company and providing a method for the assessment of damages arising from such appropriation.

Referred to the Committee on Public Utilities.

By Mr. OMINSKY. HOUSE BILL No. 2298.

An Act to amend article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one. (P. L. 682), entitled "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by adding a section; making certain investments compulsory for domestic and foreign insurance companies.

Referred to the Committee on Insurance.

By Mr. OMINSKY. HOUSE BILL No. 2299.

An Act providing for the valuation of bonds and other evidence of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State.

Referred to the Committee on Insurance.

By Mr. FURMAN. HOUSE BILL No. 2300.

A Supplement to the act approved the eighth day of May, one thousand eight hundred and eighty-nine (P. L. 136), entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric light, heat and power companies," by granting to every corporation heretofore or hereafter incorporated for the supply of light, heat and power, or any of them to the public by electricity, and to every corporation which has heretofore accepted the provisions of said amendment, enlarged power to appropriate property, situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles, or their supports, and other appurtenances, or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways, request temporary or permanent relocation, change or alteration of or in any pole line facilities of any such company; and providing a method for the assessment of damages arising from such appropriation.

Referred to the Committee on Public Utilities.

By Mr. FORREST. HOUSE BILL No. 2301.

An Act to amend section two of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," by providing for armories for the tank regiment of the Pennsylvania National Guard.

Referred to the Committee on Military Affairs.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2302.

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor.

Referred to the Committee on State Government.

By Mr. COLEMAN. HOUSE BILL No. 2303.

An Act to amend section two as amended, and section six of the act approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," by reducing the maximum rate of interest permitted to be charged, and providing an additional penalty.

Referred to the Committee on Banking.

By Mr. LaRUE. HOUSE BILL No. 2304.

An Act to further amend section three hundred and nine and paragraph (a) of section three hundred and eleven of the act approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," by further defining the liability of the counties, poor districts, and the Commonwealth for the support of indigent mentally defective patients in mental hospitals.

Referred to the Committee on Counties.

By Mr. COAKLEY. HOUSE BILL No. 2305.

An Act to further amend sections fifty and two hundred and twenty of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by prohibiting the use of eel chutes.

Referred to the Committee on Fisheries.

By Mr. HOOPES. HOUSE BILL No. 2306.

An Act imposing a capital levy upon all property within the Commonwealth or owned by residents thereof; providing deductions; providing for the collection of such tax; imposing duties upon the Department of Revenue; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. JOHN A SMITH (By request). HOUSE BILL No. 2307.

An Act to further amend section one thousand and two and paragraph (a) of section one thousand two hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," setting up a new speed limitation in certain instances and permitting police officers to arrest on view all violations of the act.

Referred to the Committee on Highways.

By Mr. SPROUL. HOUSE BILL No. 2308.

An Act to amend section five of the act approved the twenty-third day of June, one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view, and commissioners to view land; and providing for the charges upon the respective counties in the matter of salaries, costs, and expenses thereof," as amended; by changing the qualifications of the members of the juries of view, road juries and commissioners to view land.

Referred to the Committee on Judiciary General.

By Mr. ANDREWS. HOUSE BILL No. 2309.

A Joint Resolution proposing an amendment to section one, article eighteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. RINN. HOUSE BILL No. 2310.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. RINN. HOUSE BILL No. 2311.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Lehigh.

Referred to the Committee on Highways.

By Mr. DILLEY. HOUSE BILL No. 2312.

An Act to further amend section two hundred forty-six of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by further defining the qualifications of district attorneys in counties of the sixth class.

Referred to the Committee on Judiciary General.

By Mr. EBERHARTER. HOUSE BILL No. 2313.

An Act authorizing municipal and quasi municipal corporations and incorporated districts to offer bonds and other securities for sale at two or more optional rates of interest and to sell such bonds or other securities at the lowest interest rate at which a bid or bids are received.

Referred to the Committee on Municipal Corporations.

By Mr. EBERHARTER. HOUSE BILL No. 2314.

An Act authorizing Cities of the Second Class to Issue and Sell Short Term Promissory Notes.

Referred to the Committee on Cities.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. ALLEN. RESOLUTION No. 125.

In the House of Representatives, April 16, 1935.

Whereas, The Claar Telephone Company operating in the County of Bedford has put into effect a schedule or rates which confines the free zones of telephone subscribers within very limited areas, and

Whereas, A complaint against said schedule of rates has been pending before the Public Service Commission for several years and no final action thereon has been taken, therefore be it

Resolved, That the Public Service Commission of the Commonwealth of Pennsylvania be requested to bring said rate complaint to a speedy determination so that subscribers to the telephone service of said Claar Telephone Company will receive relief if the commission determines said complaint is well founded.

Referred to the Committee on Public Utilities.

By Mr. CARR. RESOLUTION No. 126.

In the House of Representatives, April 16, 1935.

Whereas, A study of the power and light business in the United States discloses the fact that the large power companies are charging exorbitant rates, and are making huge profits by watering their stocks out of all proportion to their true value; that they are distributing their profits among a large number of holding companies, with high salaried officials and interlocking directorates, and thereby evading the spirit of the law, and

Whereas, The President of the United States has publicly declared that these practices must be discontinued, and has taken an active part in disclosing to his people the methods under which these companies have been operating, and

Whereas, Our President has been instrumental in providing his people with a "yardstick" by which they may judge electricity and power, and

Whereas, The Utility Commissioners of the United States, meeting in convention in Washington, D. C. on November fifteenth, publicity declared that the rates charged by the Utilities are at least twenty-five per centum too high all over the United States, and

Whereas, The President, on November thirteenth, handed to the Public Service Commission of every state a "big stick" with which to reduce rates on electricity. This consists of a formula worked out by the New York Power Authority by which the cost of distributing electric power—for years the unknown quantity in the utility business—can be quickly and accurately determined. Private companies have consistently refused to reveal the cost of getting electricity into the homes, and have shrouded it with mystery, but the commission has now made it public, and

Whereas, The United Gas Improvement Company has watered its stock out of all proportion to its true value and has and continues to charge millions of consumers exorbitant rates for gas and electricity, therefore be it

Resolved, That the Speaker of the House of Representatives be authorized to appoint a special committee composed of five members of the House, whose duty it shall be to examine the officers, directors, employes, members, books, papers and records of the United Gas Improvement Company for the purpose of determining the extent to which the rates charged for gas and electricity are exorbitant; to make analysis of the items set up as costs, operating expenses and depreciation; distribution of profits; salaries of executives and the extent to which they are directly or indirectly compensated or enriched by and through interlocking directorates and subsidiaries or by any other means.

Resolved, That said committee shall make a report of its findings to the House of Representatives at the present session of the General Assembly as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect or subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Public Utilities.

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 41.

An Act to amend section six of the act approved the eighteenth day of June one thousand nine hundred and twenty-three (P. L. 840) entitled: "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" further defining the circumstances under which the remedy provided is available

SENATE BILL No. 87.

An Act to further amend clause (a) of section six, and sections ten and eleven of the act approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties, regulating the procedure therein, and providing for the expenses thereof," by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars; by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants; by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate; by changing the effect of appeals from the county court upon judgments of that court; by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury; and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case.

SENATE BILL No. 152.

An Act authorizing the exoneration of taxes assessed or levied against any property purchased for hospital uses upon which contemplated and intended hospital building cannot be erected by reason of a portion of the property having been taken for municipal purposes

SENATE BILL No. 223.

An Act to establish jurisdiction in cases of kidnapping and murder perpetrated in kidnapping

SENATE BILL No. 256.

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit.

SENATE BILL No. 561.

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 15, 1935.

Resolved (if the Senate concur), That House Bill No. 450, Printer's No. 100, entitled "An act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408) entitled 'A supplement to the twenty-fourth section of an act entitled "An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine" approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth' as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships," be recalled from the Governor for the purpose of amendment.

## QUESTION OF PERSONAL PRIVILEGE

Mr. ALEXANDER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. ALEXANDER. Mr. Speaker, I wish to give warning to the Democratic members of the House that I once heard Will Rogers say that there was nothing that was so serious that there was not a funny side to it, and he particularly referred to the head lines in the newspapers.

Last night in the Harrisburg Telegraph you will notice that it states in big headlines "Republican Tax Bill Drafted." Right underneath it says "Hundreds Flee Before Dynamite Explodes." I just want to warn the Democratic members to be on their guard.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## QUESTION OF PERSONAL PRIVILEGE

Mr. WOOD. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WOOD. Mr. Speaker, on page 1624 of the Legislative Journal of the House, on April 1, on House Bill No. 178, I am recorded as voting "No." I voted "aye" and I request that I be so recorded.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## COMMUNICATION

### INTRODUCTION OF BILLS

The SPEAKER laid before the House the following communication from the Legislative Reference Bureau, which was read by the Clerk as follows:

It is physically impossible for the Legislative Reference Bureau to complete the drafts of bills requested from it by Thursday, April 18th, the last day for introduction of bills in the House. Following the practice at former sessions, bills which are completed by the Bureau subsequent to Thursday, but requested on or before that date, will be filed by the Bureau in the Speaker's Office, where they can be signed by the introducer and be numbered. This practice has heretofore been construed as complying with the resolution fixing a last day for the introduction of bills.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

POOR DIRECTORS

Resolutions from Borough Council of Oakmont, Allegheny County; Snowden Township School District, Allegheny County; Robinson Township School District, Allegheny County and Borough Council of Elizabeth, Allegheny County protesting passage of House Bill No. 660 and Senate Bill No. 204, consolidating poor district of Allegheny County with Welfare Department of the City of Pittsburgh.

Referred to the Committee on Counties.

POOR DIRECTORS

A resolution from the Allegheny County Committee on County Welfare Plan endorsing the county welfare plan as embodies in House Bills Nos. 1643 and 1644.

Referred to the Committee on Counties.

METROPOLITAN CHARTER

Resolutions from residents of Allegheny County opposing metropolitan charter for Allegheny County.

Referred to the Committee on Cities.

BLUE LAWS

A resolution from Loyal Order of Moose, East Pittsburgh Lodge No. 1192, urging passage of House Bill No. 426 and 427.

Referred to the Committee on Law and Order.

SALES TAX

A telegram from Retail Merchants Division New Castle Chamber of Commerce opposing any form of sales tax.

Referred to the Committee on Ways and Means.

HIGHWAYS

A resolution from the City of Pittsburgh requesting relocation of existing or projected new highways through and within Pittsburgh.

Referred to the Committee on Highways.

## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1354.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share-holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts." by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 16 and seventeen, by striking out the word "association".

Amend Section 1, page 3, line 10, by striking out atfer the word "of" the word "the"; also in line 25, by striking out after the word "or" the word "charter" and inserting in lieu thereof the word "charters"; also on page 4, line 20, by striking out after the word "of" the word "discounts" and inserting in lieu thereof the word "discount"; also on page 6, by striking out after the word "any" the word "banks" and inserting in lieu thereof the word "bank"; also on page 7, line 11, by striking out at the beginning of said line the word "Reorganized" and inserting in lieu thereof the word "Recognized"; also on page 9, line 25, by striking out after the word "and" the word "effectively" and inserting in lieu thereof the word "efficiently"; also on page 12, line 26 and 27, by striking out after the word "section" in line 26 the words "by Section 401" and inserting in lieu thereof the words "by this act"; also on page 17, line 21, by striking out after the word "any" the word "shares" and inserting in lieu thereof the word "share"; also on page 22, line 24, by striking out after the word "banks" the word "banks" and inserting in lieu thereof the word "bank"; also in line 27, by striking out after the word "banks" the word "banks" and inserting in lieu thereof the word "bank"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shreiner, |
| Alexander, | Finnerty, | McDermott, | Shugarts, |
| Allen, | Fitch, | McDevitt, | Siegel, |
| Altenburg, | Flanagan, | McElroy, | Simon, |
| Andrews, | Flinchbaugh, | McHenry, | Simpson, |
| Arnold, | Flynn, | McKinney, | Sinwell, |
| Atkins, | Forrest, | Melchiorre, | Sloan, |
| Aukerman, | Furman, | Mentzer, | Smith, J. A., |
| Baine, | Gates, | Merrell, | Smith, W. G., |
| Baker, F. T., | Gerard, | Moomaw, | Snyder, F. E., |
| Baker, J. J., | Gillette, | Mooney, | Snyder, J. L., |
| Baldi, | Green, | Moore, | Sowers, |
| Barber, | Greenstein, | Moran, | Spangler, |
| Barnhardt, | Habbyshaw, | Moul, | Sproul, |
| Bernhard, | Haberlen, | Muir, | Stank, |
| Blumberg, | Hagerty, | Murrin, | Stevens, |
| Boose, | Haluska, | Nagel, | Stewart, |
| Boyd, R., | Hamilton, F. P., | Nothnagle, | Stockham, |
| Boyer, | Hamilton, R. S., | O'Keefe, | Stone, |
| Bradley, | Harkins, | Ominsky, | Stott, |
| Brancato, | Harmuth, | O'Neill, | Sumney, |
| Brennan, | Hart, | Panton, | Surface, |
| Brown, H. S., | Hartman, | Parks, | Tahl, |
| Brown, J. E., | Hefferon, | Patterson, C., | Terry, |
| Brownfield, | Hermansen, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hetrick, | Perry, | Trout, |
| Burke, | Hindman, | Peters, | Tumelty, |
| Cannon, | Hirsch, | Pfaff, | Turner, |
| Caputo, | Hofiner, | Phillips, | Van Allsburg, |
| Carr, | Holland, | Piole, | Van Sickle, |
| Carson, | Holstrom, | Powers, | Walker, |
| Chervenak, | Hoopes, | Reising, | Wall, |
| Coakley, | Horst, | Reynolds, | Wasserman, |
| Cochran, | Jackson, | Rhys, | Weidemann, |
| Cohen, | Jones, | Rinn, | Weiss, |
| Coleman, | Kane, | Roan, | Welliver, |
| Condon, | Kelder, | Robinson, | Welsh, |
| Conner, | Kelso, | Rooney, | Westrick, |
| Coolahan, | Kilroy, | Root, | White, |

| | | | |
|---|---|---|---|
| Cordier, | Kinney, | Ruffennach, | Wickersham, |
| Davies, | Klingler, | Ruth, | Wilson, |
| Decker, | Kobelak, | Sarraf, | Winner, |
| Denning, | LaRue, | Scanlon, | Witkin, |
| Diehl, | Linderman, | Schrock, | Wood, |
| Dilley, | Long, | Schrope, | Woodside, |
| Downey, G. E., | Longaker, | Schwab, | Yeakel, |
| Downey, J. J., | Lovett, | Schwartz, | Yourishin, |
| Duffort, | Lynch, | Shaw, | Zappala, |
| Eberharter, | Male, | Shepard, | Zimmerman, |
| Eroe, | Mason, | Shortz, | Sarig, |
| Falkenstein, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments are concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## LEAVE OF ABSENCE

Mr. Stevens asked and obtained leave of absence for Mr. DENT on account of death in the family.

## REPORTS FROM COMMITTEES

Mr. SIMON from the Committee on Banking reported as committed, House Bill No. 2127, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and powers under his supervision.

Mr. MALE from the Committee on Banking reported as committed House Bill No. 2096, entitled:

An Act to amend section two, paragraph C of section three hundred thirteen, paragraph C of section four hundred two, sections four hundred eleven, six hundred four, six hundred sixteen, six hundred eighteen, paragraph D of section eight hundred two, and section nine hundred ten, of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," providing for bonds by officers, directors and employes, and for the imposition of membership and withdrawal fees, and regulating dividends and loans on full-paid stock.

Mr. O'NEILL from the Committee on Boroughs and Townships reported as committed, House Bill No. 2225, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," as amended, by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

Mr. O'NEIL from the Committee on Banking reported as committed House Bill No. 2133, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

Mr. O'NEIL from the Committee on Boroughs and Townships reported as committed, House Bill No. 483, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing such township to prohibit and regulate the manufacture, sale and exposure of fireworks and other inflammable materials, imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby.

Mr. HALUSKA from the Committee on Banking reported as committed, House Bill No. 2134, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary

powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring pwers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Mr. OMINSKY from the Committee on Judiciary General reported as committed, House Bill No. 2007, entitled:

An Act providing that when any person held under arrest shall request the privilege and means of notifying his family or others of his arrest and imprisonment, those persons in charge of such prisoner, shall grant such request.

Mr. LONG, from the Committee on Banking reported as committed, House Bill No. 2139, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, or existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

Mr. COAKLEY, from the Committee on Insurance reported as committed, House Bill No. 1907, entitled:

An Act to further amend section eleven of the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by eliminating the provision making the fund available for payment to the Treasury Department of the cost of making disbursements out of the fund.

Mr. MENTZER, from the Committee on Banking reported as committed, House Bill No. 2128, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Mr. COAKLEY, from the Committee on Boroughs and Townships reported as committed, House Bill No. 2130, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", as amended, to authorize and empower boroughs to construct or acquire water-works and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens thereon, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Mr. CHERVENAK, from the Committee on Labor reported as committed, House Bill No. 1791, entitled:

An Act to amend an act approved the third day of June, one thousand nine hundred thirty-three, (Pamphlet Laws one thousand five hundred fifteen), entitled "A supplement to the act approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder;' defining the liability of public or charitable bodies, corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor, and the rights of persons injured in such employment; establishing the State Work Relief Compensation Fund to provide such compensation in certain cases, and providing for the administration of such fund by the State Workmen's Insurance Fund, and making an appropriation therefor," by further defining the compensation to be paid injured work relief employes and further defining the liability of employers for such compensation.

Mr. FLINCHBAUGH, from the Committee on Boroughs and Townships reported as committed, House Bill No. 1568, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred, and twenty-seven (P. L. 519), entitled "An Act concerning boroughs, and revising, amending and consolidating the law relating to boroughs, by requiring borough records to be open to inspection.

Mr. FLINCHBAUGH, from the Committee on Counties reported as committed, House Bill No. 440, entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

Mr CLIFF S. PATTERSON, from the Committee on Counties reported as committed, House Bill No. 813, entitled:

An Act to amend section one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 910), entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in cities other than first and second class; and repealing existing acts relating thereto," by changing such compensation.

Mr. CLIFF S. PATTERSON, from the Committee on State Government, reported as committed House Bill No. 1904, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board; further defining the powers and duties of such board and its members; and transferring certain powers of the board over referees from the board to the Departmnt of Labor and Industry.

Mr. ACHTERMAN, from the Committee on State Governmen reported as amended, House Bill No. 1109, entitled:

An Act requiring specifications for the construction, alteration, or repair of public works of the Commonwealth, county, municipality or other subdivisions of the Commonwealth, to contain a provisions that the laborers or mechanics employed thereon, shall have been residents of this Commonwealth for at least sixty days prior to their employment; and prescribing penalties.

Miss BRANCATO, from the Committee on Law and Order reported as committed House Bill No. 952, entitled:

A Supplement to the act approved the twenty-second day of May, one thousand eight hundred and ninety-five (P. L. 99), entitled "An act to punish pool-selling, receiving and transmitting bets or aiding in pool-selling or betting."

Mr. SHAW, from the Committee on Counties reported as committed, House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

Mr. O'KEEFE, from the Committee on Labor reported as committed, House Bill No. 1725, entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

Mr. MELCHIORRE, from the Committee on Banking reported as committed, House Bill No. 2129, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

Mr. BAINE, from the Committee on Banking, reported as committed, House Bill No. 2137, entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (Pamphlet Laws, nine), entitled "An act relating to banks, trust companies savings banks and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

Mr. DECKER, from the Committee on State Government reported as committed, House Bill No. 2016, entitled:

An Act creating a State Planning Board, prescribing and defining its powers and duties, including the planning of long term and emergency programs of public works construction and expenditure, planning for the conservation and utilization of the resources of the Commonwealth, coordinating the plans of the various departments of the State government for the general good of the Commonwealth, and assisting official and citizen constituted planning groups throughout the Commonwealth, cooperating closely with the Federal government, making special studies for the Legislature when requested and provided for, and such other activities as may be assigned to it by the Governor of the Commonwealth, and making an appropriation.

Mr. McDERMOTT, from the Committee on Counties reported as committed, House Bill No. 1967, entitled:

An Act to amend the title and to further amend section one of the act approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, seven hundred seven), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by including notice in the title that said act includes indigent patients, whether insane, mental defectives, epileptics, or other mental patients; by extending the provisions of the act to include indigent patients, whether mental defectives, epileptics, or other mental patients; and by further defining the liability of the counties, poor districts and the Commonwealth.

Mr. GREENSTEIN, from the Committee on Judiciary General reported as committed, House Bill No. 1555, entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; providing for appeals from refusals of the Board of Finance and Revenue to allow refunds.

Mr. STEWART, from the Committee on State Government reported as committed, House Bill No. 2103, entitled:

An Act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic, with power to purchase, construct, lease and operate bridges, tunnels, streets, highways, traffic circles, airports, hangers, parkways, recreation grounds and facilities, public parks, swimming pools, lakes, dams, sewers, sewage systems, sewage disposal plants and other projects, excepting housing and water, gas and electric supply; authorizing said Authority to issue bonds for the financing of its projects, providing such projects are self-supporting and self-liquidating, and to enter into agreements with the Government of the United States, or any Federal agency; requiring said Authority to take over the assets and projects of certain existing county and State authorities and commissions and to assume the obligations and contracts of such authorities and commissions; repealing certain existing acts inconsistent herewith; granting the right of eminent domain; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation.

Mr. BALDI, from the Committee on Banking reported as committed, House Bill No. 2138, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Mr. WEIDEMANN, from the Committee on Banking reported as committed, House Bill No. 2132, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotareis, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. WOODSIDE, from the Committee on Judiciary General reported as amended, House Bill No. 1785, entitled:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name; and regulating the service of process and pleadings in such cases.

Mr. CORDIER, from the Committee on Banking reported as committed, House Bill No. 2136, entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

Mr. RHYS, from the Committee on Boroughs and Townships reported as committed, House Bill No. 9, entitled:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto," authorizing townships to light the streets, highways and public places, and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax.

Mr. OMINSKY, from the Committee on Judiciary General reported as committed, House Bill No. 2236, entitled:

An Act for the protection of the public and the prevention of fraud, by prohibiting any person individually or in association or partnership with another person or persons, to practice as an accountant, auditor, certified public accountant or public accountant under a false, assumed, fictitious or trade name; prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such, and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth; and providing penalties.

Mr. HARKINS, from the Committee on Judiciary General reported as committed, House Bill No. 1110, entitled:

An Act to amend section sixty-two of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," prohibiting the imposition of costs on a defendant in the case of a directed verdict of acquittal.

Mr. OMINSKY from the Committee on Federal Relations reported as amended, House Resolution No. 19.

Mr. MOOMAW from the Committee on State Government reported as amended, House Resolution No. 24.

Mr. SCHWAB from the Committee on State Government reported as committed, House Resolution No. 85.

## BILL RE-REFERRED

Mr. WEIDEMANN returned from the Committee on Ways and Means with the recommendation that it be referred to the Committee on Insurance, House Bill No. 1891, entitled:

An Act to provide revenue by taxation by an assessment of two per centum tax on premiums of foreign insurance companies doing what is commonly known as automobile, theft, property and accident insurance, and to further provide for the distribution of the said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships within the Commonwealth.

The SPEAKER. The bill is now re-referred to the Committee on Insurance.

## RESOLUTION

### RESOLUTION NO. 37

Mr. RUTH. Mr. Speaker, I desire to call up at this time Resolution No. 37, Printer's No. 663.

The resolution was read by the Clerk as follows:

In the House of Representatives, January 28, 1935.

Whereas, Industrial recovery in Pennsylvania is dependent upon the industrial recovery of the nation; and

Whereas, it is the policy of the State Administration to cooperate with the National Administration in providing a job for the man who wants to work; be it

Resolved, (if the Senate concur), that this Legislature hereby pledges itself to render its full cooperation and support to the National Administration in expediting and making effective in Pennsylvania its program of public works, relief and recovery; and be it further

Resolved, That a copy of this resolution be forwarded to the Governor and to all heads of State administrative departments by the Secretary of the Commonwealth.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

### UNEMPLOYMENT RELIEF FUNDS FOR HIGHWAYS

Mr. SHREINER offered a resolution and asked and obtained unanimous consent to have it read.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 17, 1935.

Whereas, it is the firm belief of most Pennsylvanians that moneys expended for unemployment relief within this Commonwealth, from whatever source, should be to the greatest degree possible in the form of work relief; and

Whereas, it is equally generally held that such work relief should be, whenever possible, employed in the construction of permanent and lasting improvements beneficial to all citizens; and

Whereas, one of the most important and costliest of all financial burdens upon this Commonwealth and the political subdivisions thereof is the furnishing and maintenance of proper highway transportation facilities: and

Whereas, it is believed and hoped that a great portion of such work relief contributions from both Federal and State agencies will be expended in the dual capacity of relieving this burden and furnishing employment; and

Whereas, modern conditions render increasingly necessary not only additional highways but highways of proper width, construction and design; and

Whereas, the construction of narrow or temporary highways is dangerous and uneconomical in view of the present day tremendous vehicular demands upon such highways; now, therefore, be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the authorities, both State and National, charged with distribution of work relief moneys be requested to insist that the portions of such moneys expended in the construction of highways in this Commonwealth which are portions of the primary system of highways be constructed so as to safely support and allow at least three lanes of traffic.

The SPEAKER. The resolution will be filed with the Clerk.

## QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HALUSKA. Mr. Speaker, in these dire times being faced with the responsibility and being asked by our constituents to answer mail, and being criticised for our actions, I have a bit of philosophy in my hand which I wish to read and have it spread upon the Journal for the information of the House.

"If I were trying to read, much less answer all the attacks made on me, this shop might well be closed for any other business. I do the best I know how, the very best I can; and I mean to keep on doing it to the end. If the end brings me out all right, what is said against me will not amount to anything. If the end brings me out all wrong, ten angels swearing I was right would make no difference. —Abraham Lincoln"

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 318.

An Act to amend sections ten and fourteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of cer-

tain offenses provided for herein; and repealing inconsistent legislation," as amended; by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of, and returning, canvassing, and computing the vote cast at primary elections; regulating their form of the numbered lists of voters; regulating the duties of election officers in calling and tabulating the votes; and regulating return board procedure.

HOUSE BILL No. 321.

An Act to amend section six as amended section eight and section ten as amended of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions and limiting the number of specimen ballots to be given candidates at primaries

With the information that the Senate has passed the same without amendment.

## BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1480.

An Act to amend the title and section one as amended and section three of the act approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or both Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation" by transferring the control and supervision of said park to the Department of Forests and Waters.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## RESOLUTION

Mr. SHEPARD offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read by the Clerk for the information of the House, as follows:

In the House of Representatives,
April 17, 1935.

Whereas, The President and Congress, in order to alleviate unemployment in developing various works; and

Whereas, In the City of Philadelphia, Pennsylvania, there is planned a construction and extension of the Market Street subway to Fifty-second Street, and the removal of the Elevated Structure; and

Whereas, The work of equipping said subway extension and the removal of the Elevated Structure, would give employment to many persons now unemployed; and

Whereas, The full completion of this project would result in great usefulness to the citizens of the entire City of Philadelphia, and West Philadelphia in particular; therefore be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorializes the President and Congress of the United States to consider the advisibility and feasibility of including within the public works program, the extension of the Market Street Subway to Fifty-second Street, and the removal of the Elevated Structure; and be it further

Resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives and the Chief Clerk of the Senate, to the President of the United States, the Vice President, and the President of the Senate and to the Speaker of the House of Representatives, and to all the Senators and Representatives in the Congress of the United States from the Commonwealth of Pennsylvania.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections? The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 224.

An Act requiring cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 1, by inserting after the word "Requiring" the word "certain."

Amend Section 1, page 1, line 4, by inserting after the word "Class" the words "and second class A."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shortz, |
| Alexander, | Finnerty, | McDermott, | Shreiner, |
| Allen, | Fitch, | McDevitt, | Shugarts, |
| Altenburg, | Flanagan, | McElroy, | Siegel, |
| Andrews, | Flinchbaugh, | McHenry, | Simon, |
| Arnold, | Flynn, | McKinney, | Simpson, |
| Atkins, | Forrest, | Melchiorre, | Sinwell, |
| Aukerman, | Furman, | Mentzer, | Sloan, |
| Baine, | Gates, | Merrell, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gillette, | Mooney, | Snyder, F. E., |
| Baldi, | Green, | Moore, | Snyder, J. L., |
| Barber, | Greenstein, | Moran, | Sowers, |
| Barnhardt, | Habbyshaw, | Moul, | Spangler, |
| Bernhard, | Haberlen, | Muir, | Sproul, |

| | | | |
|---|---|---|---|
| Blumberg, | Hagerty, | Murrin, | Stank, |
| Boose, | Haluska, | Nagel, | Stevens, |
| Boyd, R., | Hamilton, F. P., | Nothnagle, | Stewart, |
| Boyer, | Hamilton, R. S., | O'Keefe, | Stone, |
| Bradley, | Harkins, | Ominsky, | Stott, |
| Brancato, | Harmuth, | O'Neill, | Sumney, |
| Brennan, | Hart, | Panton, | Surface, |
| Brown, H. S., | Hartman, | Parks, | Tahl, |
| Brown, J. E., | Hefferon, | Patterson, C., | Terry, |
| Brownfield, | Hermansen, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hetrick, | Pearson, | Trout, |
| Burke, | Hindman, | Perry, | Tumelty, |
| Cannon, | Hirsch, | Peters, | Turner, |
| Caputo, | Hoffner, | Pfaff, | Van Allsburg, |
| Carr, | Holland, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Chervenak, | Hoopes, | Powers, | Wall, |
| Coakley, | Horst, | Reising, | Wasserman, |
| Cochran, | Jackson, | Reynolds, | Weidemann, |
| Cohen, | Jones, | Rhys, | Weiss, |
| Coleman, | Kane, | Rinn, | Welliver, |
| Condon, | Kelder, | Roan, | Welsh, |
| Conner, | Kelso, | Robinson, | Westrick, |
| Coolahan, | Kilroy, | Rooney, | White, |
| Cordier, | Kinney, | Root, | Wickersham, |
| Davies, | Klingler, | Ruffennach, | Wilson, |
| Decker, | Kobelak, | Ruth, | Winner, |
| Denning, | LaRue, | Sarraf, | Witkin, |
| Diehl, | Linderman, | Scanlon, | Wood, |
| Dilley, | Long, | Schrock, | Woodside, |
| Downey, G. E., | Longaker, | Schrope, | Yeakel, |
| Downey, J. J., | Lovett, | Schwab, | Yourishin, |
| Duffort, | Lynch, | Schwartz, | Zappala, |
| Eberharter, | Male, | Shaw, | Zimmerman, |
| Eroe, | Mason, | Shepard, | Sarig, |
| Falkenstein, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments its were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 242.

An Act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3 line 21 by striking out at the beginning of said line the word "in" and inserting in lieu thereof the word "of;" also in line 22 by striking out after the word "the" word "Pennsylvania" and inserting in lieu thereof the word "State;" also on page 4 line 22 by inserting after the word "months" the following:

"Every person applying for registration as an assistant pharmacist shall be not less than eighteen years of age and of good moral character and must produce satisfactory evidence of having satisfactorily completed a two years' course in pharmacy in some reputable and properly chartered college of pharmacy so recognized by the State Board of Pharmacy and of having had subsequent to his or her sixteenth birthday not less than two years practical experience in a pharmacy under the personal supervision of a pharmacist Credit for practical experience may be given for experience acquired in the drug dispensary of a regular public hospital which is conducted under the constant supervision of a registered pharmacist but such credit shall not in any case exceed one year

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shortz, |
| Alexander, | Finnerty, | McDermott, | Shreiner, |
| Allen, | Fitch, | McDevitt, | Shugarts, |
| Altenburg, | Flanagan, | McElroy, | Siegel, |
| Andrews, | Flinchbaugh, | McHenry, | Simon, |
| Arnold, | Flynn, | McKinney, | Simpson, |
| Atkins, | Forrest, | Melchiorre, | Sinwell, |
| Aukerman, | Furman, | Mentzer, | Sloan, |
| Baine, | Gates, | Mefrell, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gillette, | Mooney, | Snyder, F. E., |
| Baldi, | Green, | Moore, | Snyder, J. L., |
| Barber, | Greenstein, | Moran, | Sowers, |
| Barnhardt, | Habbyshaw, | Moul, | Spangler, |
| Bernhard, | Haberlen, | Muir, | Sproul, |
| Blumberg, | Hagerty, | Murrin, | Stank, |
| Boose, | Haluska, | Nagel, | Stevens, |
| Boyd, R., | Hamilton, F. P., | Nothnagle, | Stewart, |
| Boyer, | Hamilton, R. S., | O'Keefe, | Stone, |
| Bradley, | Harkins, | Ominsky, | Stott, |
| Brancato, | Harmuth, | O'Neill, | Sumney, |
| Brennan, | Hart, | Panton, | Surface, |
| Brown, H. S., | Hartman, | Parks, | Tahl, |
| Brown, J. E., | Hefferon, | Patterson, C., | Terry, |
| Brownfield, | Hermansen, | Patterson, J. W., | Tronzo, |
| Brumbaugh, | Hetrick, | Pearson, | Trout, |
| Burke, | Hindman, | Perry, | Tumelty, |
| Cannon, | Hirsch, | Peters, | Turner, |
| Caputo, | Hoffner, | Pfaff, | Van Allsburg, |
| Carr, | Holland, | Phillips, | Van Sickle, |
| Carson, | Holstrom, | Piole, | Walker, |
| Chervenak, | Hoopes, | Powers, | Wall, |
| Coakley, | Horst, | Reising, | Wasserman, |
| Cochran, | Jackson, | Reynolds, | Weidemann, |
| Cohen, | Jones, | Rhys, | Weiss, |
| Coleman, | Kane, | Rinn, | Welliver, |
| Condon, | Kelder, | Roan, | Welsh, |
| Conner, | Kelso, | Robinson, | Westrick, |
| Coolahan, | Kilroy, | Rooney, | White, |
| Cordier, | Kinney, | Root, | Wickersham, |
| Davies, | Klingler, | Ruffennach, | Wilson, |
| Decker, | Kobelak, | Ruth, | Winner, |
| Denning, | LaRue, | Sarraf, | Witkin, |
| Diehl, | Linderman, | Scanlon, | Wood, |
| Dilley, | Long, | Schrock, | Woodside, |
| Downey, G. E., | Longaker, | Schrope, | Yeakel, |
| Downey, J. J., | Lovett, | Schwab, | Yourishin, |
| Duffort, | Lynch, | Schwartz, | Zappala, |
| Eberharter, | Male, | Shaw, | Zimmerman, |
| Eroe, | Mason, | Shepard, | Sarig, |
| Falkenstein, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 16, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 149, Printer's No. 257, entitled "An act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1425, entitled:

An Act to amend section one thousand two hundred and seven of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" as amended, including townships of the first class among the recipients of certain fines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2046, entitled:

An Act to amend an act approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws six hundred and eighty-one), entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department; and providing that certified copies of all records, books, papers, documents, and rulings of the department shall be received in evidence," by providing that the Secretary of Highways, in addition to the certification fee of one dollar ($1.00), also may charge the cost of producing certified copies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2044, entitled:

An Act to amend the act approved the twenty-third day of May, one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine), entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions" providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1905, entitled:

An Act to amend sections six and seven of the act approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws, six hundred sixty-one), entitled "An act relating to the maintenance of insane, feeble-minded, and other persons confined to the various institutions of the Commonwealth; fixing liability for their support; providing for the collection of the moneys due the Commonwealth therefor, and for proceedings relating thereto," by defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth for the maintenance and support of insane, feeble-minded, and other persons confined in various institutions of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1432, entitled:

An Act regulating the use of the public highways of this Commonwealth for the transportation of anthracite coal thereover by motor vehicle; requiring a permit from the Public Service Commission in certain cases; requiring committees to establish ability to pay damages for personal injuries and property damage; authorizing the Public Service Commission to make rules and regulations, including the hours of service of operators of motor vehicles so used; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2060, entitled:

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes; and providing a method of procedure.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2057, entitled:

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases, has failed to furnish the required protection through insolvency of the insurance carrier, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2051, entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships, under certain conditions and restrictions, and appropriating money in the Motor License Fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the Motor License Fund; and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by adding thereto township, borough or incorporated town bridges.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2063, entitled:

An Act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department, under certain terms and conditions, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 104, entitled:

An Act to repeal the act approved the twenty-sixth day of June, one thousand nine hundred and nineteen (P. L. 639), entitled "An act defining sedition, and prescribing the punishment therefor," and its amendments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1647, entitled:

An Act relating to bail, regulating the taking, release, forfeiture and denial thereof; fixing the qualifications of bondsmen and sureties; requiring the licensure of professional bondsmen; conferring certain powers and duties on the Insurance Commissioner, on district attorneys and clerks of courts; providing for the recording of bail and the effect of such recording and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1772, entitled:

An Act to amend sections ten, twelve and fifteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," prescribing additional grounds for divorce and providing for the annulment of additional void marriages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1741, entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand eight hundred sixty (P. L. 382), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth," by defining and amplifying the meaning of the crime of common barratry.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1979, entitled:

An Act to amend section five of the act approved fifth day of May, one thousand nine hundred and eleven, (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein and providing for the expenses thereof," as amended, providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1237, entitled:

An Act to further amend article eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" by adding a new section limiting the amount of liquid or motor fuel which may be carried.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1823, entitled:

An Act establishing a certain section of public road as a State highway, and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2050, entitled:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases,' as amended, extending the provisions of said act to highways in cities," as amended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1976, entitled:

An Act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1073, entitled:

An Act to amend section four of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled "An act imposing a State tax, payable by those herein defined as manufacturers and distributors, on certain alcoholic beverages used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, of alcoholic beverages taxable hereunder; and providing penalties," as amended; prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2058, entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway, and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2048, entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; providing the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended, by adding new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL RECOMMITTED

Mr. GERARD. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for amendment.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 584, entitled:

An Act authorizing the recorder of deeds of any county of the second class to record, or where re-recording is authorized by law to re-record by a photographic or photostatic process or method, all papers required or authorized to be recorded or re-recorded by him, and fixing the fees for such recording and re-recording, providing that any such photographic or photostatic record or re-record or any photographic or photostatic exemplification thereof shall be legal evidence in all cases where such original paper would be competent, authorizing the board of county commissioners of any such county to contract, purchase and pay for out of the county funds such apparatus, equipment and supplies as shall be necessary to enable such recorder to record and re-record such instruments by such photographic or photostatic process or method, authorizing the employment of such skilled employes and assistants as shall be necessary to administer such process or method and providing for fixing the kind, number and compensation of such skilled employes and assistants, and providing that such compensation shall be paid only out of the fees of said office collected or earned.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1090, entitled:

An Act relating to search warrants, regulating their issuance, execution and return, prescribing the powers and duties of justices of the peace, aldermen and magistrates issuing them, and of officers executing them, inflicting penalties for unlawfully procuring, unlawfully executing, and unlawfully resisting the execution of a search warrant.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1987, entitled:

An Act to amend section nine hundred and seven of article nine of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the con-

duct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing citizens to petition the Attorney General to appoint an attorney to supersede the district attorney in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2056, entitled:

An Act to amend sections one and three of the act approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred nine), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place, and benefits for improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2052, entitled:

An Act to amend section seven hundred fifty-five of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws relating thereto by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury Approval.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2061, entitled:

An Act relating to trees and other obstructions on State Highway Routes and intersecting roads, providing for the removal thereof and the disposition of the logs or wood from such trees under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2113, entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1712, entitled:

An Act to amend section one of the act approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533), entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent," by increasing the amount of exemption to five hundred dollars.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill 2054, entitled:

An Act to amend sections one and two of the act approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2055, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and arministrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes of certain departments, boards, and commissions shall be determined," by adding to section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2027, entitled:

An Act to limit the jurisdiction of courts in equity in issuing restraining orders or temporary or permanent injunctions in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1184, entitled:

An Act to further amend section three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospitals for services to indigent victims of motor vehicle accidents.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2047, entitled:

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphet Laws three hundred and ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1830, entitled:

An Act providing for one additional law judge of the court of common pleas of the Thirty-second Judicial District.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2053, entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2059, entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2045, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by adding a provision limiting the responsibility of the Commonwealth in the elimination of grade crossings.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2049, entitled:

An Act to amend section one of the act approved the fourth day of May, one thousand nine hundred thirty-three (P. L. 277), entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities, boroughs, or incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," to include as State highways portions of the highway outside municipalities under certain conditions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1536, entitled:

An Act to establish as a State highway a certain section of public road in the County of Crawford, and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1991, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools, for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

## BILL RECOMMITTED

Mr. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purposes of further study.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 979, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and imposing penalties

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act for Cities of the First Class"

Section 2 Definitions (a) The word "commission" shall mean any registration commission having jurisdiction in any city of the first class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special primary or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the first class although such percentage of said vote may not have been attained in any particular election district thereof

(j) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the first class or with which such city is coextensive

(n) "City" shall mean only a city of the first class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics unless otherwise specified shall refer only to those of any city of the first class or to those of any county within which such city is located or with which it is coextensive

(p) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

The third section was read as follows:

Section 3 Registration Commissions Appointment of Members (a) There shall be a registration commission in and for each city of the first class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of five commissioners who shall be qualified electors of the city not more than three of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and except as herein otherwise shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however that the terms of office of the commissioners first appointed by the Governor under this act shall commence on the first day of June one thousand nine hundred and thirty-five and the term of one of such members shall expire on the first Monday of January one thousand nine hundred and thirty-seven the term of two of such members shall expire upon the first Monday of January one thousand nine hundred and thirty-eight and the term of two of such members shall expire upon the first Monday of January one thousand nine hundred and thirty-nine Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of five thousand dollars per annum except the chairman thereof who shall receive compensation at the rate of six thousand dollars per annum

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 3, page 4, line 29, by striking out the word "June" and inserting in lieu thereof: "July."

Amend Section 3, page 5, lines 1 to 5, both inclusive, by striking out the words "and the term of one of such members shall" in line 1, the whole of lines 2, 3 and 4, and the words "thousand nine hundred and thirty-eight" in line 5.

Amend Section 3, page 5, lines 5 and 6 by striking out the words "the term of two of such members."

Amend Section 3, page 5, lines 22, 23 and 24, by strik-

ing out the words "except the chair—" in line 22 and the whole of lines 23 and 24.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The fourth section was read and agreed to as follows:

Section 4 Powers of Commissioners and Members Thereof Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled as hereinafter provided

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses and (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

The fifth section was read as follows:

Section 5 Employes Registrars Inspectors of Registration Appointment Duties (a) The commission shall have power to appoint such inspectors of registration as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same They shall receive for their services compensation not exceeding five dollars per day for the time actually employed

(b) The commission shall not later than the fifteenth day of August in the year one thousand nine hundred thirty-five apoint four registrars for each election district two to be members of the party polling the highest vote in the city at the preceding November election and one to be a member of the party polling the second highest vote at said election and designate two of them one each from the two major parties to have charge of the district register and registration cards at all times during said year when they are sitting at the polling places as hereinafter provided Not later than the fifteenth day of August in all subsequent years the commission shall appoint two registrars for each election district one to be a member of the party polling the highest vote at the preceding November election and the other to be a member of the party polling the second highest vote at such election All such registrars shall be empowered to register the qualified electors of the city and in so doing to administer oaths and affirmations They shall be paid for their services at the rate of ten dollars for each day that they are in session ot the polling places (payable after they deliver the registers et cetera to the commission as hereinafter provided) and at the same rate as other witnesses when they are summoned to appear before the commission or the court of common pleas

(c) Not later than the twentieth day of July of each year the city chairman of the party having polled the highest vote in the city at the preceding November election and the city chairman of the party having polled the second highest vote in the city at such election may file with the commission a written list of names of members of said party whom such chairman recommends for the appointment as registrars Such lists shall contain the name address qualifications and occupation of each person so recommended They shall be open to public inspection at the office of the commission until the twenty-sixth day of July of each year before the appointments shall be made

The commission shall appoint persons whose names appear on such lists as the registrars representing such party if more candidates are recommended by any such party than it is entitled to have appointed the commission shall apoint the candidates whom it considers most fit and if there are not sufficient fit candidates recommended by any such party the commission may appoint other persons of whom it has knowledge

(d) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act

(e) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(f) Each commission may appoint a chief clerk at a compensation not exceeding thirty-five hundred dollars per annum who shall have authority to administer oaths sign vouchers and register persons who are qualified and who appear at the office of the commission as herein provided an assistant clerk not over twenty hundred dollars per annum an assistant clerk not over eighteen hundred dollars per annum a stenographer (who may act as a clerk) at a salary not over fifteen hundred dollars per annum a chief inspector at a salary not over eighteen hundred dollars per annum two custodians of the records to guard same while they are open to public inspection each of whom shall receive not more than twelve hundred dollars per annum a messenger who shall receive not more than one thousand dollars per annum as many clerks as they may deem necessary from time to time at a compensation not exceeding four dollars per diem for the time actually employed

(g) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaken owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 5, page 7, line 11, by inserting after the

word "duties" the following: "removal and filling of vacancies"

Amend Section 5, page 7, line 22, by striking out the word "city" and inserting in lieu thereof: "State"

Amend Section 5, page 7, line 22, by striking out the word "one" and inserting in lieu thereof: "two"

Amend Section 5, page 7, line 23, by striking out the words "a member" and inserting in lieu thereof: "members"

Amend Section 5, page 8, line 5, by inserting after the word "registrars" the following: "must be duly qualified electors of the said district and shall have been residents of the city for a period of two years and of the ward for one year immediately preceding their appointment. They must be sober and judicious persons of good moral character, able to read intelligently and write legibly. They"

Amend Section 5, page 8, line 6, by striking out the word "city" and inserting in lieu thereof: "district"

Amend Section 5, page 8, line 14, by inserting after the letter "(c)" the following: "Not later than July twentieth of each year, any five or more qualified electors of any election district of the same political party, may file with the commission their petition for the appointment of one qualified person, also a member of said party, as registrar. The petition shall set forth the name, address, qualifications, occupation, and political affiliation of the person suggested for appointment as a registrar, and give the respective residences of the petitioners, and declare that each of them belong to the same party as that designated and the party of the candidate; which petition shall be signed by each petitioner in his own handwriting, and sworn to by one of them and by the candidate.

More than one petition may be filed on behalf of the same party for each election district, provided that no elector shall be competent to sign petitions for more than one candidate, but if any candidate dies, withdraws, or becomes disqualified, before the last day of filing petitions aforesaid, any elector who recommended him may sign a petition for another candidate; Provided, however, That each such petition filed in the year one thousand nine hundred and thirty-five may contain the names of two candidates for registrar.

All petitions shall be open to public inspection, and not earlier than July twenty-sixth of each year, the commission shall commence public hearings thereof, considering them on consecutive week-days in the numerical order of the wards and of the election districts within each ward to which they relate respectively, unless reasonable cause be shown for postponing any hearing to a later time or date, and reasonable notice of such postponement given to all concerned.

The commission shall publish one general notice of the place and times or days when they will examine the candidates from the election districts of the various wards at least three days prior to the first hearing, in at least two daily newspapers, each having a paid circulation of at least fifty thousand copies daily in the city, and shall mail to each candidate a special notice of the time and place when he will be examined regarding his qualifications, at least three days before the day fixed for same, except that the commission need not notify any candidate who had previously been appointed a registrar to appear, but may reappoint him without such examinations.

If more candidates are duly nominated as members of any party than it is entitled to have appointed, the commission shall appoint the candidate or candidates whom it considers most fit, and if there are not sufficient fit candidates nominated on behalf of any party, the commission may appoint other persons without regard to party, of whom it has knowledge. No person shall be appointed a registrar unless the appointment is approved by three commissioners.

(d) Any vacancy occurring in the office of registrar of any election district, shall be filled by the commission upon like petition as those filed for an annual appointment, after such petitions shall have been on file, open to public inspection at least five days, except in cases where a vacancy occurs within ten days of any registration day, when it may appoint any proper person of whom it has knowledge.

(e) Any qualified elector of the city may appear before the commission and show wherein any person nominated for appointment or appointed as a registrar does not possess the requisite qualifications and the commission may decline to appoint any candidate and may remove any registrar whom it considers unfit.

If it appears at any time that by reason of a change in political affiliations or because of error in the appointment the registrars of any election district are not divided according to political affiliations, as herein provided, any ten electors of the election district may file a petition with the commission, setting forth the facts, and praying that one or more of the appointments be revoked and that other appointments be made. Upon presentation of such a petition, one of the commissioners shall fix a time not less than five days thereafter, and at least three days' notice shall be given by mail to all the registrars of such election district, when a public hearing shall be given all concerned, and if the facts are then found to be as represented, the commission shall give the relief asked for.

Amend Section 5, page 8, lines 14 to 29, both inclusive by striking out the words "Not later than the twentieth day of July of" in line 14 and the whole of lines 15 to 29, both inclusive.

Amend Section 5, page 8, lines 14 to 29, both inclusive by striking out the whole of said lines.

Amend Section 5, page 9, line 6, by striking out "(d) Registrars and inspectors'' and inserting in lieu thereof: "(f) Inspectors."

Amend Section 5, page 9, line 11, by striking out the letter "(e)" and inserting in lieu thereof: "(g)"

Amend Section 5, page 9, line 18, by striking out the letter "(f)" and inserting in lieu thereof: "(h)"

Amend Section 5, page 10, line 7, by striking out the letter "(g)'' and inserting in lieu thereof: "(i)"

Amend Section 5, page 10, line 17, by inserting after the word "certificate" the words: "or badge"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth, seventh and eighth sections were separately read and agreed to as follows:

Section 6 Counsel Compensation Duties The commission may employ special counsel at a compensation not exceeding two thousand dollars per annum Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal produre for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by City Council Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The council of each city shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of registrars as herein provided inspectors of registration and other assistants and employes and the fees of witnesses as herein defined and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices accounts books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The council of each city shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriation heretofore made by the council of any city for the purpose of carrying out any provisions of any existing reg-

istration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

The ninth section was read as follows:

Section 9 Commissioners May Act as Registrars and Inspectors A commissioner or the chief clerk may act at the office of the commission as registrar and may at any time act as inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

On the question,

Will the House agree to the question?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 9, page 12, line 25, by inserting after the word "clerk" the following: "of the commission, or any of its clerks or employes designated by the commission."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth, eleventh, twelfth, thirteenth and fourteenth sections were separately read and agreed to as follows:

Section 10 Immunity From Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists voting check lists voters' certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar Commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sessions of Commission Any party or body of electors which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not less than three for any party or body of electors

The fifteenth section was read as follows:

Section 15 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 15, page 15, line 18, by striking out the word "or" and inserting in lieu thereof: "and may be accompanied or may be represented"

Amend Section 15, page 15, line 19, by inserting after the word "by" the word: "an"

Amend Section 15, page 15, line 19, by striking out the words "in fact" and inserting in lieu thereof: "at law"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixteenth section was read as follows:

Section 16 Days and Hours of Registration at Office of Commission and at Polling Places Payments of Rentals Public Notice (a) The commission shall arrange to have the registrars as hereinbefore provided meet at the polling place in each election district in the year one thousand nine hundred and thirty-five on the tenth Tuesday ninth Tuesday and ninth Saturday preceding the municipal elec-

tion and in all subsequent odd-numbered years on the ninth Saturday preceding the municipal election which shall be known as the fall registration and in even-numbered years on the fifth Wednesday preceding the spring primary which shall be known as the spring registration and on the fifth Saturday preceding the general election which shall also be known as the fall registration They shall remain in open session from seven ante meridian to one post meridian and from four post meridian to ten post meridian of each registration day aforesaid

They shall on said days receive personal applications from persons who claim that they are entitled to be registered They shall have power to administer oaths shall examine said applicants under oath and shall record on the duplicate registration cards the names of and other facts concerning those whom they shall determine to be qualified as hereinafter provided

(b) From and after the first day of June one thousand nine hundred and thirty-five each commission or any commissioner or the chief clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days following each election and each primary at the office of the commission receive personal application from presons who claim that they are entitled to be registered as electors of the city and who appear for registration.

(c) The county commissioners shall cause the polling places to be open in proper order for use as a place of registration on each of said registration days when the registrars are required by this act to be in session at the polling places and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) Two weeks notice of all registration days shall be given by the commissioners by one general notice published in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and by posting notices at the polling places

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 16, page 16, line 1, by striking out the words "odd-numbered".

Amend Section 16, page 16, line 2, by inserting after the word "municipal" the words: "or general"

Amend Section 16, page 16, lines 2 to 7, both inclusive, by striking out the words "which shall be known as the fall" in line 2, the whole of lines 3 to 6, both inclusive, and the words "the fall registration" in line 7.

Amend Section 16, page 16, line 18, by striking out the word "June" and inserting in lieu thereof: "July"

Amend Section 16, page 16, line 19, by striking out the word "each" and inserting in lieu thereof: "the"

Amend Section 16, page 16, line 21, by inserting after the part-word "sion" the following: "or any clerk or employee designated by the commission"

Amend Section 16, page 16, line 24, by striking out the word "thirty" and inserting in lieu thereof: "fifteen"

Amend Section 16, page 17, line 3, by striking out the words "county commissioners" and inserting in lieu thereof: "commission"

Amend Section 16, page 17, line 7, by striking out the words "county commissioners" and inserting in lieu thereof: "commission"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventeenth and eighteenth sections were separately read and agreed to as follows:

Section 17 Disposition of Old Registration Lists Effective Under Prior Laws The registration lists effective at the time this act becomes effective except as hereinafter provided shall become of no validity at the beginning of the period of fall registration in the year of one thousand nine hundred and thirty-five but the old registers shall be delivered to the registrars of the district before such fall registration for the purpose of checking certain information as hereinafter provided and shall thereafter be preserved by the commissioners for at least two years after such date and during said period shall be open to public inspection under proper regulations for their safe-keeping and no register shall be destroyed without the previous consent in writing of the district attorney of the proper county

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by the following section of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to the registrars

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe the registrars shall return to the commission at its office all registration cards used or unused in their possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

The nineteenth section was read as follows:

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the registrars in the district in which he resides or at the office of the commission on one of the days and at the time prescribed by this act and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of

the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrars or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) The length of his residence in the State and district respectively it shall be sufficient to state such time as to qualify him to vote in the district (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the approximate age of the applicant or a statement that he is twenty-one years of age and upwards (11) the state or territory of the United States or the foreign country where he was born (12) the date when place where and the court by which naturalized and number of the naturalization certificate (13) if not naturalized personally the name of father or husband through whom naturalized (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of one of the registrars and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (21) the date of each election and promary at which the elector votes and (22) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the general registers when filed by election districts as the district registers

(e) If the applicant shall allege inability to sign his name he shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicants inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name which affidavit shall be returned therewith to the office of the registration commission to be filed as part of its records

(f) When the registration of an elector has been completed the registrars or commissioner shall deliver to the registered elector upon his request a written statement signed by such registrars or commissioner setting forth the name and address of the elector the fact of registration and the date thereof

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 19, page 20, line 29, by inserting after the figure "(14)" the following: "whether he has a physical disability which will render him unable to see or mark the ballot or to enter the voting compartment or operate the voting machine without assisance, and if so, his declaration of that fact and the exact nature of such disability; "(15)"

Amend Section 19, page 21, line 2, by striking out the figure "(15)" and inserting in lieu thereof: "(16)".

Amend Section 19, page 21, line 6, by striking out the figure "(16)" and inserting in lieu thereof: "(17)".

Amend Section 19, page 21, line 7, by striking out the figure "(17)" and inserting in lieu thereof: "(18)"

Amend Section 19, page 21, line 7, by striking out the figure "(18)" and inserting in lieu thereof: "(19)"

Amend Section 19, page 21, line 8, by striking out the figure "(19)" and inserting in lieu thereof: "(20)"

Amend Section 19, page 21, line 10, by striking out the figure "(20)" and inserting in lieu thereof: "(21)"

Amend Section 19, page 21, line 14, by striking out the figure "(21)" and inserting in lieu thereof: "(22)"

Amend Section 19, page 21, line 15, by striking out the figure "(22)" and inserting in lieu thereof: "(23)"

Amend Section 19, page 22, lines 5 to 10, both inclusive by striking out the whole of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twentieth section was read as follows:

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered at a fall registration as hereinafter provided but at the spring registration only if he will be qualified to vote at the spring primary but no person shall be registered at the polling places unless both registrars when only two are sitting and at least three of the registrars when four are sitting or at the office of the commission unless one commissioner or the chief clerk of the commission determine that he is so qualified except by order of a court of common pleas as hereinafter provided From and after the seventh day of September one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote at any two successive elections as hereinafter provided

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 20, page 22, line 18, by striking out the words "at a fall registration."

Amend Section 20, page 22, lines 19 and 20, by striking out the words "but at the spring registration only if he will be qualified to vote at the spring primary."

Amend Section 20, page 22, line 25, by inserting after the word "commission" the following: "or a clerk or employe designated by the commission."

Amend Section 20, page 23, line 5, by striking out the words "at the same address" and inserting in lieu thereof: "in the same district."

Amend Section 20, page 23, line 7, by striking out the words "at two successive elections" and inserting in lieu thereof: "during a period of two years."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the sections as amended?
It was agreed to.

The twenty-first section was read as follows:

Section 21 Applicants To Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register at any polling place may be challenged by a registrar or by any qualified elector of the election district Any person asking for registration by the commission may be challenged by a commissioner or a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth The challenged applicant shall produce such other proof as the law requires challenged persons to produce on election day and it shall be the duty of the registrars or commission to require it before permitting him to be registered

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrars or commissioners he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last November election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

On the question,
Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 21, page 23, line 12, by striking out the words "of the election district."

Amend Section 21, page 24, line 4, by striking out the words "his parents reside" and inserting in lieu thereof: "he resides."

On the question,
Will the House agree to the amendments?
They were agreed to,

On the question,
Will the House agree to the section as amended?
It was agreed to.

The twenty-second section was read as follows:

Section 22 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized Except as herein otherwise provided any person claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before he shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to the twenty-second day of September one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court in which such naturalization took place and that she is unable to produce his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

No person shall be required to prove their citizenship as required by this section when they apply for registration the registers for the year one thousand nine hundred and in the year one thousand nine hundred and thirty-five if thirty-five if the registers for the year one thousand nine hundred and thirty-four of the district in which he is claiming the right to register show such person to have been registered during such year and if at least two of the registrars or three of the commissioners as the case may be are satisfied as to such person's citizenship For the purpose of determining all such persons previous registration the registrars shall refer to the said old registers of the district which are to be delivered to them with the district registers as hereinbefore provided

On the question,
Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 22, page 25, line 14, by inserting after the word "father" the following: "to the best of his knowledge, information and belief."

Amend Section 22, page 25, line 25, by inserting after the word "naturalization" the following: "to the best of her knowledge, information and belief."

On the question,
Will the House agree to the amendments?
They were agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The twenty-third, twenty-fourth, twenty-fifth and twenty-sixth sections were separately read and agreed to as follows:

Section 23 Incomplete or Rejected Applications to be Recorded The registrars or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards marked "Applicant Rejected" and the registrars or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall

be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered had been denied by the registrars or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrars or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner shall not be registered

Section 25 General Register The duplicate registration affidavits for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the general register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 26 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the district register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 28, by inserting between lines 9 and 10 the following sections:

"Section 26.1. Removal Notices. The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors. These notices shall be printed upon cards suitable for mailing. addressed to the office of the registration commission and shall contain spaces wherein the elector shall write: (1) the street and number of his present residence and the specific location thereof, including the number of the room, apartment, flat or floor, if his residence is a portion only of a house; (2) the street and number of the address from which he was last registered; (3) the date of his removal to his present address; and (4) space wherein the elector shall sign his name. The removal notice shall contain a statement that the elector may be filling out properly and signing a removal notice and returning it to the office of the commission or presenting it in person to the registrars of the district in which he lives while in session at the polling place on a regular registration day secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring fifteen days or more after the receipt of the notice at the office of the commission or by the registrars, provided such person shall have moved into such new district at least two months prior to the succeeding election or primary. Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration, unless the signature thereon can be identified by the commission with the elector's signature in the general and district register. All such removal notices received by the registrars while sitting at the polling place on a registration day shall be delivered to the commission with the registers and other supplies, and the commission shall act on such notices in the same manner as if they had been delivered to it by mail.

Sec. 26.2. Transfer of Registration. (a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of the residence to another location in the same city, the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers, and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence.

(b) Provided, That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission or by the registrars within the period of fifteen days next preceding an election or primary, or shall show such removal was not made at least two months prior to the succeeding election or primary and the removal shall have been from one election district to another, the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence, but shall not include it in the register of the district of his new residence until after the election or primary. In any case the commission shall advise the elector promptly in writing of its action.

(c) If the commission shall doubt that the request for transfer is authentic, it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration.

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice, but each such elector must apply in person at the office of the commission or before the registrars of his district, establish his identity and state under oath or affirmation, to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness, the information required of registered electors in a removal notice."

On the question,

Will the House agree to the amendment?

It was agreed to.

The twenty-seventh section was read and agreed to as follows:

Section 27 Change of Enrollment of Political Party Cancellation of Party Enrolment (a) At any time prior to the fifteenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear at the office of the commission or before the registrars of his district when sitting at the polling place and state in writing over his signature the political party in which he desires to be enrolled and the registrars or commissioner shall cause the enrollment of the elector's political designation to be made or alter accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at

which he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

The twenty-eighth section was read as follows:

Section 28 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a commissioner at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 28, page 29, line 24, by inserting after the part-word "TRATION" the following: "REPORTS BY CERTAIN PUBLIC UTILITY COMPANIES OF REMOVALS".

Amend Section 28, page 30, by inserting between lines 6 and 7, the following paragraphs:

(c) All public utility companies furnishing electricity or gas to householders in such cities shall report in writing from time to time, not more often than once monthly, to the commission upon the request of the commission all cases of discontinuance of their service to residents, together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them.

The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in said report and to all the members of his family and household who are electors registered from the same address the notice provided by the following section, and shall proceed thereupon in accordance with the provisions of that section.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-ninth section was read as follows:

Section 29 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once each four years the commission shall send such notice by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by the following section of this act a copy of which notice shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time specified in such notice and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he proves his qualifications as an elector

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 29, page 30, line 8, by striking out the word "thirtieth" and inserting in lieu thereof: "fifteenth".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirtieth section was read as follows:

Section 30 Canvass of Registered Voters Any inspector of registration on his own motion or on complaint of any person known to him and when directed by any commissioner shall

(a) Investigate all questions relating to the registration of electors and for that purpose shall have power to enter and inspect any house dwelling building inn lodging house or hotel within any city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment aforesaid

(b) Inspect any copy and register of lodgers in lodging houses inns or hotels relating to or affecting the right of any person to vote or to be registered in like manner

(c) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when violation is punishable as a crime

(d) Call on any police or peace officer of such city or of the county to assist the inspector of registration in the maintenance of peace at any polling place or in making any arrest as aforesaid

(e) Leave a notice at the address from which any person is registered when such person shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered Such notice shall require such elector to "satisfy the commission of his qualifications as a voter" on or before a date and hour which the notice shall appoint and which shall not be later than the fifth day preceding the election or primary next ensuing The inspector shall give written report of such cases to the commission which shall cause a confirmation of each such notice to be sent by mail promptly to such person at the from which he is registered "and shall also mail a copy of each such notice to the city chairman of the political party in which such person may be enrolled at least forty-eight hours prior to the time specified in such notice"

At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not proved his qualifications as an elector

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 30, page 32, line 22, by inserting after the word "the" the word "address"

Amend Section 30, page 32, line 23, by striking out the quotation marks before the word "and."

Amend Section 30, page 32, line 25, by inserting after the word "party" the following: "or body of electors"

Amend Section 30, page 32, line 27, by striking out the quotation marks at the end of said line.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-first and thiry-second secions were separately read and agreed to as follows:

Section 31 Comparison and Correction of Registers Preliminary Street Lists (a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each general and municipal election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commissions shall cause to be made at least fifty and not more than one hundred exact copies of each such list and as soon as possible and not later than the first day of March in each year shall distribute the same among the inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties bodies of electors and candidates interested therein giving at least ten copies of each street list to the city committee of each political party or body of electors upon the written application of the chairman thereof and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on the file at the offiice of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 32 Corrected Street Lists Posting Not later than the fifteenth day prior to each general and municipal election and spring primary and not later than the seventh day prior to each fall primary the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house number The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Such lists shall be distributed to the same people and in the same manner and number as is hereinbefore provided for in the case of preliminary lists except the various city committees shall receive but five copies A copy of the corrected street list of each election district shall forthwith be publicly posted at the polling place of such district Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

The thirty-third section was read as follows:

Section 33 Petitions to Strike Off Names Any qualified elector including any watcher registrar or inspector of registration of the city may file his petition with the commission praying for the cancellation of the registration of any registered elector of the city upon such grounds as he may set forth in such petition under oath One of the commissioners shall fix a time and place for hearing such petition not later than five days before any fall primary or ten days preceding any election or spring primary and the petitioners shall cause forty-eight hours notice of the proceeding to be given to the person whose registration is in question by leaving a copy of the petition with the time and place fixed for hearing the same indorsed thereon with an adult person at his place of residence as given by him to the registrars and recorded in the registers and upon proof of service of such notice or proof that there is no one residing at the address given the commissioners shall proceed with a public hearing of the petition notice of which shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time set therefor Any person whose name appears on a register shall be deemed prima facie to be legally registered at the place given as his residence on the registration card and in such cases the failure of such person to appear at the hearing shall not be considered sufficient reason for removing his name from the register The burden of proving that such person is not a resident of the election district in which he is registered or that for any other reason his name appears illegally thereon shall be upon the petitioner and such proof shall be made by evidence which would be legal and competent before a court of record produced at such hearing but the commissioners if satisfied after the production of such evidence that the said person is not legally entitled to be registered shall cancel the registration of such elector and amend accordingly the general and district registers and the other records affected

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 33, page 35, line 17 to 29, both inclusive, by striking out the word "Any" in line 17, the whole of lines 18 to 28, both inclusive, and the words "produced at such hearing but the commissioners" in line 29, and inserting in lieu thereof: "The Commission"

Amend Section 33, page 36, line 1, by striking out the word "such"

On the question;

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-fourth section was read and agreed to as follows:

Section 34 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceding an election or primary the commission shall deliver to the county commissioners of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election day of any person who has removed from one election disrtict to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district reg-

isters the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

The thirty-fifth section was read as follows:

Section 35 Persons Registered are Entitled to Vote if Identified by Signature District Register as Ballot Check List and Voters' Certificates as Voting Check List at Elections Challenging of Persons Registered Return of Voters Certificates and Register (a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law or this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership Provided That no elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for the same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary in such city without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer of election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district and if challenged as to betting or as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secertary of the Commonwealth substantially as follows

Voter's Certificate

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

..... Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines) .....

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature and after the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting check List" and the name of the district and date of the primary or election and the said voter's certificates so bound shall in such city constitute the voting check list heretofore required by law All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officer shall be carefully preserved and returned to the commission with the list of voters

(g) The district register hereby provided for shall be used at each election and primary in such city by the election officers in the place of the register known as the ballot check list heretofore required by law As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The voters' certificates herein called the voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

(c)

Amend Section 35, page 39, line 5, by striking out the word "personally.''

Amend Section 35, page 39, line 7, by inserting after the word "vote" the following: "as provided by this act."

Amend Section 35, page 39, line 14, by striking out the words "betting or".

Amend Section 35, page 39, line 15, by inserting after the word "shall" the following: "subscribe to an affidavit as to his identity or continued residence in the election district and shall''

Amend Section 35, page 39, line 16, by striking out the word "one" and inserting in lieu thereof: "two"

Amend Section 35, page 39, line 16, by striking out the word "elector" and inserting in lieu thereof: "electors"

Amend Section 35, page 39, line 21, by striking out the words "betting or as to''.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-sixth section was read as follows:

Section 36 Entry of Information in General Registers following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates as having voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration affidavits of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration affidavits in each register a supplemental card Each supplemental card shall be printed in a color different from the registration affidavits It shall have the same serial number as the registration affidavit followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration affidavit Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other date required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration affidavit to which it relates by permanent fasteners in such a manner that the contents of the registration affidavit may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration affidavit of any elector the registration affidavit shall be stamped with the words "Supplemental cards attached" together with the date thereof

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 36, page 42, line 19, by striking out the words "oe each" and inserting in lieu thereof: "of the"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-seventh section was read as follows:

Section 37 Cancellation of Registration Upon Failure to Vote at Two Succeeding Elections Starting immediately after the municipal election held in the year one thousand nine hundred and thirty-five and immediately after each general municipal and primary election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector whom such record shows as having failed to vote at any two succeeding elections after his registration the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has failed to vote at two succeeding elections and that in order to be qualified to vote at any subsequent election he must again be registered by personal application before a commissioner or registrars in the manner provided by this act

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 37, page 43, line 26, by striking out the words "AT TWO SUCCEEDING ELECTIONS" and inserting in lieu thereof: "DURING TWO SUCCESSIVE YEARS"

Amend Section 37, page 44, line 4, by striking out the words "at any two succeeding elections'' and inserting in lieu thereof: "during any two successive years"

Amend Section 37, page 44, lines 8 and 9 by striking out the words "at any two succeeding elections" and inserting in lieu thereof: "during two successive years"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-eighth section was read as follows:

Section 38 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 38, page 44, line 14, by inserting after the word "Affidavits" the following: "Advertisement and Posting of Cancelled Names"

Amend Section 38, page 44, line 20, by inserting at the end of said line after the word "it" the following: "Provided, however, That before any such cancellation is made, publication of the information contained in the notice provided for in section thirty-seven of this act shall be made in at least one newspaper of general circulation as defined by the Newspaper Advertising Act, approved the sixteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1784), having a paid circulation of at least fifty thousand copies daily in the city. The names and addresses of all persons whose registration is cancelled by the commission shall be arranged according to districts and in alphabetical order within each district, and posted in plain view in the office of the commission as follows: All names so cancelled during one calendar month shall be posted on the first day of the succeeding month, and shall remain until the last day of such month. In addition thereto, all names so cancelled during the fifteen days immediately preceding any primary or election, shall be posted within twenty-four hours of such cancellation and shall remain for fifteen days after such election or primary. All such lists shall be posted in such a place that the public may have easy access to them at all hours when the office of the commission is open for business."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-ninth section was read as follows:

Section 39 Appeals to Court Hearing Costs (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of the city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to strike off or remove names upon any petition of any kind aforesaid may without the payment of any costs file an appeal with the proper court of common pleas not later than the fourth day preceding any fall primary or any eighth day preceding any election or spring primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in-dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered do novo unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election offices of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice ha been done the decision of the commission shall be affirme

(d) The court may compel any opposing party or th county to pay all the witness fees and other legal cost of such appeal which may be taxed by the prothonotar in the usual manner

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the followin amendments.

The SPEAKER. The amendments will be read by th Clerk.

The amendments were read by the Clerk as follows:

Amend Section 39, page 44, line 21, by striking out th word "Costs."

Amend Section 39, page 45, lines 2 and 3, by strikin out the words "without the payment of any costs."

Amend Section 39, page 46, lines 7 to 10, both inclusiv by striking out the whole of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fortieth section was read as follows:

Section 40 Production of Documents Et Cetera at Ap peals At the written request of any person taking an ap peal from any action or order of a commission as afore said the commission shall produce at the hearing there any petition register or other record in its custody relevan to the issue involved but the commission shall not b obliged to answer any appeal and shall not be obliged b subpoena or otherwise to appear at any such hearing un less it shall deem it expedient to do so

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the followin amendments.

The SPEAKER. The amendments will be read by th Clerk.

The amendments were read by the Clerk as follows:

Amend Section 40, page 46, line 12, by striking out th words "At the written request of" and inserting in lie thereof: "Upon service of subpoena by"

Amend Section 40, page 46, line 13, by striking ou "oder" and inserting in lieu thereof: "order"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-first section was read as follows:

Section 41 Subpoenas and Witness Fees (a) Any perso filing any petition of any kind with a commission or op posing same shall have the privilege of having subpoena issued by the commission to compel the attendance witnesses and all witnesses so subpoenaed shall be pa two dollars and fifty cents each per day as witness fe in the manner herein provided

(b) The commission on its own motion may subpoen witnesses including registrars each of whom shall also b entitled to daily witness fees at the rate aforesaid to b paid out of any money to be provided for the purpose the commission by the county commissioners in the sam manner as other necessary expenses of such commissio are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said court if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission and the appellant until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission or for the appellant taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 41, page 46, line 26, by striking out the words "and fifty cents".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-second section was read and agreed to as follows:

Section 42 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission of refuses to obey its subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court of commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioners or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the

making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioners or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed therein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

The forty-third section was read as follows:

Section 43 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided herein this act shall be in force and take effect from and after the first day of June one thousand nine hundred and thirty-five

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 43, page 52, line 17, by striking out the word "June" and inserting in lieu thereof: "July"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-fourth section was read and agreed to as follows:

Section 44 Repeal of Prior Laws Proviso (1) The act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-seven) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commission and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting the certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regullating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect pool taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" and the amendments and supplements thereof are hereby repealed

(b) All other acts or parts of act in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

The title was read as follows:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; providing for the appointment of registration commissioners for such cities; and prescribing their powers and duties and the powers and duties of registrars, inspectors of registration and other appointees of such commissions, election officers, municipal officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers and registrars of vital statistics; and imposing penalties.

On the question,

Will the House agree to the title?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, next to last line of title, by striking out the word "and".

Amend title, page 1, last line of title, by inserting after the word "statistics" the following: "and certain public service companies"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1814, entitled:

An Act to amend section one thousand and six of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended dispensing with the advertising of ordinances establishing the grades of streets highways and alleys

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and six of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred eighteen) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law except ordinances establishing grades of streets highways and alleys at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointment of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough Such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. RUFFENNACH. Mr. Speaker, I move that this bill be recommitted to the Committee on Boroughs and Townships for further study.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 950, entitled:

An Act withholding increases in rates by electric light gas telephone and water companies until after thirty days' notice thereof has been given to their customers and the same have been approved by the Public Service Commission and providing for the procedure thereunder

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no increase in rates or any change in or discontinuance of any classification rules regulations contracts or practices resulting in an increase in rates by any electric light gas telephone or water company shall become effective until thirty days after individual notices of such increase change or discontinuance have been given by the company to each of its customers and until such increase change or discontinuance has first been approved by the Public Service Commission

On the question,

Will the House agree to the section?

Mr. MOUL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 12, by inserting after the word "Commission" the following: "Provided, however, That if the commission fails to approve or disapprove such increase, change or discontinuance within a period of ninety days after said notice, then the public service company may put such increase, change or discontinuance into effect by filing with the commission a bond, in such reasonable amount, with such sureties, and of such form as shall be approved by the commission, conditioned upon the refund, in a manner to be prescribed by order of the commission, to the persons entitled thereto of the amount of the excess if the rate or rates so put into effect are finally determined to be excessive, and the payment of the penalties, costs, and fees in this act provided for; or there may be substituted for such bond other arrangements satisfactory to the commission for the protection of the parties interested. The commission shall have power to fix and determine the amount of the refund or reparation, if any, to be paid to the parties entitled thereto, either with or without a separate petition therefor, as the commission may determine in its order pertaining to the reasonableness or unreasonableness of such rate or rates, and shall make such further order, with respect to the said refund or reparation, as it may deem necessary and proper to expedite and to facilitate the payment or adjustment, by credits or otherwise, of the said refund or reparation. The commission shall regard and treat any complaint or petition for refund or reparation by one or more consumers, shippers, or patrons, or any proceeding initiated on its own motion, as made in a representative capacity and as if filed or instituted in behalf of all consumers, shippers or patrons affected by the rate or rates in question, and, in its order for refund or reparation, it shall fix and determine the amount or amounts of refund or reparation which shall be awarded or credited to each consumer, shipper, or patron affected. If the public service company fails, after written demand, to make the refund or to give the proper credit, in accordance with the order of the commission, within ninety days after such final determination, any person entitled to such refund may sue therefor in any court of this Commonwealth of competent jurisdiction, and be entitled to recover, in addition to the amount of the refund, a penalty of fifty per centum of the amount of the said refund, together with all court costs and reasonable attorneys' fees; but no suit may be maintained for that purpose unless instituted within one year after such final determination. Any number of persons entitled to such refund may join as plaintiffs and recover their several claims in a single action, in which action the court will render a judgment severally for each plaintiff as his interest may appear."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth, fifth sections were separately read and agreed to as follows:

Section 2 The individual notices provided for in section one of this act shall in each case be mailed or delivered to the same address of each customer as is used for mailing or delivering the bills for service Such notice shall not be a part of any bill for service but shall be plainly and conspicuously written or printed on a separate piece of paper and shall clearly show the old rate the new rate and the amount and effect of the increase

Section 3 Where a new schedule of rates or change in or discontinuance of any classification rule regulation contract or practice is filed under existing law by any electric light gas telephone or water company which contains or results in an increase in rates the procedure thereon shall be the same as if a complaint against such increase change or discontinuance had been filed

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act withholding increases in rates by electric light gas telephone and water companies until after thirty days' notice thereof has been given to their customers and the same have been approved by the Public Service Commission and providing for the procedure thereunder

On the question,

Will the House agree to the title?

Mr. MOUL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting after the word "Commission" the following: "permitting such increases in certain cases without such approval under certain conditions"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2122 as follows:

An Act providing for the annual registration with the Department of Labor and Industry of establishments where persons are employed requiring certain statistical data relating to employment and accidents to be furnished the Department authorizing the department to prescribe an annual registration fee and imposing a penalty for violations of the act

Whereas It has heretofore been impossible to compile accurate employment and accident statistics for this Commonwealth by reason of the fact that no authority has been established for maintaining records of employers or employment and

Whereas It is of great importance that such records be available for use in times of unemployment as well as in the furtherance of the work conducted by the Department of Labor and Industry in administration of the laws intrusted to it therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the owner or operator of every establishment in this Commonwealth where persons are employed for compensation of any sort (irrespective of how or to whom such compensation is payable) shall annually on or before the first day of June register furnish such statistics relating to employment and accidents as the department shall deem necessary and shall prescribe by general rules and regulations in order to compile statistics in the accomplishment of the purpose set forth in the preamble of this act

Section 2 Every registration made under this act shall be accompanied by a registration fee of not less than one dollar ($1.00) nor more than five dollars ($5.00) which shall be established and paid acocrding to such schedule based on the number of employes as shall be established by the Department of Labor and Industry

Section 3 The Secretary of Labor and Industry shall issue a certificate of registration to every owner or oper-

ator complying with the provisions of this act Such certificates shall be effective until the next succeeding registration period and shall entitle the owner or operator to free inspection services of the Department of Labor and Industry unless otherwise specifically provided by law

Section 4 Every person firm or corporation who or which fails to register with the Department of Labor and Industry as required by this act or fails to furnish the statistics required by this act and the rules and regulations of the department shall upon conviction thereof in a summary proceeding before a justice of the peace alderman or magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and cost of prosecution

Section 5 All fees and fines collected received or recovered under this act shall be paid by the Department of Labor and Industry into the General Fund of the State Treasury through the Department of Revenue

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2086 (Senate Bill No. 631), entitled:

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1923 (Senate Bill No. 710), entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## RESOLUTION

### RECALLING HOUSE BILL NO. 522 FROM THE GOVERNOR

Mr. FURMAN asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 17, 1935.

Resolved, (if the Senate concur), that House Bill No. 552, Printer's No. 54, entitled "An act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1840, entitled:

An Act requiring all courts of record and appeal to take judicial notice of public status and judicial decisions by courts of record of other states and territories of the United States and the District of Columbia

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mason, | Shepard, |
| Alexander, | Ferko, | McCreary, | Shortz, |
| Allen, | Finnerty, | McDermott, | Shreiner, |
| Altenburg, | Fitch, | McDevitt, | Shugarts, |
| Andrews, | Flanagan, | McElroy, | Siegel, |
| Arnold, | Flinchbaugh, | McHenry, | Simon, |
| Atkins, | Flynn, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Stewart, |
| Baine, | Furman, | Mentzer, | Sloan, |
| Baker, F. T., | Gates, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gerard, | Moomaw, | Smith, W. G., |
| Baldi, | Gillette, | Mooney, | Snyder, F. E., |
| Barber, | Green, | Moore, | Snyder, J. L., |
| Barnhardt, | Greenstein, | Moran, | Sowers, |
| Bernhard, | Habbyshaw, | Moul, | Spangler, |
| Blumberg, | Haberlen, | Muir, | Sproul, |
| Boose, | Hagerty, | Murrin, | Stank, |
| Boyd, R., | Haluska, | Nagel, | Stevens, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stewart, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holland, | Phillips, | Van Sickle, |
| Chervenak, | Holstrom, | Piole, | Walker, |
| Coakley, | Hoopes, | Powers, | Wall, |
| Cochran, | Horst, | Reising, | Wasserman, |
| Cohen, | Jackson, | Reynolds, | Weidemann, |
| Coleman, | Jones, | Rhys, | Weiss, |
| Condon, | Kane, | Rinn, | Welliver, |
| Conner, | Kelder, | Roan, | Welsh, |
| Coolahan, | Kelso, | Robinson, | Westrick, |
| Cordier, | Kilroy, | Rooney, | White, |
| Davies, | Kinney, | Root, | Wickersham, |
| Decker, | Klingler, | Ruffennach, | Wilson, |
| Denning, | Kobelak, | Ruth, | Winner, |
| Diehl, | LaRue, | Sarraf, | Witkin, |
| Dilley, | Linderman, | Scanlon, | Wood, |
| Downey, G. E., | Long, | Schrock, | Woodside, |
| Downey, J. J., | Longaker, | Schrope, | Yeakel, |
| Duffort, | Lovett, | Schwab, | Yourishin, |
| Eberharter, | Lynch, | Schwartz, | Zappala, |
| Eroe, | Male, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1657 (Senate Bill No. 70), entitled:

An Act to amend sections one, seven, fifteen and twenty-three, as amended, and sections twenty-four and twenty-six of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by making provisions for voting machines designed to be made secure by the use of two or more seals; changing the requirements as to the printing of return sheets and statements; providing the requirements of, and rules and regulations for, the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets; providing for the printing and distribution of said proof-sheets; providing for their use in canvassing the vote, making them part of the election returns; defining their probative value and effect; and enlarging the powers of return boards.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shreiner, |
| Alexander, | Finnerty, | McDermott, | Shugarts, |
| Allen, | Fitch, | McDevitt, | Siegel, |
| Altenburg, | Flanagan, | McElroy, | Simon, |
| Andrews, | Flinchbaugh, | McHenry, | Simpson, |
| Arnold, | Flynn, | McKinney, | Sinwell, |
| Atkins, | Forrest, | Melchiorre, | Sloan, |
| Aukerman, | Furman, | Mentzer, | Smith, J. A., |
| Baine, | Gates, | Merrell, | Smith, W. G., |
| Baker, F. T., | Gerard, | Moomaw, | Snyder, F. E., |
| Baker, J. J., | Gillette, | Mooney, | Snyder, J. L., |
| Baldi, | Green, | Moore, | Sowers, |
| Barber, | Greenstein, | Moran, | Spangler, |
| Barnhardt, | Habbyshaw, | Moul, | Sproul, |
| Bernhard, | Haberlen, | Muir, | Stank, |
| Blumberg, | Hagerty, | Murrin, | Stevens, |
| Boose, | Haluska, | Nagel, | Stewart, |
| Boyd, R., | Hamilton, F. P., | Nothnagle, | Stone, |
| Boyer, | Hamilton, R. S., | O'Keefe, | Stott, |
| Bradley, | Harkins, | Ominsky, | Sumney, |
| Brancato, | Harmuth, | O'Neill, | Surface, |
| Brennan, | Hart, | Panton, | Tahl, |
| Brown, H. S., | Hartman, | Parks, | Terry, |
| Brown J. E., | Hefferon, | Patterson, C., | Tronzo, |
| Brownfield, | Hermansen, | Patterson, J. W., | Trout, |
| Brumbaugh, | Hetrick, | Pearson, | Tumelty, |
| Burke, | Hindman, | Perry, | Turner, |
| Cannon, | Hirsch, | Peters, | Van Allsburg, |
| Caputo, | Hoffner, | Pfaff, | Van Sickle, |
| Carr, | Holland, | Phillips, | Walker, |
| Carson, | Holstrom, | Piole, | Wall, |
| Chervenak, | Hoopes, | Powers, | Wasserman, |
| Coakley, | Horst, | Reising, | Weidemann, |
| Cochran, | Jackson, | Reynolds, | Weiss, |
| Cohen, | Jones, | Rhys, | Welliver, |
| Coleman, | Kane, | Rinn, | Welsh, |
| Condon, | Kelder, | Roan, | Westrick, |
| Conner, | Kelso, | Robinson, | White, |
| Coolahan, | Kilroy, | Rooney, | Wickersham, |
| Cordier, | Kinney, | Root, | Wilson, |
| Davies, | Klingler, | Ruffennach, | Winner, |
| Decker, | Kobelak, | Ruth, | Witkin, |
| Denning, | LaRue, | Sarraf, | Wood, |
| Diehl, | Linderman, | Scanlon, | Woodside, |
| Dilley, | Long, | Schrock, | Yeakel, |
| Downey, G. E., | Longaker, | Schrope, | Yourishin, |
| Downey, J. J., | Lovett, | Schwab, | Zappala, |
| Duffort, | Lynch, | Schwartz, | Zimmerman, |
| Eberharter, | Male, | Shaw, | Sarig, |
| Eroe, | Mason, | Shepard, | |
| Falkenstein, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1297 (Senate Bill No. 99), entitled:

An Act requiring the Department of Revenue to prepare and distribute to counties banks and trust companies lists of corporations joint stock associations limited partnerships banks and trust companies taxable for State purposes.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 977, entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. FURMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1698, as follows:

An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 581) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three five seven eight ten twelve and thirteen of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" are hereby amended to read as follows

Section 3 Any person not holding a certificate of registration under the provisions of the preceding section and desiring to obtain a license under this act shall make application under oath or affirmation in such form as the department shall prescribe Such application shall be accompanied by an affidavit which shall be made by a practicing physician and shall set forth that the applicant was examined and is free from all contagious and infectious disease The applicant at the time of filing such application and affidavit shall pay to the department an examination fee of five dollars or such other fee as may be fixed by the department and shall present himself or herself at the next examination of applicants as hereinafter provided The department shall thereupon proceed to examine such person after [If] being satisfied that he or she is above the age of sixteen years free from contagious and infectious disease [and] has completed the work of the elementary school and has either (a) studied the occupation for a period of two years as a registered apprentice under a qualified and practicing barber as hereinafter provided or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a [competent barber] registered teacher for a period of at least two years and served at least six months as an apprentice with a registered barber or (c) practiced the occupation [in another State] for a period of at least [two years and] twenty-four month within the five years next preceding the effective date of this act If the Department is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof including his or her knowledge and ability in the antiseptic preparation of tools shaving hair cutting and all the duties and services incident thereto and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation [the department] it shall enter his or her name in the register hereinafter provided for and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation or to teach in registered barber schools as the case may be

For any person to be registered as a teacher in a barber school or college he must be at least twenty-one years of age a graduate from an approved high school or its equivalent and have had either (a) at least five years' experience as a barber in a barber shop or (b) training in a registered barber school of at least fifteen hundred hours and in addition thereto two years' experience as a registered barber The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering including ability to teach properly the various practices and theories of barbering The registration fee for teachers shall be five dollars and the annual renewal fee shall be five dollars

Section 5 Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered barber authorized to practice such occupation in this Commonwealth Provided That such apprentice or student shall apply to the department to have his or her name registered with the department in a book which shall be kept by the department for the registering of apprentices or students and secure a permit upon the payment of a fee of one dollar to practice as an apprentice or student under a duly registered barber such permit to be displayed in front of his or her working chair [After having practiced the occupation for two years under a registered barber such apprentice or student shall be eligible to become a registered barber and shall present himself or herself at the next examination of applicants and pay the fee as provided for in section three of this act] Students upon graduation from a registered barber school or barber college and having served six months' apprenticeship in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop shall make application for examination at the next regular period specified in this act Temporary permits to practice barbering may be issued at the discretion of the department to persons filing application for examination and submitting proof of two years' practice as a journeyman barber within the five years immediately preceding the date of the application Upon receipt of the application with the proper fee the department shall issue a temporary permit which shall be valid until the results of the subsequent examination are determined In case the applicant fails to pass such examination he or she shall secure a new student or apprentice permit upon the payment of a fee of one dollar which shall be valid for a period of one year during which time the applicant shall present himself or herself for re-examination and pay the proper examination fee

Section 7 The department shall furnish to each person to whom a certificate of registration is issued a certificate stating that the holder thereof is entitled to practice the occupation of barber or to teach in registered schools or colleges of barbering The holder of such certificate shall display the same in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve

Section 8 The certificate shall be renewed on or before the first day of January in each year and the holders of said certificates of registration shall pay to the department the sum of two dollars or such other sum as may be fixed by the department for a renewal card [Upon the failure of any] Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the first day of January in each year [his or her certificate of registration shall be revoked by the department and a new certificate of registration shall not be issued to such person until he or she shall again comply with all the provisions of this act in the same manner as if he or she had never been registered] and who continues the practice of barbering or any of its branches shall on conviction thereof before any magistrate alderman or justice of the peace be subject to a fine of not more than ten dollars to be collected by summary conviction as like

fines are collected by law or in case of non-payment of the fine to undergo an imprisonment for a period not exceeding ten days Any such person shall have the right of appeal as in other cases of summary conviction

Section 10 The department may adopt reasonable rules and regulations prescribing the sanitary requirements of each barber shop barber school or barber college in cooperation with the Department of Health and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop school or barber college which shall at all times be kept conspicuously displayed in such shop school or college It shall be unlawful for any person to sleep or for any owner or manager to permit any person to sleep in or use for residential purposes any room used as a barber shop or a school of barbering All rooms used for such purposes shall be used for barbering and beauty purposes exclusively Any officer or duly authorized agent of the department may enter and make reasonable examination of any barber shop barber school or barber college during the business hours for the purpose of ascertaining the sanitary conditions thereof Any barber shop barber school barber college or tools appliances and furnishings in use therein kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases is hereby declared to be a public nuisance and the department may suspend or revoke the certificate of the proprietor thereof or any person operating such barber shop school or barber college or the permit hereinafter required for such shop school or college or both the certificate and permit

Section 12 In no barber shop shall there be more than one apprentice [to two barbers] who must be at all times under the supervision of a barber authorized under this act to practice such occupation [All barber shops having but one chair shall be entitled to at least one apprentice] All barber schools or barber colleges shall keep prominently displayed a sign reading "Barber College" or "Barber School" Any co-partnership corporation or person desiring to operate or conduct a barber shop or barber college shall first secure from the department a permit or registration certificate to do so and shall keep the same prominently displayed The fee for registration of each barber school or college shall be fifty dollars and the annual renewal fee therefor shall be twenty-five dollars The department may pass upon the qualifications appointments and course of study in said college which shall be not less than two years All barber schools or barber colleges shall have not less than one registered teacher or instructor for every twelve students and in no case less than two such teachers who shall be in attendance at all times during the hours the school is open for instruction

No school of barbering shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by the Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours which shall not be less than seven per day each day the school is open for instruction shall establish grades and hold examination before issuance of diplomas and shall be required to maintain a course of study requiring not less than one thousand hours for completion in not less than six months and shall comprise all or a majority of the practices of barbering as provided by this act and shall include practical demonstrations and theoretical studies and study in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof

No school of barbering shall permit its students to practice barbering on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after first being properly informed that the operator is a student No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students or for materials used in such treatments

Section 13 To shave or trim the beard or regular hair cutting to give facial and scalp massaging facial and scalp treatment with any preparations made for this purpose either by hand or by mechanical appliances to singe and shampoo the hair or apply any makes of hair tonics and to dye the hair of any person for hire by the person performing such service shall be construed as practicing the occupation of barber within the meaning of this act No person shall practice barbering for pay directly or indirectly in any place other than a registered barber shop or where the barber is a registered barber except that any registered barber may furnish barber services to persons at their place of residence or in institutions in cases of appointment Provided however That nothing contained in this act shall be construed to include so called beauty shops or hair-dressing parlors or schools of beauty culture patronized by women except that it shal be unlawful and a violation of this act for any person to employ or to accept employment in any such shops parlors or schools who has been refused a certificate by the department

Section 2 That said act is here amended by adding thereto the following section

Section 15-A Nothing contained in this act or the act to which this is an amendment shall be construed as prohibiting any municipality from adopting appropriate ordinances not inconsistent with the provisions of this act or the rules and regulations adopted thereunder as may be deemed necessary to promote the public health and regulate the conduct of barber shops schools and colleges

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shortz, |
| Alexander, | Finnerty, | McDermott, | Shreiner, |
| Allen, | Fitch, | McDevitt, | Shugarts, |
| Altenburg, | Flanagan, | McElroy, | Siegel, |
| Arnold, | Flinchbaugh, | McHenry, | Simon, |
| Atkins, | Flynn, | McKinney, | Simpson, |
| Aukerman, | Forrest, | Melchiorre, | Sinwell, |
| Baine, | Furman, | Mentzer, | Sloan, |
| Baker, F. T., | Gates, | Merrell, | Smith, J. A., |
| Baker, J. J., | Gerard, | Moomaw, | Smith, W. G., |
| Baldi, | Gillette, | Mooney, | Snyder, F. E., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Greenstein, | Moran, | Spangler, |
| Bernhard, | Habbyshaw, | Moul, | Sproul, |
| Blumberg, | Haberlen, | Muir, | Stank, |
| Boose, | Hagerty, | Murrin, | Stevens, |
| Boyd, R., | Haluska, | Nagel, | Stewart, |
| Boyer, | Hamilton, F. P., | Nothnagle, | Stockham, |
| Bradley, | Hamilton, R. S., | O'Keefe, | Stone, |
| Brancato, | Harkins, | Ominsky, | Stott, |
| Brennan, | Harmuth, | O'Neill, | Sumney, |
| Brown, H. S., | Hart, | Panton, | Surface, |
| Brown, J. E., | Hartman, | Parks, | Tahl, |
| Brownfield, | Hefferon, | Patterson, C., | Terry, |
| Brumbaugh, | Hermansen, | Patterson, J. W., | Tronzo, |
| Burke, | Hetrick, | Pearson, | Trout, |
| Cannon, | Hindman, | Perry, | Tumelty, |
| Caputo, | Hirsch, | Peters, | Turner, |
| Carr, | Hoffner, | Pfaff, | Van Allsburg, |
| Carson, | Holland, | Phillips, | Van Sickle, |
| Chervenak, | Holstrom, | Piole, | Walker, |
| Coakley, | Hoopes, | Powers, | Wall, |
| Cochran, | Horst, | Reising, | Wasserman, |
| Cohen, | Jackson, | Reynolds, | Weidemann, |
| Coleman, | Jones, | Rhys, | Weiss, |
| Condon, | Kane, | Rinn, | Welliver, |
| Conner, | Kelder, | Roan, | Welsh, |
| Coolahan, | Kelso, | Robinson, | Westrick, |
| Cordier, | Kilroy, | Rooney, | White, |
| Davies, | Kinney, | Root, | Wickersham, |
| Decker, | Klingler, | Ruffennach, | Wilson, |
| Denning, | Kobelak, | Ruth, | Winner, |
| Diehl, | LaRue, | Sarraf, | Witkin, |

| | | | |
|---|---|---|---|
| Dilley, | Linderman, | Scanlon, | Wood, |
| Downey, G. E., | Long, | Schrock, | Woodside, |
| Downey, J. J., | Longaker, | Schrope, | Yeakel, |
| Duffort, | Lovett, | Schwab, | Yourishin, |
| Eberharter, | Lynch, | Schwartz, | Zappala, |
| Eroe, | Male, | Shaw, | Zimmerman, |
| Falkenstein, | Mason, | Shepard, | Sarig, |

NAYS—2

Andrews, Snyder, J. L.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 340, as follows:

An Act relating to and regulating industrial homework prohibiting certain kinds of industrial homework conferring powers and duties upon the Department of Labor and Industry requiring permits certificates and licenses of persons engaged in industrial homework or distributing such work imposing a processing fee on employers measured by their payrolls and imposing civil and criminal penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Industrial Homework Act"

Section 2 The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Department" shall mean the Department of Labor and Industry of this Commonwealth

"Effective" when applied to a permit certificate or license means that the permit certificate or license has not expired or has not been revoked or suspended and is applicable to the industrial homework performed

"Employer" means any person as herein defined who distributes materials either directly indirectly or through an employe servant agent independent contractor or any other third party to a home for the purpose of having such materials processed and thereafter returned to him or someone designated by him for any purpose other than for the personal use of himself or any member of his family

"Home" includes the entire house dwelling or apartment constituting the worker's place of residence

"Industrial homework" means the processing in a home or any part of a home of any article or articles the material for which has been furnished by an employer except articles which are being prepared solely for the consumption wearing or use of persons resident in the home where the work is performed

"Industrial homeworker" means any person who processes in a home the material furnished by an employer for industrial homework except a person engaged in working on articles intended solely for the consumption wearing or use of a resident of the place where the work is performed or for the wearing of the person actually distributing the materials

"National Industrial Recovery Act" means the Act of Congress approved the sixteenth day of June one thousand nine hundred thirty-three forty-eight Stat one hundred ninety-five entitled "An Act to encourage national industrial recovery to foster fair competition and to provide for the construction of certain useful public works and for other purposes"

"Person" means an individual a corporation a partnership an association a joint stock company a trust or any unincorporated organization

"To process" means to manufacture finish repair prepare alter or handle and the different forms of the verb are to be interpreted in accordance with this definition of the infinitive

Section 3 The following classes of industrial homework are hereby declared unlawful and are absolutely prohibited

(a) Industrial homework that involves the processing of foodstuffs drugs poisons or articles for internal human consumption or articles intended for use in connection with the serving of foods

(b) Industrial homework that involves the processing of sanitary goods or of childrens clothes toys or other articles intended for the use of children

(c) Industrial homework that involves the processing of explosives fireworks and articles of like character and

(d) Industrial homework specifically forbidden by national or State law or by any code agreement or license approved by the President of the United States acting under the authority of the National Industry Recovery Act or any other Federal act

Section 4 Any owner tenant or occupant of a home desiring to allow industrial homework to be carried on in such home shall file with the Department of Labor and Industry in such form as the department may prescribe an application for a sanitary permit for which no charge shall be made

Upon receiving such an application the Department of Labor and Industry shall immediately cause an inspection of the premises to be made. If the department finds that

(a) The premises are in a clean and sanitary condition and free from any infectious contagious or communicable disease

(b) The facilities for lighting heating and ventilation are adequate to allow industrial homework to be performed in health and safety

(c) No national State or local law forbids the proposed use of the premises and

(d) No permit issued to this applicant for these premises has within the two preceding years been revoked for violation of this act it shall issue a sanitary permit to the applicant which shall be valid for one year unless earlier revoked or suspended uner the provisions of this act Such permit shall be valid only for industrial homework that is performed by persons residing in the home for which it is issued and may if necessary for reasons of health or sanitation be further limited to specified classes of industrial, homework Duplicate permits to be used for the purposes of this act shall be issued without charge

It shall be unlawful for any owner tenant or occupant of a home to carry on or any owner of such home knowingly to permit such home to be used to carry on any industrial homework unless a sanitary permit has been obtained for such home as provided in this section Any person violating the requirements of this section shall upon conviction thereof in a summary proceeding be senteced to pay a fine of not more than one hundred dollars ($100)

Section 5 Every person to whom a sanitary permit is issued shall be required.

(a) To keep in such form and forward to the department at such intervals as the department may by regulation prescribe a complete and accurate register of all persons engaged in industrial homework on his premises and

(b) To prohibit the use of his premises for industrial homework at any time when they are not clean and sanitary and free from any infectious contagious or communicable diseases

Each of these requirements shall be a condition of the issuance of a sanitary permit Any person violating any of these requirements shall on conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) The department shall have the power to revoke the sanitary permit of any person guilty of such violation after notice and hearing before the department.

Section 6 A Any person desiring to practice as an industrial homeworker shall file with the department in such form as it may by regulation prescribe an application for an industrial homeworker certificate for which no charge shall be made The deparment shall issue to each applicant an industrial homeworked certificate limited to work in his own home and valid for one year unless

earlier revoked or suspended except that no certificate shall be issued if it shall appear that

(1) The applicant at the time of application has an infectious contagious or communicable disease or

(2) The applicant at the time of application is less than 16 years of age or

(3) A certificate previously issued and to the applicant was revoked for violation of this act or any Federal act or

(4) The employment of the applicant is forbidden by national State or local law or by any code agreement or license approved by the President of the United States acting under the authority of the National Industrial Recovery Act or any other Federal act or

(5) The applicant is otherwise employed for the maximum hours allowed by national State or local law or by any code agreement or license approved by the President of the United States acting under the authority of the National Industrial Recovery Act or any other Federal Act or

(6) The industrial homework in which the applicant proposes to engage is prohibited by this act or

(7) No sanitary permit has been issued by the department for the premises in which the industrial homework is to be performed

(B) It shall be unlawful for any person who has not an industrial homeworker certificate to engage in industrial homework Any person engaging in industrial homework without an industrial homeworker certificate shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than twenty dollars ($20)

C It shall be unlawful for any person who has an industrial homeworker certificate to engage in any industrial homework prohibited by this act or to engage in homework while he has an infectious contagious or communicable disease or to engage in industrial homework in premises for which no sanitary permit has been issued or to work on material to which the tag or label hereinafter required by this act has not been affixed or to fail to keep such tag or label in his possession until the work is returned to the employer Any person violating this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than ten dollars ($10) In addition the department may after notice and hearing suspend or revoke the industrial homeworker certificate of any such person

Section 7 A Any person desiring to furnish or distribute either directly or indirectly materials to be used for industrial homework in this Commonwealth shall whether or not he has a place of business in this Commonwealth file with the department in such form as it may by regulation prescribe an application for an employer industrial homeworker license Such application shall include a list of names and addresses of all homeworkers to whom the applicant intends to distribute industrial homework directly whether within or without the Commonwealth and a list of the names and addresses of all agents or contractors through whom the applicant intends to distribute industrial homework indirectly whether within or without the Commonwealth and a list of the names and addresses of all employers within or without the Commonwealth for whom the applicant intends to distribute industrial homework. The applicant after receiving a license shall report to the department monthly any changes in such lists

B The Department shall issue to each applicant an employer idustrial homework license limited to the distribution of material for a specified industry or trade and valid for one year unless earlier revoked or suspended except that no such license shall be issued if it shall appear that the material to be furnished or distributed is to be used for industrial homework prohibited by this act or that a license previously issued to the applicant was revoked for a violation of this act

C Every person to whom an employer industrial homework license is issued shall be required to see that industrial homework is performed only by persons who have effective homeworkers' certificates and only in places for which effective sanitary permits have been issued Every such person shall keep within this Commonwealth in such form and shall forward to the department at such intervals as it may by regulation prescribe a complete and accurate record of all persons engaged in industrial homework on materials furnished or distributed by him either directly or indirectly through any other person all places where such persons work all material furnished and distributed to such persons the wages paid such persons for performing industrial homework thereon and all goods on which such persons have worked

Each of these requirements shall be a condition of the issuance of an employer industrial homework license Any employer violating any of these requirements shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) In addition the department may revoke the license of such person after notice and opportunity to be heard

D It shall be unlawful for any person who is not the holder of an employer industrial homework license to furnish or distribute directly or indirectly materials which he knows or should know are intended for industrial homework in this Commonwealth and any person so doing shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo imprisonment of not more than six months or both in the discretion of the court

E It shall be unlawful for any person who has an ememployer industrial homework license to furnish or disthibute directly or indirectly materials to be used for industrial homework in this Commonwealth by any person for whom the employer or his agent has not on file within this Commonwealth an effective certificate or duplicate therefor or in any place for which the employer or his agent has not on file within this Commonwealth an effective permit or duplicate thereof or for any industry other than the one to which the employer's license is limited Any person violating any of the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo imprisonment of not more than six months or both in the discretion of the court In addition the department may revoke such person's employer industrial homework license after motion and opportunity to be heard

Section 8 A The department shall have the power and its duty shall be to prescribe rules and regulations for rules or regulations shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) In addition the department may revoke or suspend any license issued the enforcement of this act Any person violating such under this act to such person after notice and opportunity to be heard

B The department shall enforce the provisions of this act For the purpose of al investigations which are necessary and proper for the enforcement of this act the Secretary of Labor and Industry or any officer or employe designated by him is hereby empowered to enter any home house dwelling tenement factory shop or other building for which a license has been applied for or graned to examine all records and registers that are required to be kept under the authority of this act

Any person who shall wilfully make an untrue statement of a material fact in response to a question asked of him under oath by either the Secretary of Labor and Industry or an officer or employe designated by him or who shall assault resist prevent impede or interfere with any such officer or employe in the performance of their duties under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) or to suffer imprisonment for not more than one year or both in the discretion of the court

C In making an investigation or inquiry or conducting a hearing the Secretary of Labor and Industry and the officers and employes designated by him shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure

Section 9 Any person aggrieved by any decision of the department in suspending or revoking any permit certificate or license under the authority of this act may appeal from such decision by petition to the court of common pleas of the county in which such person is resident if

such appeal is taken within fifteen days after notice in writing of the action of the department Such notice from the department shall contain a notation of the number of days during which appeal from the decision of the department may be taken The appeal petition shall set forth the reasons why the action of the department is deemed erroneous Upon presentation of such appeal petition the court shall order that a copy of the petition be served upon the department within five days after presentation of the same in court and in its order shall require the department to file a complete and correct copy of all its records affecting the matter together with any testimony taken before the department in the office of the prothonotary within ten days of the service of the appeal petition The court shall fix a day and time for hearing the matter due notice of which shall be given to all parties interested as the court shall prescribe The court shall not be required to take any additional testimony unless that filed with it is deemed by the court improper inadequate or insufficient in order to enable it to enter its decree but the court shall hear argument by counsel for the department and for the appellant After hearing and argument or argument as the case may be and after reviewing all the testimony filed or taken before it the court shall enter such decree either affirming or reversing the action of the department as to it appears just and proper If the action of the department is sustained the court shall assess the costs against the appellant otherwise such costs shall be paid by the department The decision of the court shall be final

Section 10 Each consignment of material sent out by any employer to be processed by an industrial homeworker shall have attached thereto a label or tag indicating the employer's name license number and address and the name and address of each industrial homeworker to be engaged in the processing thereof or if the work is to given out through a contractor or agent the name and address of such person and such other information as the department may require The employer shall keep a duplicate copy of each such tag or label on file at his place of business

Section 11 Any room house tenement or dwelling where industrial homework is carried on in violation of this act and all material and property kept and used in connection such unlawful homework are hereby declared to be a common nuisance An action to enjoin such nuisance may be brought in the name of the Commonwealth by the Attorney General or by the district attorney of any county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases If it is made to appear by affidavits or otherwise to the satisfaction of the court or judge in vacation that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until conclusion of the trial No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no industrial homework shall be carried on in such room house tenement or dwelling And upon judgment of the court ordering such nuisance to be abated the court may order that the room house tenement or dwelling shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) payable to the Commonwealth and conditioned that industrial homework will not thereafter be carried on in such premises in violation of this act

Section 12 A monthly fee is hereby imposed and assessed upon every employer as defined in this act except a contractor or agent who returns to another employer within the Commonwealth the material which such contractor or agent has distributed to be processed by industrial homework at the rate of twenty per centum of the total amount of wages paid by such employer to all homeworkers during the month On or before the tenth day of each month every such employer shall make a report to the Department of Labor and Industry setting forth the total amount of wages paid to all homeworkers during the preceding month and at the same time shall pay to the department the fee prescribed by this section

Section 13 All fees fines and penalties collected or received under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be legislative intent that this act would have been adopted had such unconstitutional provisions not be included herein

Section 15 This act shall become effective on the first day of July one thousand nine hundred thirty-five

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. I must, Mr. Speaker, in order to maintain my legislative selfrespect, say something about this bill.

This measure is an example of the careless craftmanship with which this session has been frequently confronted. It is an example of the practice of taking a particularly good objective and then with amateurish hands spreading the themes over the horizon, with the result that perfectly innocent people, if the bill passes and is enforced according to its language, necessarily suffer.

If you will turn to page two of the measure you will find that an employe is anyone who distributes materials for any purpose other than the personal work of himself and any member of the family. That is on lines seven to fourteen.

Then on lines seventeen to twenty, you will see that industrial homework means the processing in a home and so forth of anything "except articles which are being prepared solely for the consumption, wearing or use of persons resident in the home where the work is performed," and then if you turn to the next paragraph, lines twenty-three to twenty-nine you will find that in line twenty-eight they say, "where the work is performed or for the wearing of the person," but they very adroitly leave out the words "for consumption," making the bill at variance with the preceding paragraph.

Then if you will turn over to page three, lines seventeen to twenty, you will find that industrial homework is that which involves "the processing foodstuffs," and then you see the bracket. Somebody is protecting the employers in the home but they delete tobacco. Now, if that isn't weasel practice, if that isn't a weasel phrase, I don't like that sort of thing when I see it. A bill, which will make it improper to manufacture or process foodstuffs in the home and exempt tobacco is a measure conceived in bad faith.

Everybody knows that all of the people who live in the country, in the rural districts, and I wish it were possible to bring home to the representatives of the metropolitan areas that there is such a thing in the commonwealth of Pennsylvania as a rural area, have a social structure, an economical structure and an industrial structure, that differs radically from the structures we find in the metropolitan sections—everybody knows that in every rural

town or any other town the size of Johnstown or of York and I assume of Reading, there are women who habitually, because they can make good pies and because they can make good cakes, manufacture and process foodstuffs in the home which they sell to the public. That sort of thing is sold in our country stores, it is sold at church affairs. It is a customary practice, and yet in order to keep women from being overworked in the home with industries and manufacturing, we go clear out of the way to protect the local baker and to protect the tobacco people and it was not necessary to do that to put this bill across. It is either bad faith or it is poor draftsmanship and it puts us in the position of wanting to support a bill where we want to go along with the purposes of the bill, but find the measure prostituted either because of evil intent or because of careless draftsmanship.

Mr. HOOPES. Mr. Speaker and members of the House, I wish to say something about the exclusion of the word "tobacco" in this bill, which has been referred to by the gentleman from Cambria. That was done by an amendment put into the bill when we had bedlam in here on Monday evening last and could not tell what was going on in connection with a motion by a Democratic member of this House. If we had not had the crowd back of the rail and the noise that was going on, some of us would have heard it and would have objected to it, but it got in and the objection has been raised on that ground. I am simply presenting here the fact of how it got in, in order that the gentleman from Cambria may be aware of that fact.

Mr. BARBER. Mr. Speaker and members of the House, the gentleman from Berks, Mr. Hoopes, is perhaps mistaken when he thinks that the deletion of "tobacco" was slipped in, and that the members of the House or those who might be interested in the bill will know how the word "tobacco" was excluded, it was stricken from the prohibited class because of the very reasons put forth by the gentleman from Cambria, Mr. Andrews.

We were desirous of taking into consideration some of the rural and local features, and rural and local industries that might be affected by this bill, and at the behest of one or several, rather, of those local communities, we investigated the matter of tobacco stripping as one of the phases and we decided that tobacco could well be eliminated from the prohibited class, because we found that in territories working conditions were suitable for home work of this kind and that regulation is all that would be necessary and needful at the present time.

I believe, as the sponsor of this bill, that it is only serving the purpose for which it was intended and that it is serving that purpose in a way that is perhaps the least harmful to any that might be affected.

We all must realize that in attempting to do good to a great number, a certain few will be harmed or at least that it will be disadvantageous to a certain few.

The members of the Committee on Labor, of which I am not a member, investigated all phases of this bill thoroughly, they took into consideration everything that was said to be wrong with it, every complaint that was brought before it. The members of the sub-committee went into this bill more thoroughly than any bill that has been gone into and has been presented upon the floor of this House, to my knowledge, and I believe and know that when that sub-committee recommitted it after the rigorous investigation that they sponsored and when the Committee on Labor at their hearings and having gone into the complaints on this measure reported the bill out on the floor of the House in the manner in which it is now, it was the sense of the majority of this House that this bill was a fitting bill and that it should pass. For that reason I am asking the members of this House to go on record as being in favor of this bill, as being in favor of the elimination of sweatshops and as being in favor of a bill that will do a maximum amount of good with a minimum amount of harm.

Mr. ANDREWS. Mr. Speaker and members of the House, I submit to the membership of the House that in order to abolish sweatshops, it is not necessary to grant a special privilege to the tobacco strippers of Lancaster County. I also submit that in order to wipe out sweatshops it is not necessary to draw a bill calculated to kill what might be termed "kitchen industries." There is not a line of endeavor, industrial endeavor that could not properly ask the same consideration the gentleman would accord to the tobacco strippers, and I ask as an evidence of good faith upon the part of the membership of this House that this bill either be amended in line with correct draftsmanship, because it is not necessary, Mr. Speaker, if you draw a bill properly and you don't have any concealed and hidden motives and there is no special interest you desire to protect—it is not necessary to harm a few in order to benefit many.

I ask the members of this House, if the gentleman is not willing to have his bill sent back to committee for proper amendment, to vote it down.

Mr. BARBER. Mr. Speaker and members of the House, first of all I might start by saying that I am entirely unwilling to have this bill sent back to committee.

I further wish to state that I do not agree with the gentleman's intrepretation of the act in regulating what he calls "kitchen industries."

Under the act, if the gentleman will turn to page two, line 17, he will find that "industrial homework means the processing in a home or any part of a home of any article or articles the material for which has been furnished by an employer," and the word "employer" is defined in line 7 on the same page to mean any person who distributes material either directly or indirectly through an employe, servant, agent, or independent contractor or any other third party to a home for the purpose of having such materials processed.

In the kitchen industry, to which the gentleman refers, namely, a woman making cakes or pies in her own home, she is not going to be furnished the material for that by any employer, she is not making it for any employer, and hence I believe does not come under that regulation and does not come under the classification of an industrial home worker. Therefore, I believe that since she is not an industrial home worker as defined in this act that the regulation of what might be called "kitchen industries" is not included here.

I realize, however, when it comes down to manufacturing, with the manufacturing of foodstuffs, your industrial home work that involves the processing of foodstuffs is prohibited. I realize that some of these kitchen industries might become manufacturers and if they do, if they come within the sphere of regulation to that extent, then I believe they should be treated in line with the

idea of doing the greatest good to the greatest number and doing the least harm to the greatest number.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Erie, Mr. Barber.

The SPEAKER. Will the gentleman from Erie, Mr. Barber, permit himself to be interrogated?

Mr. BARBER. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, under this bill the processing of foodstuffs in the home is prohibited?

Mr. BARBER. Mr. Speaker, the processing of foodstuffs in the home by an industrial home worker for industrial home work is prohibited.

Mr. ANDREWS. Where, Mr. Speaker, does the gentleman find the limitations that he expresses?

Mr. BARBER. Mr. Speaker, I do not find the limitations and I do not find the gentleman's inclusion.

Mr. ANDREWS. Exactly. Mr. Speaker, the gentleman does not find in the bill the sentiments he expresses. He only finds them in his mind. They ought to be in the bill.

Mr. BARBER. Mr. Speaker, if the gentleman needs any answer as to what I find in my mind and what he is unable to find in his, willingly or otherwise, consciously or otherwise, I can only again refer him to the definition of "industrial home work," and to the definition of "employer" as stated on page 2 of the bill.

Mr. FLINCHBAUGH. Mr. Speaker and ladies and gentleman of this House, I want to set myself in the proper light as the man who make the motion that tobaccos be deleted from this bill. For fear someone will ask me what my occupation is, I want to say here and now that I am not interested either directly or indirectly in the tobacco business. I happen to live in a tobacco section and consequently I know considerable about the tobacco industry.

I think the members who have been here a number of years with me will agree that I am not accustomed to using underhanded methods in legislation; that I do not try to put things through stealthily in the dark of the night, but I believe that they will bear witness that whatever I do I do in the open and in the clear light of the day.

The people whom I represent are in the tobacco industry and as the gentleman from Cambria said, every locality has its peculiar lines of industry, and for that reason I was trying to protect the tobacco growers of the county of Lancaster, of the county of York, of the county of Clinton, and a few other sections.

The tobacco industry was originally a home industry. It started about one hundred fifty years ago in the Commonwealth of Pennsylvania and is one of the outstanding industries in the Commonwealth of Pennsylvania, and it is peculiarly an industry of Pennsylvania.

On the tax measure proposing a tax on tobacco, I went along with the members of this House and voted for the tax measure, but when you come to further regulate the tobacco industry and needlessly regulated it I had to enter my protest. If you are familiar with Lancaster and have gone through the county of Lancaster that rich agricultural section of Pennsylvania the garden spot of the United States, you have seen the great green fields of tobacco. You have probably seen the prosperous condition of those farms, the great big red barns, the comfortable farm house and the sleek horses and fat cattle.

It is necessary to a certain extent to process this tobacco in the home. The processing of tobacco is more than an agricultural operation; it is partly a manufacturing operation because there is a fine technique connected with preparing tobacco for the market.

It naturally becomes necessary at times that this tobacco be taken into the home and there prepared for its final process, for the manufacture of a fine grade of cigars.

I started out to say a moment ago that the tobacco industry has primarily been a home industry, and even today you will find a man and his wife or a man and his neighbor having set aside a part of his home for the purpose of earning a livlihood for himself and his family through the manufacture of tobacco in a small way. For that reason I presented this amendment to this bill.

It was not done stealthily in the dark of the night, because I took this matter up with the Department of Labor and Industry and the Department of Labor and Industry no later than last week had special investigators in the tobacco growing sections, and they made a report. It was with their permission that the amendment was put in, they saying that they could not find any sweatshop conditions in this industry, and that the conditions under which the tobacco is processed in the home are cleanly and are not a detriment to the working people or the working interests of Pennsylvania.

If I had been selfish, I would have asked for an amendment deleting the word "foodstuffs," but foodstuffs are quite a different thing to prepare in the home. The matter of sanitation comes in,—you cannot regulate that to the same degree, the sanitation conditions in the home, as you can in factories. But sanitation does not to the same degree enter into the processing of tobacco. I ask you, ladies and gentlemen of the House, to support this bill No. 340 in its present form.

Mr. BRENNAN. Mr. Speaker, may I interrogate the gentleman from Erie, Mr. Barber?

The SPEAKER. Will the gentleman from Erie, Mr. Barber, permit himself to be interrogated?

Mr. BARBER. Mr. Speaker, I will.

Mr. BRENNAN. Mr. Barber; in my community there are many poor people who have been keeping themselves off the relief roll, by going to an industrial plant and getting small articles in the rough and taking them home and finishing them. Now, if this bill becomes a law will those people be compelled to stop that work?

Mr. BARBER. No, Mr. Speaker. There is no restriction on any industrial home worker or upon industrial home work other than the restrictions contained in section three, in which we find the following:

"The following classes of industrial homework are hereby declared unlawful and are absolutely prohibited

Industrial homework that involves the processing of foodstuffs drugs poisons or articles for internal human consumption or articles intended for use in connection with the serving of foods.

Industrial homework that involves the processing of sanitary goods or of childrens clothes toys or other articles intended for the use of children.

Industrial homework that involves the processing of explosives fireworks and articles of like character.

Industrial homework specifically forbidden by national or state law or by any code agreement or license approved by the President of the United States acting under the authority of the National Industry Recovery Act or any other federal act.

Other homework is at their discretion. And again, Mr. Speaker, I wish to reassert to the House and to the members of this house that "industrial homework" as defined in this bill is not the definition given by the gentleman from Cambria, Mr. Andrews.

An industrial home worker is exactly what I said. An industrial home worker is one who is furnished goods by an employer, and no one else is included in industrial home work.

Mr. SUMNEY. Mr. Speaker, on page three, article (b) of section three, "Industrial home work that involves the processing of sanitary goods or of children's clothes, toys, or other articles intended for the use of children." I think that the old saying, "Consistency, thou art a jewel" will apply to this. We allow toys from Germany, we allow toys from Japan, we allow toys from all over the world and yet industrial home work that involves processing of sanitary goods, or of children's clothes, toys or other articles intended for the use of children, toys or otherwise is forbidden in this bill.

Mr. BARBER. Mr. Speaker, the gentleman is correct. We do propose to restrict and prohibit the manufacture of toys in the home, because we believe that we are interested in Pennsylvania workers and in Pennsylvania industries, and we find that there is a minimum of toy making in the homes of Pennsylvania, that most of it is made in the factories, and we believe that the factory is where it belongs, and by restricting it in this way we will drive the rest of it into the factories.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Erie, Mr. Barber.

The SPEAKER. Will the gentleman from Erie, Mr. Barber, permit himself to be interrogated?

Mr. BARBER. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, are there any exemptions or possible exemptions or possible interpretations under this bill whereby the blind may work in their homes.

Mr. BARBER. Mr. Speaker, the blind may work in their homes on anything that is not prohibited by this bill.

Mr. ANDREWS. Mr. Speaker, that answers the question. The blind cannot work in their homes under this bill.

Mr. BARBER. Mr. Speaker, I believe that the gentleman's interpretation of this bill and the deductions that he would draw from it are decidedly unfair and I really do not believe they are in keeping with the gentleman's general attitude regarding labor. If they are in keeping with it, and if the sentiment expressed by the gentleman on the floor of this House relative to this bill and his real sentiments then I am glad to have it known.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—143

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|---|---|---|---|
| Achterman, | Finnerty, | Mason, | Sarraf, |
| Alexander, | Fitch, | McDermott, | Scanlon, |
| Allen, | Flanagan, | McDevitt, | Schrope, |
| Arnold, | Flinchbaugh, | McElroy, | Shaw, |
| Atkins, | Forrest, | McHenry, | Shepard, |
| Aukerman, | Furman, | Melchiorre, | Shortz, |
| Baine, | Gates, | Mentzer, | Shreiner, |
| Baker, J. J., | Gerard, | Merrell, | Shugarts, |
| Baldi, | Gillette, | Moomaw, | Simon, |
| Barber, | Greenstein, | Mooney, | Sinwell, |
| Bradley, | Habbyshaw, | Moore, | Smith, J. A., |
| Brancato, | Haberlen, | Moran, | Smith, W. G., |
| Brown, H. S., | Hagerty, | Moul, | Sowers, |
| Brumbaugh, | Hamilton, F. P., | Murrin, | Spangler, |
| Burke, | Hamilton, R. S., | Nothnagle, | Sproul, |
| Cannon, | Harkins, | O'Keefe, | Stank, |
| Caputo, | Harmuth, | Ominsky, | Stevens, |
| Carr, | Hart, | O'Neill, | Stewart, |
| Castor, | Hartman, | Panton, | Stone, |
| Chervenak, | Hefferon, | Parks, | Stott, |
| Coakley, | Hermansen, | Patterson, C., | Tahl, |
| Cohen, | Hetrick, | Patterson, J. W., | Turner, |
| Coleman, | Hindman, | Pearson, | Van Allsburg, |
| Condon, | Hirsch, | Perry, | Van Sickle, |
| Conner, | Holstrom, | Peters, | Walker, |
| Coolahan, | Hoopes, | Pfaff, | Wasserman, |
| Cordier, | Kane, | Phillips, | Weidemann, |
| Davies, | Kelso, | Piole, | Weiss, |
| Decker, | Kilroy, | Powers, | Welliver, |
| Diehl, | Kinney, | Reising, | Welsh, |
| Dilley, | Klingler, | Reynolds, | Wilson, |
| Downey, G. E., | Kobelak, | Rhys, | Winner, |
| Downey, J. J., | LaRue, | Rinn, | Witkin, |
| Duffort, | Long, | Roan, | Yourishin, |
| Eberharter, | Longaker, | Robinson, | Zappala, |
| Eroe, | Lovett, | Ruffennach, | Zimmerman, |
| Falkenstein, | Male, | Ruth, | Sarig, |
| Ferko, | | | |

NAYS—25

| | | | |
|---|---|---|---|
| Andrews, | Flynn, | McCreary, | Terry, |
| Baker, F. T., | Green, | Muir, | Trout, |
| Blumberg, | Haluska, | Schrock, | Westrick, |
| Boose, | Horst, | Sloan, | White, |
| Boyd, R., | Jones, | Snyder, J. L., | Wood, |
| Boyer, | Lynch, | Sumney, | Yeakel, |
| Brennan, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## REASONS FOR VOTE

Mr. McCREARY. Mr. Speaker, I desire to be recorded as voting "no" and file the following reasons:

I vote "no" because the bill is too inclusive and restricts profitable employment in thousands of suburban homes.

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 224:

An Act requiring certain cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

HOUSE BILL No. 318:

An Act to amend sections ten and fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for

herein and repealing inconsistent legislation" as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of and returning canvassing and computing the vote cast at primary elections regulating the form of the numbered lists of voters regulating the duties of election officers in calling and tabulating the votes and regulating return board procedure

HOUSE BILL No. 321:

An Act to amend section six as amended section eight and section ten as amended of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions and limiting the number of specimen ballots to be given candidates at primaries

HOUSE BILL No. 1354:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in the banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## RESOLUTION

### SYMPATHY EXTENDED ON DEATH OF HON. DAVID P. REESE

Mr. ROAN offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, April 17, 1935.

Whereas, Word has been received of the death on Tuesday of this week of David P. Reese at the age of sixty-four years; and

Whereas, The deceased, a life-long resident of Pennsylvania and an attorney-at-law since 1896, was a member of this body as Representative from Luzerne County during the session of 1905; and

Whereas, For many years preceding his death, he was a resident of the city of Harrisburg and intimately known to many members of this body; now, therefore, be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania express its condolences to Mrs. Ellen T. Reese, widow of the Hon. David P. Reese, and to the members of his family; and, be it further

Resolved, That a copy of this resolution be sent by the Chief Clerk of the House to his widow.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1932, entitled:

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HALUSKA. Mr. Speaker, I desire to have the sponsor of this bill explain its purposes.

Mr. KANE. Mr. Speaker, I will be very glad to do so. The purpose of this bill is to provide necessary funds, hire counsel if necessary, to pay for experts on railroad freight rates and Interstate Commerce procedure to carry out the intention of Resolution No. 103 passed unanimously by this body, which appointed a committee of thirteen members of which I am the Chairman to investigate freight rates and freight carrying charges on anthracite coal from points in Pennsylvania to points on the Atlantic Seaboard, to New York, New Jersey and New England and the rates to the maritime provinces of Canada.

The purpose of that investigation is to see what can be done to secure necessary adjustments of freight rates, and such other things as can be done to bring back life, which may help to restore to the anthracite industry of Pennsylvania markets which they are rapidly losing in those vicinities mentioned in the resolution due to the importation of cheap foreign coal, and due to the importation of fuel oil, due to one hundred and one other causes which are robbing Pennsylvania's anthracite producers of what has long been one of their richest markets. It is not the intention of the committee or myself as chairman, through whose requisition this money must be spent, to go on any junkets of any kind whatever.

The resolution is drawn to report to the present session of the General Assembly, with a view of making a prompt study and quick report with the very fervent aim of doing what we can to restore this important industry to its once healthy state before it is too late. Does that answer the gentleman's question?

Mr. HALUSKA. Mr. Speaker, I desire to ask the sponsor of this bill a question as to its purpose. May I interrogate further the gentleman from McKean, Mr. Kane?

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. HALUSKA. Mr. Speaker, will the gentleman from McKean, Mr. Kane, state whether or not if the same conditions exist in the bituminous coal field?

Mr. KANE. Mr. Speaker, I am not personally in any way financially interested in the coal industry, either in the anthracite or bituminous fields. I am sincerely interested in the coal industry of Pennsylvania, if that is what the gentleman means.

Mr. HALUSKA. Mr. Speaker, this House has acted upon a number of resolutions; we have acted upon some in Cambria County. It has taken the last six weeks and five members of this House have worked hard investigating relief conditions in Cambria County with no compensation whatsoever. They have asked for none; they have also passed upon resolutions in Allegheny County, Fayette and so forth. We have done it voluntarily without any appropriation. Referring to this bill they are asking for a ten thousand dollar appropriation and this House and this legislature is not in position at this time to appropriate ten thousand dollars for such an investigation, and I hope that the members of this House will consider that and vote "no" on the bill.

Mr. YOURISHIN. Mr. Speaker and members of the House, the bill here provides an appropriation to make an investigation of the anthracite industry so far as freight rates and so forth are concerned, and is a very good bill. First we must take into consideration that anthracite is exclusively a Pennsylvania product, and in listening to the interrogation of the gentleman from Cambria, Mr. Haluska, wherein he asks why this does not include, or why not include, bituminous coal, may I say for the information of this House that the United Mine Workers of America in the anthracite region for some time, for a good many years, have been trying to find out why anthracite coal, or the freight rates rather, on anthracite coal were much higher per ton than they are on bituminous coal.

Not only that, but it costs more to transport a ton coal of anthracite coal from the region to tidewater in open cars than it does a ton of cement in closed cars that ought to be protected, and I think this House and the state of Pennsylvania should know the reason why things of that kind occur. It would be of great interest and great benefit to the Anthracite industry in the state of Pennsylvania if by this investigation some things can be brought out by at least having freight rates reduced from the coal regions to tidewater, and help bring back that industry to where it really belongs. I ask the members of this House to vote for this bill.

Mr. HALUSKA. Mr. Speaker, may I interrogate the gentleman from Luzerne, Mr. Yourishin?

The SPEAKER. Will the gentleman from Luzerne, Mr. Yourishin, permit himself to be interrogated?

Mr. YOURISHIN. Mr. Speaker, I will.

Mr. HALUSKA. Mr. Speaker, will the gentleman from Luzerne, Mr. Yourishin, state how much higher the rates are on anthracite coal than they are on bituminous?

Mr. YOURISHIN. Mr. Speaker, I cannot give the exact figures, but I do know it runs anywhere from one dollar to one dollar and twenty-five cents.

Mr. HALUSKA. Mr. Speaker, does the gentleman from Luzerne, Mr. Yourishin, have knowledge of whether it costs more or less to ship from Virginia to eastern markets than it does from Cambria County to the east?

Mr. YOURISHIN. Mr. Speaker, I do not.

Mr. HALUSKA. Mr. Speaker, we have the same conditions back in the western part of the state as they have in the eastern part of the state, and I feel that this is class legislation. If we are going to investigate the rates of one region we should investigate the rates of the other. It is unfair to pass up the bituminous coal fields because they are at this time suffering for the want of lower freight rates in the same manner as they are in the eastern part of the state.

Mr. EBERHARTER. Mr. Speaker and members of the House, the purposes of this investigating committee are very commendable. This investigation is somewhat different from the investigations that are being held by the various committees in different counties. This investigaton, if it is to accomplish any good whatsoever, will require the services of rate experts, and will most likely require the services of counsel. Mr. Speaker and members of the House, I believe that this administration and that the members of this House, the Legislature here should go on record as favoring this appropriation and this investigation, because it will help labor, it will help capital and will seek to correct a condition which needs correction. I ask the members of this House to vote in favor of this bill to appropriate this money to this committee.

Mr. HALUSKA. Mr. Speaker, I desire to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean, Mr. Kane, permit himself to be interrogated?

Mr. KANE. Mr. Speaker, I will.

Mr. HALUSKA. Mr. Speaker, in the event that I should introduce a resolution in the same manner for the bituminous coal fields would the gentleman vote in favor of it?

## QUESTION OF PARLIAMENTARY INQUIRY

Mr. KANE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry?

Mr. KANE. Mr. Speaker, is it permissible for a member to bargain his vote?

The SPEAKER. The Chair informs the gentleman from Cambria that his question is not a proper question. The question before the House is on the bill.

Mr. HERMANSEN. Mr. Speaker and members of the House, I would like to say for the benefit of Mr. Haluska that there is quite a different question in the anthracite and bituminous fields. Anthracite is actually losing its market, whereas the bituminous field is overdeveloping its market, and a similar investigation would not be required there. I think it is a very proper bill, and I ask the members of the House to vote for it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—193

| | | | |
|---|---|---|---|
| Achterman, | Fitch, | McDevitt, | Shreiner, |
| Alexander, | Flanagan, | McElroy, | Shugarts, |
| Allen, | Flinchbaugh, | McHenry, | Siegel, |
| Altenburg, | Flynn, | McKinney, | Simon, |
| Andrews, | Forrest, | Melchiorre, | Simpson, |
| Arnold, | Furman, | Mentzer, | Sinwell, |
| Atkins, | Gates, | Merrell, | Sloan, |
| Aukerman, | Gerard, | Moomaw, | Smith, J. A., |
| Baine, | Gillette, | Mooney, | Smith, W. G., |
| Baker, J. J., | Green, | Moore, | Snyder, F. E., |
| Baldi, | Greenstein, | Moran, | Snyder, J. L., |
| Barber, | Habbyshaw, | Moul, | Sowers, |
| Barnhardt, | Hagerty, | Muir, | Spangler, |
| Bernhard, | Haluska, | Murrin, | Sproul, |
| Boyer, | Hamilton, F. P., | Nagel, | Stank, |

| | | | |
|---|---|---|---|
| Bradley, | Hamilton, R. S., | Nothnagle, | Stewart, |
| Brancato, | Harkins, | O'Keefe, | Stone, |
| Brennan, | Harmuth, | Ominsky, | Stott, |
| Brown, H. S., | Hart, | O'Neill, | Sumney, |
| Brown, J. E., | Hartman, | Panton, | Surface, |
| Brownfield, | Hefferon, | Parks, | Tahl, |
| Brumbaugh, | Hermansen, | Patterson, C., | Terry, |
| Burke, | Hetrick, | Patterson, J. W., | Tronzo, |
| Cannon, | Hindman, | Perry, | Trout, |
| Caputo, | Hirsch, | Peters, | Tumelty, |
| Carr, | Hoffner, | Pfaff, | Turner, |
| Carson, | Holland, | Phillips, | Van Allsburg, |
| Chervenak, | Holstrom, | Piole, | Van Sickle, |
| Coakley, | Hoopes, | Powers, | Walker, |
| Cochran, | Horst, | Reising, | Wall, |
| Cohen, | Jackson, | Reynolds, | Wasserman, |
| Coleman, | Jones, | Rhys, | Weidemann, |
| Condon, | Kane, | Rinn, | Weiss, |
| Conner, | Kelder, | Roan, | Welliver, |
| Coolahan, | Kelso, | Robinson, | Welsh, |
| Cordier, | Kilroy, | Rooney, | Westrick, |
| Davies, | Kinney, | Root, | White, |
| Decker, | Klingler, | Ruffennach, | Wickersham, |
| Denning, | Kobelak, | Ruth, | Wilson, |
| Diehl, | LaRue, | Sarraf, | Winner, |
| Dilley, | Linderman, | Scanlon, | Witkin, |
| Downey, G. E., | Long, | Schrock, | Wood, |
| Downey, J. J., | Longaker, | Schrope, | Woodside, |
| Duffort, | Lovett, | Schwab, | Yeakel, |
| Eberharter, | Male, | Schwartz, | Yourishin, |
| Eroe, | Mason, | Shaw, | Zappala, |
| Falkenstein, | McCreary, | Shepard, | Zimmerman, |
| Ferko, | McDermott, | Shortz, | Sarig, |
| Finnerty, | | | |

NAYS—3

| | | |
|---|---|---|
| Haberlen, | Lynch, | Stevens, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION

### BEAUTIFICATION OF NAVAL HOSPITAL GROUNDS

Miss BRANCATO asked and obtained unanimous consent to offer the following resolution which was read by the Clerk as follows:

In the House of Representatives, April 17, 1935.

Whereas, The United States Government has recently completed a large and beautiful Naval Hospital at the Navy Yard, located at Philadelphia; and

Whereas, The grounds immediately surrounding the aforesaid hospital are being used as a public dumping ground, on which there is continually being dumped ashes, rubbish and waste and which is being blown into the hospital and has been causing much annoyance, as well as being a possible source of disease, and

Whereas, The waste and rubbish on these surrounding grounds is slowly smoldering and giving off obnoxious fumes and smoke which in many cases increases the discomfort and the pain and suffering of the patients in the aforesaid hospital; therefore be it

Resolved, That the mayor and the council of Philadelphia which has jurisdiction over these grounds, order the discontinuance of all dumping upon the immediate grounds surrounding the United States Naval Hospital at the Navy Yard at Philadelphia, and to prohibit the setting of fires to the waste thereon and to institute a program for the removal of this unsightly, unsanitary and disease producing area and the replacing thereof by an area marked by modern beautification through landscape gardening.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. WITKIN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Manufactures will meet immediately after this morning's session in the Conference Room.

The Committee on Municipal Corporations will meet immediately after this morning's session in Room 324.

The Committee on Agriculture will meet today at 5:00 P. M. in Room 521.

The Committee on Fisheries will meet tomorrow at 9:30 A. M. in Room 521.

Members should get their Newspaper Gridiron Dinner tickets this week. Dinner, Wednesday, April 24, at 6:30 P. M.

## RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:00 P. M. Are there objections? The Chair hears none and declares a recess until 8:00 P. M.

## AFTER RECESS

The House reconvened at 8:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## BILLS INTRODUCED AND REFERRED

By Mr. PARKS. HOUSE BILL No. 2315.

An Act to amend sections four hundred nine and four hundred twelve and sections five hundred twelve, and seven hundred four as amended of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and wild birds and wild animals, and amending, revising, consolidating and changing the law relating thereto," prohibiting the breeding, selling, possessing, and using of fitches for hunting purposes; providing for the licensure of persons breeding, selling, possessing and using fitches, and imposing additional penalties.

Referred to the Committee on Game.

By Mr. SUMNEY. HOUSE BILL No. 2318.

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorder of deeds, and certain State Departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, liabilities, and immunities of building and loan associations, and of their officers, directors, shareholders, solicitors, and other and other employes, and further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger, consolidation or conversion.

Referred to the Committee on Building and Loan Associations.

By Mr. STONE. HOUSE BILL No. 2319.

An act to amend the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by defining and regulating fish bait; providing additional penalties for possession of fish during closed season; providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses; declaring unlawful certain methods of fishing; fixing license fees for outlines; providing for naturalized foreign born residents licenses and licenses lost or destroyed; providing for tourist licenses for non-residents and alien non-residents and fixing fees therefor; providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons; and extending the right to set aside certain waters for nursery waters.

Referred to the Committee on Fisheries.

By Mr. SOWERS. HOUSE BILL No. 2320.

An Act to promote the general peace, happiness and welfare of the Commonwealth, to secure the right to live, and to encourage and promote production, distribution and consumption of articles for human use and raising the standard of living in the Commonwealth by providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to and the burial of certain disabled, aged, unemployed and indigent persons, thereby giving such disabled and aged better purchasing power, economic advantages and preferences in the nature of pensions and causing articles for human use to be consumed rather than wasted, and the administration of this Act by the Department of Welfare, the Trustees who administer Mothers Assistance in the several counties and others, making counties liable for certain expenses, providing penalties and making and distribtuing appropriations.

Referred to the Committee on Pensions and Gratuities.

By Mr. JOHN J. DOWNEY. HOUSE BILL No. 2321.

An Act licensing and regulating the business of financing conditional sale contracts, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, and prescribing penalties for the violation of this act.

Referred to the Committee on Banking.

By Messrs. SLOAN and STEWART.
HOUSE BILL No. 2322.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act; establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Messrs. SLOAN and STEWART.
HOUSE BILL No. 2323.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the costs of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the county of Indiana.

Referred to the Committee on Highways.

By Messrs. NAGEL and SCHROCK.
HOUSE BILL No. 2324.

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained, from rabies, where there is no proof of such livestock having been bitten by dogs.

Referred to the Committee on Agriculture.

By Mr. WEISS. HOUSE BILL No. 2325.

An Act providing for the assignment of the judges of the County Court of Allegheny County to preside in the courts of common pleas and quarter sessions of such county.

Referred to the Committee on Judiciary General.

By Mr. SURFACE. HOUSE BILL No. 2326.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Snyder.

Referred to the Committee on Highways.

By Mr. TURNER. HOUSE BILL No. 2327.

An Act to amend section five hundred and sixty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts of the second, third and fourth class to settle, compromise or abate claims for unpaid taxes and to exonerate taxables under certain conditions.

Referred to the Committee on Education.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2328.

An Act to amend section three of the act, approved the twenty-sixth day of March, one thousand nine hundred and twenty-five (P. L. 69), entitled "An act to provide for an additional system for the collection of State and county taxes in cities of the third class," providing that the county commissioners of any county, having adopted the system of tax collection provided by the said act, may abolish the same and adopt any other system provided by law for the collection of such taxes in cities of the third class.

Referred to the Committee on Counties.

By Mr. O'NEILL. HOUSE BILL No. 2329.

An Act to amend section four hundred and eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws fifteen, one thousand nine hundred and thirty-three and thirty-four), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishing and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with and transactions in such beverages by licenses and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," fixing times for selling and distributing liquor and malt liquors.

Referred to the Committee on Law and Order.

By Mr. HALUSKA. HOUSE BILL No. 2330.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled "An act establishing certain township roads as State Highways authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth, in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. BAINE. HOUSE BILL No. 2331.

An Act making an appropriation to the State Veterans' Commission for the relief of veterans, their widows, children and dependents.

Referred to the Committee on Appropriations.

By Mr. ROAN. HOUSE BILL No. 2332.

An Act to enable city, county, poor, ward, school, borough and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years for the passage of this act.

Referred to the Committee on Municipal Corporations.

By Mr. BURKE. HOUSE BILL No. 2333.

An Act to further amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, seven hundred eighty-nine), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations, or exchanges; providing penalties; and repealing existing laws," by further regulating the licensing and business of insurance agents and brokers; and regulating the licensing and business of insurance solicitors.

Referred to the Committee on Insurance.

By Mr. ROAN. HOUSE BILL No. 2334.

An Act relating to the consolidation of poor districts having territories not co-extensive with counties.

Referred to the Committee on Counties.

By Mr. BURKE. HOUSE BILL No. 2335.

An Act to provide for the entry of security for costs on the part of plaintiffs and garnishees in actions at law or in equity, and exceptants and claimants in the orphan's court in certain cases, and providing penalties for failure to do so.

Referred to the Committee on Judiciary General.

By Mr. BURKE. HOUSE BILL No. 2336.

An Act relating to the admissibility in evidence of the sale price of property in the vicinity of land taken in eminent domain proceedings under certain conditions and regulating procedure for ascertaining these conditions.

Referred to the Committee on Judiciary General.

By Mr. VanSICKLE. (By Request). HOUSE BILL No. 2337.

An Act to amend sections two, four, five, thirteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," changing certain requirements for incorporation; enlarging the scope of membership; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

Referred to the Committee on Banking.

By Mr. VanSICKLE. (By Request). HOUSE BILL No. 2338.

An Act to amend section three of the act approved the twentieth day of April, one thousand nine hundred and twenty-seven (P. L. 322), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks, and trust companies, and certain partnerships," exempting credit unions from the provisions of the act.

Referred to the Committee on Ways and Means.

By Messrs. ROAN and MASON. HOUSE BILL No. 2339.

An Act to amend section thirteen, and section fourteen as amended, of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contribut-

ing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," changing the ages fixed for the retirement of such employes.

Referred to the Committee on Pensions and Gratuities.

By Messrs. MASON and ROAN. HOUSE BILL No. 2340.

An Act to amend section two thousand six hundred and fifteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing that in certain districts the auditors' report need not be entered on the minutes of the board, but merely the fact of the filing thereof.

Referred to the Committee on Education.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2341.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2342.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By. Mr. FLINCHBAUGH. HOUSE BILL No. 2343.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. MASON. HOUSE BILL No. 2344.

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the third class by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation for county purposes, and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts co-terminous therewith, abolishing the office of city assessor in cities of the third class, consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon.

Referred to the Committee on Cities.

By. Mr. FLINCHBAUGH. HOUSE BILL No. 2345.

A Supplement to the act approved the second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement, under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2346.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement, under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. HOLSTROM. HOUSE BILL No. 2347.

An Act making an appropriation to the Boys Haven Incorporated, 644 North Front Street, Allentown, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. HOLSTROM and McDERMOTT.
HOUSE BILL No. 2348.

An Act fixing the liability for the expense of care and treatment of patients in medical and surgical hospitals maintained by the Commonwealth; and providing for the collection of the money due the Commonwealth therefor.

Referred to the Committee on Judiciary General.

By Messrs. HOLSTROM and McDERMOTT.
HOUSE BILL No. 2349.

An Act to establish as a State highway a certain section of public road in the County of Lehigh; and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. HOLSTROM and McDERMOTT,

HOUSE BILL No. 2350.

An Act to amend that portion of section one relating to Lehigh County of the act approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 455), entitled "An act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution," rearranging the legislative districts in Lehigh County.

Referred to the Committee on Legislative Apportionment.

By Mr. ALLEN. HOUSE BILL No. 2351.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2352.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2353.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2354.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2355.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. MOOMAW. HOUSE BILL No. 2356.

An Act requiring the Commonwealth and all of its departments, boards and commissions, all State institutions, all school districts, and all institutions and agencies of every kind that receive appropriations from the State, in making purchases, to give preference to articles produced, manufactured, made, milled or mined in this Commonwealth; regulating bids for contracts; and prescribing penalties.

Referred to the Committee on State Government.

By Mr. MOOMAW. HOUSE BILL No. 2357.

An Act prohibiting public service companies from including charges for appliances or merchandise on statements or invoices for service; and providing for enforcement by the Public Service Commission.

Referred to the Committee on Public Utilities.

By Mr. MOOMAW. HOUSE BILL No. 2358.

An Act amending article thirteen of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by regulating the awarding of contracts for township bridges.

Referred to the Committee on Boroughs and Townships.

By Mr. FALKENSTEIN. HOUSE BILL No. 2359.

An Act providing for the creation of public "Authorities" in counties of the first class; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, and the Emergency Relief Appropriation Act of 1935, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorites" with the right of eminent domain, and with the power of finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

Referred to the Committee on Cities

By Mr. ALLEN. HOUSE BILL No. 2360.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2361.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2362.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2363.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2364.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2365.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2366.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. ALLEN. HOUSE BILL No. 2367.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Bedford.

Referred to the Committee on Highways.

By Mr. BLUMBERG. HOUSE BILL No. 2368.

An Act to provide that the District Attorney shall be ex officio coroner, that he may delegate certain duties to the county sheriff and county prothonotary and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent herewith.

Referred to the Committee on Counties.

By Messrs. McDERMOTT and HOLSTROM.

HOUSE BILL No. 2369.

An Act to further amend section two hundred and fifteen of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," by authorizing directors of the poor of abolished poor districts to levy and collect such additional taxes as may be required to pay all outstanding debts.

Referred to the Committee on Counties.

By Messrs. McDERMOTT and HOLSTROM.

HOUSE BILL No. 2370.

An Act fixing the liability for the expense of care and treatment of patients in tuberculosis sanitoriums maintained by the Commonwealth; and providing for the collection of the moneys due the Commonwealth therefor.

Referred to the Committee on Judiciary General.

By Mr. ALTENBURG. HOUSE BILL No. 2371.

An Act to amend article three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing a retirement system for employes of counties of the third, fourth, fifth, sixth, seventh and eighth classes.

Referred to the Committee on Counties.

By Mr. SPROUL (By Request). HOUSE BILL No. 2372.

An Act supplementing and amending the act, approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 715), entitled "An act relating to reference and arbitration," establishing in counties of the third and fourth class a county board of arbitrators, and prescribing their powers and duties; providing for their compensation and the appointment and compensation of stenographers and clerical assistants, to be paid by the county, together with all costs, expenses and charges incurred by the board; imposing duties on county commissioners; and regulating practice where arbitrators are appointed from the county board of arbitrators.

Referred to the Committee on Counties.

By Mr. DECKER. HOUSE BILL No. 2373.

An Act making an appropriation to the Philipsburg State Hospital, Philipsburg, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2374.

An Act to further amend Section 23 of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 916), entitled "An act defining fraternal benefit socities and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by, the Insurance Commissioner; and repealing existing laws" to require such societies to file with the Insurance Commissioner on or before the first day of March, succeeding the submission of the last preceding annual report, a valuation report of its benefit fund obligations in force.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2375.

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws increasing the requirements for foreign companies to do business

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2376.

An Act to amend sections five hundred six and five hundred seven of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies; Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing procedure in the dissolution and liquidation of companies et cetera, and conferring additional powers and duties upon courts, the Insurance Commissioner and the Attorney General; providing for joint action in case of foreign companies.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2377.

An Act to amend section three hundred and thirteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve ratio.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2378.

An Act to amend sections five and eight of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 916) entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries

from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as Attorney for service of process; providing penalties for any violation of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by, the Insurance Commissioner; and repealing existing laws" to permit such societies to issue certificates of endowment insurance.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2379.

An Act to amend section three hundred and ten of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability.

Referred to the Committee on Insurance.

By Messrs. CAPUTO, NAGEL and REISING.
HOUSE BILL No. 2380.

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation, and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

Referred to the Committee on Banking.

By Messrs. CAPUTO, NAGEL and REISING.
HOUSE BILL No. 2381.

An Act to amend sections one, two, three, four and five of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1215), entitled "An act authorizing the filing of notices of liens for taxes payable to the United States of America and certificates discharging such liens, and to make uniform the law relating thereto," providing for the filing of notices of liens in the office of the recorder of deeds.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY (By Request).
HOUSE BILL No. 2382.

An Act making an appropriation to the Philadelphia College of Law, Incorporated, located at Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. O'NEILL. HOUSE BILL No. 2383.

An act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, and validating the liens of such taxes.

Referred to the Committee on Counties.

By Mr. O'NEILL. HOUSE BILL No. 2384.

An Act to further amend section twenty-one of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred nine), entitled "An act relating to county rates and levies and township rates and levies," by permitting the levy and selling of personal goods and chattels to be done by deputy and providing for the amount of costs and charges for such service.

Referred to the Committee on Counties.

By Mr. MURRIN. HOUSE BILL No. 2385.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 2386.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 2387.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. MURRIN. HOUSE BILL No. 2388.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Referred to the Committee on Highways.

By Mr. FURMAN. HOUSE BILL No. 2389.

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating the Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," authorizing the Delaware River Joint Commission to extend its transportation facilities to certain points in the Commonwealth of Pennsylvania and the State of New Jersey, to operate cars and trains over facilities owned and leased by it and by others, to make agreements for the operation of cars and trains owned by it and by others, and to apply for and accept certain privileges and grants from Federal and State agencies.

Referred to the Committee on Highways.

By Mr. ZIMMERMAN. HOUSE BILL No. 2390.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Bucks.

Referred to the Committee on Highways.

By Mr. RUTH. HOUSE BILL No. 2391.

An Act to amend section two of the act, approved the seventeenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws, two hundred fifty-one), entitled "An act authorizing the sale, assignment, disposition, transfer, and conveyance of the franchises and of the property, real, personal and mixed, of any water or power water companies organized prior to the first day of April, one thousand nine hundred and five, to another water or water power company, also, organized prior to the first day of April, one thousand nine hundred and five; and providing the manner in which said sale and purchase shall be effected," by eliminating the proviso relating to the acceptance of the provisions of the act, approved the thirteenth day of April, one thousand nine hundred five (Pamphlet Laws, one hundred fifty-two).

Referred to the Committee on Public Utilities.

By Messrs. CAPUTO, REISING and NAGEL. HOUSE BILL No. 2392.

An Act creating in counties of the fifth class a board for the assessment and revision of taxes, providing for the appointment of members of such board by the county commissioners, providing for their salaries payable by the county, abolishing existing boards, defining the powers and duties of such board, regulating the assessment of persons, property and occupations for county, borough, town, township, school and poor purposes; authorizing the appointment of subordinate assessors and clerks; providing for their compensation payable by such counties; abolishing the office of ward, borough and township assessors so far as the making of assessments and valuations for taxation is concerned, and providing for the acceptance of this act by cities.

Referred to the Committee on Counties.

By Mr. WESTRICK. HOUSE BILL No. 2393.

An Act to amend section one as amended, sections two and three, sections four and five as amended, and sections six, eight, nine, eleven and twelve of, and to add section fourteen A to, the act, approved the sixth day of May, one thousand nine hundred and twenty-five (P. L. 541), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing, testing, buying, and selling of milk and cream; providing for the examination and appointment of certified testers and the issuing of licenses and making of tests; and providing penalties," further regulating the issuing of permits; prohibiting the taking of unfair and inaccurate samples; requiring licensed testers to keep certain records; prescribing fees for examinations; providing for tests for official inspections and records; further regulating the weighing and testing of milk and cream; providing for notices to parties affected by tests; providing for sales by butterfat test; and empowering the Secretary of Agriculture to adopt rules and regulations.

Referred to the Committee on Agriculture.

By Mr. POWERS. HOUSE BILL No. 2394.

An Act to amend sections five hundred and sixteen, five hundred and thirty-one, five hundred and thirty-five, five hundred and forty, five hundred and forty-five, five hundred and forty-seven, clause one of section nine hundred and five, section one thousand one hundred and forty-one of, and to add section one thousand one hundred and forty-seven to, the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," conferring on supervisors power over streams; changing the minimu, compensation of the secretary-treasurer; further regulating depositories; imposing additional duties on the secretary; fixing the place of meeting of the auditors, and limiting the number of days for the completion of audits; providing that the road tax shall be used for general township purposes; decreasing the minimum widths of certain roads; and providing for records of dedictated roads and streets and for the opening thereof, and the acceptance of roads, streets, lanes and alleys heretofore dedicated.

Referred to the Committee on Boroughs and Townships.

By Mr. RUTH. HOUSE BILL No. 2395.

An Act to repeal the act, approved the twentieth day of May, one thousand nine hundred twenty-one (Pamphlet Laws one thousand ten), entitled "An act authorizing the merger and consolidation of water or water power companies organized prior to the first day of April, one thousand nine hundred and five, and providing the manner in which such merger shall be effected," and its amendment.

Referred to the Committee on Public Utilities.

By Mr. NAGEL (By Request). HOUSE BILL No. 2396.

An Act to amend section five hundred and sixty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, limiting the total amount of school budgets in school districts of the third and fourth class.

Referred to the Committee on Education.

By Mr. McDEVITT. HOUSE BILL No. 2397.

An Act to protect the public health; defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses, and regulating the inspection, maintenance, and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises; defining and regulating the manufacture, sale, and offering for sale of confectionery products; conferring powers on the Department of Agriculture; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2398.

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds Associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws, by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commission and providing penalties for neglecting to furnish the same.

Referred to the Committee on Insurance.

By Mr. BAINE. HOUSE BILL No. 2399.

An Act fixing a uniform fiscal year for counties, boroughs, towns, townships, and certain school and poor districts, and providing such necessary tax, tax auditing and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

Referred to the Committee on Municipal Corporations.

By Mr. ROBERT BOYD. HOUSE BILL No. 2400.

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts, to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor.

Referred to the Committee on Education.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2401.

An Act to amend section twenty-five of the act approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 916), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds colected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examinaton by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violation of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws," as amended, providing penalties for societies violating certain provisions of the act, and authorizing the Insurance Commissioner to deny such societies a license or right to do business in the Commonwealth.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2402.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2403.

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-two (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workman's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies, others than life, for admission to do business in this Commonwealth.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2404.

An Act to further amend Section 17 of the Act approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws 916), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by, the Insurance Commissioner; and repealing existing laws" to require such societies seeking admission to this Commonwealth to file a valuation report.

Referred to the Committee on Insurance.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 2405.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Washington.

Referred to the Committee on Highways.

By Mr. LYNCH. HOUSE BILL No. 2406.

An Act to authorize cities, boroughs, towns and townships and the Commonwealth, its subdivisions and agencies to co-operate with housing authorities and the United States of America by rendering services, conveying or leasing property, and providing for streets, road and other facilities; to require any city located within a housing authority to make an appropriation for the first year's administrative expenses of such authority; and to authorize cities, boroughs, towns and townships located within housing authorities to make grants and lend money to such housing authorities.

Referred to the Committee on Municipal Corporations.

By Mr. FURMAN. HOUSE BILL No. 2407.

An Act establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties

Referred to the Commmittee on Judiciary Special.

By Mr. CONNER. HOUSE BILL No. 2408.

An Act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors or any admixtures thereof; providing for the licensing thereof by and imposing duties upon courts and the Department of Revenue; fixing fees for such licenses; providing penalties, and repealing acts inconsistent herewith.

Referred to the Committee on Law and Order.

By Mr. OMINSKY (By Request). HOUSE BILL No. 2409.

An Act relating to attorneys at law; regulating the admission of persons to said office by prescribing the conditions upon which, and the method by which, law colleges and schools shall be entitled to receive certificates of approval as institutions of learning properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth and the effect thereof upon such law students and upon examining boards or commissions; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act and repealing all acts and parts of acts inconsistent herewith.

Referred to the Committee on Judiciary General.

By Mr. GEO. E. DOWNEY. HOUSE BILL No. 2410.

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities.

Referred to the Committee on Cities.

By Mr. DIEHL. HOUSE BILL No. 2411.

An Act providing for the creation of power districts; prescribing powers and duties of such districts; authorizing such districts to conduct and operate utilities for the production, transmission or distribution of electric energy, and to issue bonds and providing for the payment of such bonds; and imposing duties and conferring powers on certain State officers and The Public Service Commission.

Referred to the Committee on Public Utilities.

By Mr. RUFFENNACH. HOUSE BILL No. 2412.

An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of low income; to provide for the creation of such housing authorities; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property by purchase, gift or eminent domain, and including borrowing money, issuing revenue and credit bonds and other obligations, and giving security therefor; to confer remedies on obligees of housing authorities; to provide that the bonds of the authority shall be legal investments; to provide that housing authorities, their property and securities shall be tax exempt; and imposing duties and conferring powers on certain State officers and boards.

Referred to the Committee on Public Health and Sanitation.

By Mr. AUKERMAN. HOUSE BILL No. 2413.

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management; authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this act; providing for the rights, powers, and duties of the auhority; authorizing and regulating the issuance of bonds by the authority; and providing for the payment of such bonds and the rights of the holders thereof.

Referred to the Committee on Public Utilities.

By Mr. OMINISKY (By Request). HOUSE BILL No. 2414.

An Act to amend sections two hundred and eleven, three hundred and twelve, seven hundred and twelve, and eight hundred and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289) entitled, "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of

this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State Departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by placing the incorporation and regulation of nonprofit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth, and conferring discretionary powers upon the record.

Referred to the Committee on Corporations.

By Mr. STEVENS. HOUSE BILL No. 2415.

An Act providing for the creation and incorporation of improvement authorities at the option of the voters in cities, boroughs, towns and townships; prescribing the powers and duties of such authorities; and authorizing such authorities to engage in the enterprise of furnishing water, sewers and sewage treatment works, gas or electric heat, light or power services to the inhabitants of such cities, boroughs, towns and townships, and to issue bonds, and imposing certain duties upon certain State, county, city, borough, town and township officers.

Referred to the Committee on Municipal Corporations.

By Mr. OMINSKY. HOUSE BILL No. 2416.

An Act to further amend section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses of other buildings devised; the abatement and survival of actions and the substitution of executors and administrators herein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and so generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," by repealing clause (c) and otherwise changing and revising said section.

Referred to the Committee on Judiciary General.

By Mr. MOUL. HOUSE BILL No. 2417.

An Act in exercise of the police power of the State to protect the public health by regulating the buying and selling of meat food animals, the slaughtering of such animals, and the preparation, manufacture, handling, transportation, storage, possession and sale of meats, meat food products, and foods containing meat derived from such animals; prescribing the powers and duties of the Department of Agriculture in the enforcing of this act; providing for license and fees and penalties for violations.

Referred to the Committee on Agriculture.

By Messrs. SHUGARTS and FORREST. HOUSE BILL No. 2418.

An Act to encourage prompt payment of township and borough taxes by requiring treasurers of townships and boroughs to give advance notice to taxpayers when they will become delinquent taxables and to provide for publication of a list of delinquents.

Referred to the Committee on Boroughs and Townships.

By Mr. VanSICKLE. HOUSE BILL No. 2419.

An Act to amend sections six and eight of the act, approved the twelfth day of July, one thousand nine hundred thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, by prohibiting candidates for office from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices.

Referred to the Committee on Elections.

By Mr. McDEVITT. HOUSE BILL No. 2420.

An Act imposing an income tax for school purposes on residents of Pennsylvania including fiduciaries, and on income of non-residents derived from property or business in Pennsylvania, providing for disposition of proceeds of the tax, limiting the local taxes which may be levied by school districts receiving proceeds of income taxes; defining taxable income and requiring filing of returns thereof; providing for the withholding of the tax at source in certain cases, and imposing duties on withholding agents; providing methods and proceedings for determination and collection of the tax and imposition of liens therefor; providing for administration of the act by the Department of Revenue, authorizing that department to make rules and imposing penalties; and making an appropriation for administrative costs.

Referred to the Committee on Ways and Means.

By Mr. CONNER. HOUSE BILL No. 2421.

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections, and their enrollment as members of political parties as a further condition of their right to vote at primaries; abolishing the existing registration commissions in such cities, and requiring the county commissioners of counties in which such cities are situated, or with which such cities are coextensive, to act as a registration commission for such cities; prescribing the powers and duties of citizens, parties, bodies of electors, election officers, city councils, city treasurers, city controllers, police officers, civil service commissions, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registers of vital statistics, and boards of school directors.

Referred to the Committee on Education.

By Messrs. FORREST and VanSICKLE.

HOUSE BILL No. 2422.

An act to amend section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and so generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents," by repealing clause (c) and otherwise changing and revising said section.

Referred to the Committee on Judiciary General.

By Mr. McDEVITT. HOUSE BILL No. 2423.

An Act to amend section one of the act, approved the seventeenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred and twenty-seven), entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit, without the necessity of entering liens for such claims, and repealing existing laws," by extending the right of action conferred thereby to the assignees of cities, boroughs, incorporated towns, and first class townships.

Referred to the Committee on Judiciary General.

By Mr. WHEELER. HOUSE BILL No. 2424.

A Joint Resolution proposing an amendment to section one, article twelve, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. WHEELER. HOUSE BILL No. 2425.

An Act to establish as a State highway a certain section of public roads in the County of Forest, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. WHEELER. HOUSE BILL No. 2426.

An Act fixing the salary of the district attorney in counties of the eighth class.

Referred to the Committee on Counties.

By Mr. CASTOR. HOUSE BILL No. 2427.

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

Referred to the Committee on Cities.

By Messrs. EBERHARTER, GREENSTEIN, ZAPPALA and MELCHIORRE.

HOUSE BILL No. 2436.

An Act to reenact and amend the title and the act approved the third day of May, one thousand nine hundred and thirty-three, (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties, and repealing existing acts," as amended, by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board; eliminating existing retailer's licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses; providing for the licensing of manufacturers of malt and brewed beverages, and for the issue of public service licenses and special permits relating to entertainment by said board; changing license fees, and providing for the disposition thereof; providing for the abatement of nuisances; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale, transportation and traffic in malt and brewed beverages; prescribing penalties and repealing inconsistent acts.

Referred to the Committee on Law and Order.

By Messrs. ACHTERMAN, BLUMBERG, WITKIN and MELCHIORRE.

HOUSE BILL No. 2437.

An Act to reenact and amend the title and the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," by extending the provisions of said act to the manufacture and possession of alcoholic beverages; permitting licensees to sell for consumption off premises; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale and traffic in alcoholic beverages; and prescribing penalties.

Referred to the Committee on Law and Order.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 220. (HOUSE BILL No. 2316).

An Act to amend sections one and two of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" as amended regulating the appointment of registrars and designating the political parties from which such registrars shall be selected

Referred to the Committee on Elections.

SENATE BILL No. 609. (HOUSE BILL No. 2317).

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 616. (HOUSE BILL No. 2428).

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class.

Referred to the Committee on Cities.

SENATE BILL No. 67. (HOUSE BILL No. 2429).

An Act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation.

Referred to the Committee on Elections.

SENATE BILL No. 73. (HOUSE BILL No. 2430).

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box.

Referred to the Committee on Elections.

SENATE BILL No. 340. (HOUSE BILL No. 2431).

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act Number two hundred three) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restriction limiting the obligations of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an apropriation to carry out the provisions of said act" establishing an additional route in the County of Schuylkill-Columbia.

Referred to the Committee on Highways.

SENATE BILL No. 444. (HOUSE BILL No. 2432).

An Act making an appropriation to the American Hospital for Diseases of the Stomach of Philadelphia, Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 520. (HOUSE BILL No. 2433).

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

Referred to the Committee on Military Affairs.

SENATE BILL No. 733. (HOUSE BILL No. 2434).

An Act making an appropriation to the Wills Eye Hospital Philadelphia Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 820. (HOUSE BILL No. 2435).

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and the House of Representatives to investigate matters relating to unemployment relief

Referred to the Committee on Appropriations.

## BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 242.

An Act to amend sections four and fifteen of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law; and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," as amended; changing the qualifications of applicants for examination and registration, and changing violations of the act from misdemeanors to summary proceedings.

SENATE BILL No. 70.

An Act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## SENATE MESSAGE

### RESOUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 17, 1935.

Resolved (if the Senate concur), that House Bill No. 552, Printer's No. 54, entitled "An act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured," be recalled from the Governor for the purpose of amendment.

## LEAVES OF ABSENCE

Mr. SPROUL asked and obtained leave of absence for himself for the balance of the week.

Mr. REYNOLDS asked and obtained leave of absence for himself for the balance of the week.

Mr. SIMON asked and obtained leave of absence for himself for the balance of the week.

Mr. Pfaff asked and obtained leave of absence for Mr. GEORGE E. DOWNEY.

Mr. Finnerty asked and obtained leave of absence for Mr. OMINSKY for the balance of the week.

Mr. Wood asked and obtained leave of absence for Mr. SPANGLER for the balance of the week.

Mr. Carson asked and obtained leave of absence for Mr. STONE for the balance of the week.

## REPORTS FROM COMMITTEES

Mr. MOONEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2015, entitled:

An Act authorizing cities, boroughs and towns to construct, acquire, own, operate and control water-works and gas works and appurtenances thereto, and to sell water and gas both within and without their corporate limits, and conferring the power of eminent domain to acquire property for such purposes.

Mr. SARRAF, from the Committee on Municipal Corporations reported as committed, House Bill No. 2197, entitled:

An Act authorizing cities, boroughs, incorporated towns, townships of the first class and school districts, coextensive with townships of the second class, to incur temporary indebtedness not in excess of the amount due such municipalities or quasi municipalities from the Liquor License Fund.

Mr. FINNERTY, from the Committee on Judiciary Local reported as committed, House Bill No. 1763, entitled:

An Act providing that pawnbrokers shall not sell or dispose of property taken by them as pledge or for storage, until after a certain period of time.

Mr. COAKLEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2188, entitled:

An Act requiring community welfare organizations, federations and associations and community chest organizations to have their accounts and financial affairs audited annually and to furnish copies to contributors on demand; and providing penalties.

Mr. ARNOLD, from the Committee on Agriculture reported as amended, House Bill No. 1641, entitled:

An Act for the protection of producers of farm produce providing for the licensing, bonding and regulation of certain individuals and entities receiving, selling or offering for sale on consignment or on a net return basis within this Commonwealth, farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act, providing for appeals, and prescribing penalties.

Mr. BAINE, from the Committee on Elections reported as amended, House Bill No. 1964, entitled:

An Act to amend section six as amended, and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 819), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for office from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 1628, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2104, entitled:

An Act to amend section two hundred and twenty-three of, and to add sections two hundred and twenty-six and two hundred and twenty-seven to, the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating and changing the law relating thereto;" providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor, the Department of Public Welfare, and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2105, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commisisons shall be determined," by adding thereto section one thousand two hundred and nine; providing for the preparation and furnishing by the Department of Internal Affairs to counties, (except counties of the first class), cities of the third class, boroughs, towns, townships, certain school districts and poor districts, of suitable blank forms for annual budget making and financial report purposes, and requiring the Department to compile comparative statistics therefrom.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2106, entitled:

An Act to amend section five hundred and eleven, and section five hundred and sixty-three, as amended, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by school districts, and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth, the Department of Public Instruction and the Department of Internal Affairs; and requiring a copy of the budget to be filed with the Department of Internal Affairs.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2107, entitled:

An Act to amend sections five hundred forty-seven, eight hundred two, and nine hundred two of, and to add section nine hundred and two A to the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the township, and the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2108, entitled:

An Act to amend section three hundred forty-five as amended, sections three hundred forty-six, three hundred sixty-one, and three hundred sixty-four of, and to add section three hundred seventy, and section three hundred seventy point one to, the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by counties, and the making of an annual budget on form prepared by representatives of the county commissioners, country controllers and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2109, entitled:

An Act to amend sections one thousand and three, one thousand one hundred and seven, one thousand seven hundred and one, and one thousand eight hundred and two of, and to add section one thousand seven hundred and one A to, the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by townships and their agents, and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs; requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs; requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2110, entitled:

An Act to amend sections one thousand and six, and one thousand and thirty-five, as amended, and section one thousand and sixty-two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by boroughs and its agents, and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs; requiring copy of the annual budget to be filed by council with the Department; requiring the auditors or controller to make and file a financial report with the Department; and providing penalties.

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2120, entitled:

An Act to amend sections one thousand eight hundred four, one thousand eight hundred nine, one thousand eight hundred eleven, and one thousand nine hundred four of, and to add section one thousand eight hundred twelve to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" further providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the city and its agents, and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs; requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs; imposing duties upon the director of accounts and finance; and providing penalties.

Mr. HOOPES, from the Committee on Elections, reported as committed, House Bill No. 1057, entitled:

An Act to amend section ten of the act, approved the fifth day of March, one thousand nine hundred and six (P. L. 63), entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," as amended; eliminating the provisions requiring county commissioners to prepare street lists.

Mr. HOLSTROM, from the Committee on Elections, reported as committed, House Bill No. 1357, entitled:

An Act to amend section one, two, three, four, five and seven as amended, and sections eleven and fourteen of, and to add sections seven and one-tenth, seven and two-tenth, and seven and three-tenth to, the act approved the fifth day of March, one thousand nine hundred and six (P. L. 63), entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for the violation of its provisions," providing a system of permanent personal registration for such cities; changing the method of appointing registrars, and imposing additional duties and restrictions on county commissioners and registrars.

Mr. POWERS, from the Committee on Judiciary Local, reported as committed, House Bill No. 1764, entitled:

An Act limiting the rates pawnbrokers are allowed to charge.

Mr. NOTHNAGLE, from the Committee on Municipal Corporations, reported as committed, House Bill No. 2097, entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, executors, administrators, receivers, trustees, removal, closing-out, sale of goods damaged by fire, smoke or water, and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same.

Mr. WOOD, from the Committee on Agriculture reported as amended, House Bill No. 2116, entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred and fifteen, (P. L. 777), entitled "A supplement to an act, entitled 'The Workmen's Compensation Act of 1915,' to exempt domestic servants and agricultural workers from the provisions thereof," removing the exemptions set forth in certain cases.

Mr. HORST, from the Committee on Agriculture reported as committed, House Bill No. 2151, entitled:

An Act relating to the sale, furnishing, delivery, weighing and importation of unmanufactured horse manure for agricultural purposes, including mushroom growing, floriculture, and other intensive forms of agriculture; establishing standards thereof; providing for inspections and test, and the issuing and effect of certificates, by the Department of Agricultural and by inspectors licensed by it; conferring powers and imposing duties on the Department of Agriculture; prescribing penalties; and requiring the payment of fines and other moneys collected into the State Treasury.

Mr. HABBYSHAW, from the Committee on Municipal Corporations reported as committed, House Bill No. 2177, entitled:

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and thirty-five (Act No. 14), entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed, or a prior revival thereof made," providing that certain mortgages shall have priority over such revived municipal claims.

Mr. MOOMAW, from the Committee on Manufactures reported as amended, House Bill No. 419, entitled:

An Act to encourage industry and benefit labor by prohibiting any and all institutions which receive state aid through appropriation or grant of money from the state treasury or which are exonerated from the payment of any taxes by any city borough township or county from manufacturing or producing any printed matter of any description whatsoever for sale to the public in competition with any person co-partnership association or corporation engaged in the business of printing or publishing.

Mr. LONG, from the Committee on Municipal Corporations reported as committed, House Bill No. 1533, entitled:

An Act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon.

Mr. EROE, from the Committee on Municipal Corporations reported as committed, House Bill No. 2098, entitled:

An Act to suspend the laws of this Commonwealth authorizing the collection of local taxes by distress and sale of goods and chattels.

Mr. HOOPES, from the Committee on Elections reported as amended, House Bill No. 1656, (Senate Bill No. 68), entitled:

An Act to amend sections five and nine of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended changing the time for filing nomination papers and the time when the official list of candidates so nominated are sent by the Secretary of the Commonwealth to the respective county commissioners and sheriffs.

Mr. WINNER, from the Committee on Aeronautics reported as committed, House Bill No. 2084, (Senate Bill No. 519), entitled:

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field.

Mr. SIEGEL, from the Committee on Aeronautics, reported as committed, House Bill No. 1491, (Senate Bill No. 261), entitled:

An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airmen and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," by providing that repeals of acts therein contained shall not be construed to revive acts theretofore repealed.

Mr. HABBYSHAW, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1159, (Senate Bill No. 86), entitled:

An Act to amend section one, as reenacted, sections two and three as amended, sections four and five, and section six as amended of the act approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes, through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

Mr. BRADLEY, from the Committee on Corporations, re-reported as committed, House Bill No. 1906, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirteen (P. L. 843), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employes, and prescribing a penalty for noncompliance therewith," by further defining the duty of employers to make reports of injuries received by their employes; requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so; and clarifying the provisions of the act pertaining to the evidential value of such reports.

Mr. SURFACE; from the Committee on Agriculture, reported as amended, House Bill No. 1915, (Senate Bill No. 4), entitled:

An Act to amend the title, section two as amended, section nineteen, and sections twenty-six, twenty-nine, thirty, thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained, and to give notice to the owner thereof; providing for the payment of claims for damages for live stock dying from, or killed because of, rabies, and for certain game birds killed or injured by dogs; providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth, and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs.

Mr. HETRICK, from the Committee on Banking reported as committed, House Bill No. 2135, entitled:

An Act to amend section one of an act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended establishing Saturday half holidays as regards the transaction of banking business.

## HOUSE BILL NO. 88 TAKEN FROM THE TABLE

Mr. HART. Mr. Speaker, I move that House Bill No. 88, Printer's No. 318, entitled

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

which was laid on the table be taken from the table.

The motion was agreed to.

## RECONSIDERATION OF VOTE

Mr. HART. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. HART. Mr. Speaker, I move that the vote by which this bill passed on third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HART. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "equipment" the following: "under certain conditions"

Amend Sec. 1, page 1, line 5, by inserting after the word "Commonwealth" the following: "if authorized and empowered by the proper department or agency of the Federal Government"

Amend Sec. 2, page 2, line 4, by striking out the word "fifty" and inserting in lieu thereof: "one hundred"

Amend Sec. 2, page 2, line 4, by striking out the figures "($50,000)" and inserting in lieu thereof: "($100,000)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 758, as follows:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Personal Registration Act For Boroughs Towns and Townships"

Section 2 Definitions (a) The word "Commission" shall mean the county commissioners of any county acting as a registration commission for the boroughs towns and townships within such county

(b) "Commissioner" shall mean a county commissioner acting as a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidate either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any county although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person resident of a borough or township who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued resident in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth

(m) "Borough" shall include any incorporated town

(n) "Public office" shall mean and include any national state judical county city borough township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioners of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 County Commissioners to Act as Registration Commission For Boroughs and Townships (a) The county commissioners of each county containing one or more boroughs or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permanent form of its proceedings

Section 4 Powers of Commission (a) The commission of any county may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission of any county and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Registrars Inspectors of Registration and Other Employe Powers and Duties (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include registrars who shall be empowered to regis-

ter the qualified electors of the boroughs and townships in such counties and in so doing to administer oaths and affirmations and inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county An election officer may be appointed as a registrar or inspector of registration but no other person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county in counties where a salary board exists and in other counties by the commission

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission shall appoint a chief clerk who may be the chief clerk of the county commissioners who shall have authority to administer oaths and to sign vouchers and who shall receive no extra compensation for such duties

(f) In the case of each borough and township in the county other than the county seat the commission shall appoint the clerk or secretary or other suitable official or any other qualified citizen of such borough or township as a registrar and designate his office as a branch office where persons who claim that they are entitled to be registered as electors of such borough or township may make personal application for such registration during ordinary business hours on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary Such registrars shall receive compensation only on the basis of the number of applications for registration actually received by them and transmitted to the commission

(g) Any inspector of registration on complaint of any person known to him may and when directed by the commission of his county shall

(1) Investigate all questions relating to the registration of electors of the boroughs and townships in such county and for that purpose shall have power to enter and inspect any house dwelling building inn lodginghouse or hotel within such governmental units and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or threin regarding any person or persons residing or claiming to reside thereat or so doing except his certificate of appointment aforesaid

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such boroughs or townships

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such county of the boroughs and townships therein to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest as aforesaid

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carry out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission of such county and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for printing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners and other appropriating authorities of the county shall provide the commission thereof with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its duties

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission of any county by order of such commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to Be Open to Public Inspection The records of each commission and all district registers street lists of voters affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto provided that such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulations for safe-keeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors and the commission shall appoint all such persons as watchers and provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any

place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person and the registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment and provided that not more than one watcher for each party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sections of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the county or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may present at any one time may be limited by the commission to not less than three for each party or body of electors

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Time and Places of Registration Public Notice (a) From and after the first day of June one thousand nine hundred and thirty-five each commission or commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission and at such additional places in the boroughs and townships as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors thereof and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the seventh day of September anything in this section to the contrary notwithstanding and Provided further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district in the boroughs and townships of such county on at least three separate days prior to September eighth (one of them being in August and another in September) and one day in the period beginning September twenty-third and ending October fifth

(b) The county commissioners of each county shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of school directors of each school district shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration provided that such use shall not interfere with instruction for the conduct of which such board of school director shall be responsible

(d) The proper borough or township authorities shall furnish a room or rooms in any borough or township hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration provided that such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least one placard or notice thereof in a conspicuous place in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 17 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the boroughs and townships of each county the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of nineteen

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards in each county

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 18 Manner of Registration (a) Every person in boroughs and townships claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar acting for the borough town or township in which he resides at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be re-

carried in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence if any or other designation of location (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the borough township ward and election district in which the elector resides and to which he may from time to time remove together with his address in each such district and the other data required to be given upon such removal (21) the date of each election and primary at which the elector votes and (22) the signature or initials of the election officers who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit when filed by borough or township the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar shall require him to present the affidavits subscribed in person before a registrar or commissioner of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided and from and after the seventh day of September one thousand nine hundred and thirty-five no such person shall be permitted to vote at any election or primary held in this Commonwealth unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the election district Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district and shall produce such other evidence as may be required to satisfy the registrar or commissioner as to his qualifications as an elector If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 21 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All Persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certified copy thereof before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit that his father was naturalized at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage to a citizen prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number or other designation of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant

is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or equalified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration affidavits shall be placed in exact alphabetical order for each entire borough and township under the jurisdiction of the commission and indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such borough or township and shall not be removed from the office of the commission except upon order of the court of common pleas of the county wherein such borough or township is located

Section 25 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed and the affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open at all times subject to reasonable safeguards rules and regulations to public inspection

Section 26 Removal Notices The Commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number or other designation of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number or other designation of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 27 Transfer of Registration (a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence and if the removal shall have been from one borough or township to another in the same county shall transfer the duplicate registration affidavit to the proper general register

(b) Provided That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advice the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After to Have Fact Recorded (a) at any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar of commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the fifth day preceding any primary any qualified elector of the count including any watcher may petition the commission to cancel the party enrollment of any registered elector of such county who has previously enrolled as a member of a party for the pjurpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the said petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make written application under oath to the commission or a registrar to have such fact entered on his registration affidavit together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance no longer suffers from the disability stated by him or has voted without assistance it shall forthwith cancel on his registration affidavit the entry relating to physical disability which authorized him to have assistance

Section 29 Reports of Deaths from Registrars of Vital Statistics (a) The registrar of vital statistics of every borough and township shall report in writing at least monthly to the registration commission the deaths of residents of such governmental until except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

Section 30 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission in such county and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each year the commission shall send such notices by mail to each elector registered under the provisions of this act in the county

(b) Upon the return by the Post Office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proved his qualifications as an elector

Section 31 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall indicate on a copy or copies of the most recent street list or other record available the anme and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the branch office of the commission in such borough or township on or before a date and hour which the notice shall appoint and which shall be not later than the fifth day preceding the election of primary next ensuing and satisfy the commission or a registrar of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration The shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affilations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers (a) Not later than thirty days prior to each election or primary the commission shall compare and correct the general and district registers

Section 33 Street Lists Posting Distribution Not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district in boroughs and townships a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets or roads and house numbers if any The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission and at the branch office in each borough and township convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Petitions to Strike Off Names At any time not later than the fifth day preceding any election or primary any qualified elector of the borough or township and any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least forty-eight hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 35 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceeding an election or primary the commission shall deliver to the county commissioners of the propery county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 36 Who May Vote at Elections and Primaries Voters Certificate to be signed Challenges Ballot Check List and Voting Check List Use of at Polls (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers

in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certicate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

d Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot accordingly to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his contined residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district

(f) The county commissioners shall cause to be printed for each election district a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

"I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
.....Pennsylvania
Approved .....
Number of stub of ballot issued (or number of admission to voting machines) .....
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder, to be furnished by the county commissioners. After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved, or, in the case of an elector who is unable to write, the notations hereinabove required have been made thereon, one of the election officers who made the comparison shall sign his name or initials thereon, and, if the elector's signature is not readily legible, shall print such elector's name over his signature. After the elector has been admitted to vote, the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder. One such file or binder shall be furnished for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List" and the name of the district and date of the primary or election. The voter's certificates, so bound, shall constitute the voting check list of the district. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list."

(g) The district register hereby provided for shall be used at each election and primary by the election officers in the place of the ballot check-list heretofore required by law

As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting as marked on the voting check list and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The said voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the commission by the judge of election before noon on the day following the election or primary

Section 37 Entry of Information in General Registers Following Election and Primaries Comparison of Signatures (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates has voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indicaton of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

Section 38 Cancellation of Registration Upon Failure to Vote Within Four Years Request For Reinstatement Within three months after the general election held in the year one thousand nine hundred and thirty-eight and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately pereceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years and that his resignation will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a

written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided Provided That the cancellation of the registration of any such elector for failure to vote within a period of four years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 39 Cancellation of Registration Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 40 Appeals to Court (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any county whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusal to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Provided That such appellant shall pay the prothonotary a fee of three dollars for filing such appeal and thereupon any judge of the said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court and proof of notice or the waiver thereof must be filed therein

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary and at the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the said court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The said court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 41 Production of Documents et cetera At Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 42 Subpoenas and Witness Fees (a) Any person filing any petition of any kind aforesaid with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners or other appropriating authority of the county in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas and the commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission and no such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it be issued shall have deposited with the said commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person aforesaid among those witnesses who have appeared in response to subpoenas issued as aforesaid and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission as aforesaid taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas and the accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners or other appropriating authority of the county shall be subject to audit from time to time by the county controller or auditors

Section 43 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or refuses to obey its subpoena duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be

guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars and to undergo an imprisonament of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform his said duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars ($500)

Section 44 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided therein this act shall be in force and take effect from and after the first day of June one thousand nine hundred and thirty-five

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 45 Repeal of Prior Law Proviso (a) The following acts of Assembly and parts of acts and any amendments and supplements thereto hereby repealed absolutely

(1) Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

(2) Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

(3) Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

(4) An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

(5) An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

(6) An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assessors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth one thousand eight hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

(7) An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

(8) Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

(9) An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

(10) An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for violation resides'" approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

(11) An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

(12) An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the date required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

(13) An act entitled "An act fixing the compensation of assessors and registry or assistant assesors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

(14) Section one two three four and six of the act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred thirty-four)

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein.

(1) Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

(2) Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. WEISS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1699, entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," as amended; by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—148

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McHenry, | Shepard, |
| Alexander, | Finnerty, | McKinney, | Shortz, |
| Altenburg, | Fitch, | Melchiorre, | Shugarts, |
| Andrews, | Flanagan, | Mentzer, | Siegel, |
| Arnold, | Flinchbaugh, | Merrell, | Simon, |
| Aukerman, | Furman, | Moomaw, | Simpson, |
| Baine, | Gates, | Mooney, | Sinwell, |
| Baker, F. T., | Gerard, | Moore, | Sloan, |
| Baker, J. J., | Gillette, | Moran, | Smith, J. A., |
| Baldi, | Habbyshaw, | Moul, | Smith, W. G., |
| Barber, | Haberlen, | Muir, | Snyder, F. E., |
| Blumberg, | Haluska, | Murrin, | Snyder, J. L., |
| Boose, | Hamilton, F. P., | Nagel, | Sowers, |
| Boyd, R., | Hamilton, R. S., | Nothnagle, | Sproul, |
| Boyer, | Harkins, | O'Keefe, | Stank, |
| Brancato, | Hartman, | O'Neill, | Stevens, |
| Brennan, | Hefferon, | Panton, | Stewart, |
| Brown, H. S., | Hermansen, | Parks, | Sumney, |
| Brown, J. E., | Hetrick, | Patterson, C., | Surface, |
| Brownfield, | Hindman, | Patterson, J. W., | Trout, |
| Brumbaugh, | Hoffner, | Pearson, | Tumelty, |
| Cannon, | Holstrom, | Perry, | Turner, |
| Caputo, | Hoopes, | Pfaff, | Van Sickle, |
| Carson, | Horst, | Piole, | Walker, |
| Chervenak, | Kelso, | Powers, | Wall, |
| Coakley, | Kinney, | Reising, | Weidemann, |
| Cohen, | Klingler, | Reynolds, | Weiss, |
| Coleman, | Kobelak, | Rhys, | Welliver, |
| Coolahan, | LaRue, | Rinn, | Welsh, |
| Cordier, | Linderman, | Robinson, | Westrick, |
| Davies, | Long, | Ruffennach, | Wickersham, |
| Decker, | Longaker, | Ruth, | Wilson, |
| Diehl, | Lovett, | Sarraf, | Winner, |
| Dilley, | Lynch, | Scanlon, | Wood, |
| Downey, J. J., | Male, | Schrock, | Woodside, |
| Duffort, | Mason, | Schrope, | Yeakel, |
| Eberharter, | McCreary, | Schwab, | Yourishin, |
| Eroe, | McDermott, | Schwartz, | Sarig, |
| Falkenstein, | McDevitt, | Shaw, | |

NAYS—1

Brown, J. E.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1683, entitled:

An Act to amend section six of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "An act regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto;" by exempting hunters and fishers from the licensure provisions of the act under certain circumstances.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1949, entitled:

An Act to further amend section one thousand one of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the Board of Game Commissioners to prescribe by rule or regulation when and for what vermin bounties should be paid, and the amounts thereof within certain limits.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—150

| | | | |
|---|---|---|---|
| Achterman, | Flanagan, | Merrell, | Simon, |
| Alexander, | Flinchbaugh, | Moomaw, | Simpson, |
| Andrews, | Furman, | Mooney, | Sinwell, |
| Arnold, | Gates, | Moore, | Sloan, |
| Baine, | Gerard, | Moran, | Smith, J. A., |
| Baker, J J., | Gillette, | Moul, | Smith, W. G., |
| Baldi, | Habbyshaw, | Muir, | Snyder, F. E., |
| Barnhardt, | Haberlen, | Murrin, | Snyder, J. L., |
| Bernhard, | Hagerty, | Nagel, | Sowers, |
| Boose, | Haluska, | Nothnagle, | Sproul, |
| Boyd, R., | Hamilton, F. P., | O'Keefe, | Stank, |
| Boyer, | Hamilton, R. S., | O'Neill, | Stevens, |
| Brancato, | Hart, | Panton, | Stewart, |
| Brennan, | Hefferon, | Parks, | Stockham, |
| Brown, H. S., | Hermansen, | Patterson, C., | Sumney, |
| Brown, J. E., | Hetrick, | Patterson, J. W., | Surface, |
| Brownfield, | Hoffner, | Pearson, | Trout, |
| Brumbaugh, | Holstrom, | Peters, | Tumelty, |
| Caputo, | Hoopes, | Pfaff, | Turner, |
| Carson, | Horst, | Piole, | Van Allsburg, |
| Castor, | Kelso, | Reising, | Walker, |
| Chervenak, | Kinney, | Reynolds, | Wall, |
| Coakley, | Klingler, | Rhys, | Weidemann, |
| Cohen, | Kobelak, | Roan, | Weiss, |
| Coleman, | LaRue, | Robinson, | Welliver, |
| Coolahan, | Linderman, | Ruffennach, | Welsh, |
| Cordier, | Long, | Ruth, | Westrick, |
| Davies, | Longaker, | Sarraf, | Wickersham, |
| Decker, | Lovett, | Scanlon, | Wilson, |
| Diehl, | Lynch, | Schrock, | Winner, |
| Dilley, | Male, | Schwab, | Wood, |
| Downey, J. J., | Mason, | Schwartz, | Woodside, |
| Duffort, | McCreary, | Shaw, | Yeakel, |
| Eberharter, | McDermott, | Shepard, | Yourishin, |
| Eroe, | McDevitt, | Shortz, | Zappala, |
| Falkenstein, | McKinney, | Shugarts, | Zimmerman, |
| Ferko, | Melchiorre, | Siegel, | Sarig, |
| Fitch, | Mentzer, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1340, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto," empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—150

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McDermott, | Shortz, |
| Alexander, | Falkenstein, | McDevitt, | Shugarts, |
| Altenburg, | Ferko, | McHenry, | Siegel, |
| Andrews, | Finnerty, | McKinney, | Simon, |
| Arnold, | Fitch, | Melchiorre, | Simpson, |
| Aukerman, | Flanagan, | Mentzer, | Sinwell, |
| Baine, | Flinchbaugh, | Merrell, | Sloan, |
| Baker, J J., | Furman, | Moomaw, | Smith, J. A., |
| Baldi, | Gates, | Mooney, | Smith, W. G., |
| Barnhardt, | Gillette, | Moore, | Snyder, F. E., |
| Bernhard, | Habbyshaw, | Moran, | Sproul, |
| Boose, | Haberlen, | Moul, | Stank, |
| Boyd, R., | Hagerty, | Muir, | Stevens, |
| Boyer, | Haluska, | Nagel, | Stewart, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Stockham, |
| Brancato, | Harkins, | O'Keefe, | Sumney, |
| Brennan, | Hart, | O'Neill, | Terry, |
| Brown, J. E., | Hartman, | Panton, | Trout, |
| Brownfield, | Hefferon, | Parks, | Tumelty, |
| Burke, | Hermansen, | Patterson, C., | Turner, |
| Cannon, | Hetrick, | Patterson, J. W., | Van Sickle, |
| Caputo, | Hindman, | Peters, | Walker, |
| Carson, | Hoffner, | Pfaff, | Wall, |
| Castor, | Holstrom, | Piole, | Weidemann, |
| Chervenak, | Hoopes, | Reising, | Welliver, |
| Coakley, | Horst, | Reynolds, | Welsh, |
| Cochran, | Kelder, | Rhys, | Westrick, |
| Cohen, | Kinney, | Rinn, | Wickersham, |
| Coleman, | Klingler, | Roan, | Wilson, |
| Coolahan, | LaRue, | Robinson, | Winner, |
| Cordier, | Linderman, | Ruffennach | Wood, |
| Davies, | Long, | Ruth, | Woodside, |
| Decker, | Longaker, | Sarraf, | Yeakel, |
| Diehl, | Lynch, | Schrock, | Yourishin, |
| Dilley, | Male, | Schwab, | Zappala, |
| Downey, J. J., | Mason, | Shaw, | Zimmerman, |
| Duffort, | McCreary, | Shepard, | Sarig, |
| Eberharter, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1615, entitled:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred and fifty-three) entitled "An act relating to taxation designating the subjects properly and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of these municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—150

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | Mentzer, | Simon, |
| Alexander, | Finnerty, | Merrell, | Sinwell, |
| Altenburg, | Fitch, | Moomaw, | Sloan, |
| Andrews, | Flinchbaugh, | Mooney, | Smith, J. A., |
| Aukerman, | Furman, | Moore, | Smith, W. G., |
| Baine, | Gates, | Moran, | Snyder, F. E., |
| Baker, F. T., | Gillette, | Moul, | Snyder, J. L., |
| Baker, J. J., | Habbyshaw, | Muir, | Sowers, |
| Baldi, | Haberlen, | Murrin, | Stank, |
| Barnhardt, | Hagerty, | Nagel, | Stevens, |
| Bernhard, | Haluska, | Nothnagle, | Stewart, |
| Boose, | Hamilton, F. P., | O'Keefe, | Stockham, |
| Boyd, R., | Harkins, | O'Neill, | Sumney, |
| Bradley, | Hart, | Panton, | Surface, |
| Brancato, | Hartman, | Parks, | Terry, |
| Brennan, | Hefferon, | Patterson, C., | Tronzo, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Trout, |
| Brown, J. E., | Hetrick, | Perry, | Tumelty, |
| Brownfield, | Hindman, | Peters, | Turner, |
| Brumbaugh, | Hoffner, | Pfaff, | Van Allsburg, |
| Cannon, | Hoopes, | Phillips, | Van Sickle, |
| Caputo, | Jackson, | Piole, | Walker, |
| Carson, | Kelder, | Powers, | Wall, |
| Chervenak, | Kelso, | Reynolds, | Weidemanr |
| Cochran, | Kinney, | Rhys, | Weiss, |
| Cohen, | Klingler, | Roan, | Welliver, |
| Coleman, | LaRue, | Robinson, | Welsh, |
| Coolahan, | Linderman, | Ruth, | Westrick, |
| Cordier, | Longaker, | Scanlon, | Wickersham, |
| Davies, | Lovett, | Schrock, | Wilson, |
| Decker, | Lynch, | Schrope, | Winner, |
| Diehl, | Male, | Schwab, | Wood, |
| Dilley, | Mason, | Schwartz, | Woodside, |
| Downey, J. J., | McDermott, | Shaw, | Yeakel, |
| Duffort, | McDevitt, | Shepard, | Zappala, |
| Eberharter, | McHenry, | Shugarts, | Zimmerman, |
| Eroe, | McKinney, | Siegel, | Sarig, |
| Falkenstein, | Melchiorre | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1787, entitled:

An Act to amend section one thousand five hundred three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by transferring from the State Treasurer to the State Workmen's Insurance Board the power and duty of drawing checks on the State Workmen's Insurance Fund.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, when the Chairman of the Republican Steering Committee left this afternoon he advised me that this bill was not to be acted upon this evening.

## BILL POSTPONED

Mr. SHEPARD. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 247, entitled:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—150

| | | | |
|---|---|---|---|
| Achterman, | Gates, | Moore, | Smith, J. A., |
| Alexander, | Gerard, | Moran, | Smith, W. G., |
| Allen, | Gillette, | Moul, | Snyder, F. E., |
| Altenburg, | Habbyshaw, | Murrin, | Snyder, J. L., |
| Andrews, | Haberlen, | Nagel, | Sowers, |
| Arnold, | Hagerty, | Nothnagle, | Sproul, |
| Aukerman, | Haluska, | O'Keefe, | Stank, |
| Baine, | Hamilton, F. P., | O'Neill, | Stevens, |
| Baker, J. J., | Hamilton, R. S., | Panton, | Stewart, |
| Baldi, | Harkins, | Parks, | Stockham, |
| Barnhardt, | Hart, | Patterson, C., | Sumney, |
| Bernhard, | Hermansen, | Patterson, J. W., | Surface, |
| Boose, | Hetrick, | Perry, | Terry, |
| Boyer, | Hindman, | Pfaff, | Trout, |
| Brancato, | Hoffner, | Phillips, | Tumelty, |
| Brown, H. S., | Holstrom, | Piole, | Turner, |
| Brown, J. E., | Hoopes, | Powers, | Van Allsburg, |
| Brownfield, | Horst, | Reising, | Van Sickle, |
| Brumbaugh, | Jackson, | Reynolds, | Walker, |
| Cannon, | Kelder, | Rhys, | Wall, |
| Caputo, | Kelso, | Rinn, | Weidemann, |
| Carson, | Kinney, | Robinson, | Weiss, |
| Chervenak, | Kobelak, | Ruffennach, | Welliver, |
| Coakley, | LaRue, | Ruth, | Welsh, |
| Cohen, | Long, | Sarraf, | Westrick, |
| Coleman, | Lovett, | Schrock, | Wickersham, |
| Cordier, | Lynch, | Schwab, | Wilson, |
| Decker, | Male, | Schwartz, | Winner, |
| Diehl, | Mason, | Shaw, | Wood, |
| Downey, J. J., | McCreary, | Shepard, | Woodside, |
| Duffort, | McDevitt, | Shortz, | Yeakel, |
| Eberharter, | McHenry, | Shugarts, | Yourishin, |
| Finnerty, | Melchiorre, | Simon, | Zappala, |
| Fitch, | Mentzer, | Simpson, | Zimmerman |
| Flinchbaugh, | Moomaw, | Sinwell, | Sarig, |
| Furman, | Mooney, | Sloan, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1476, as follows:

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred three) is hereby further amended to read as follows

Section 40 Number of Fish Which May Be Caught No person except as in this article otherwise provided shall in any one day catch kill or have in possession more than the number of fish hereby designated for the respective species that is to say

(a) Charr or trout of the combined species [twenty] fifteen

(b) White bass rock-bass crappie strawberry or calico bass fifteen

(c) Small or large mouth bass ten

(d) Pike-perch otherwise called wall-eyed pike or Susquehanna salmon ten

(e) Pickerel fifteen

(f) Muscallonge western and northern pike three

(g) Yellow perch twenty-five

(h) Sunfish twenty-five

(i) Catfish twenty-five

(j) Suckers twenty-five

(k) Chubs twenty-five

(l) Fallfish twenty-five

(m) Rockfish or striped-bass five

(n) All other species of fish including bait fish not specifically mentioned in this section except eels fifty

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—152

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDermott, | Shortz, |
| Alexander, | Finnerty, | McElroy, | Shugarts, |
| Allen, | Flanagan, | McHenry, | Siegel, |
| Altenburg, | Flinchbaugh, | McKinney, | Simpson, |
| Andrews, | Furman, | Melchiorre, | Sinwell, |
| Arnold, | Gates, | Mentzer, | Sloan, |
| Aukerman, | Gerard, | Moomaw, | Smith, J. A., |
| Baine, | Habbyshaw, | Mooney, | Smith, W. G., |
| Baker, F. T., | Haberlen, | Moore, | Snyder, F. E., |
| Baker, J. J., | Hagerty, | Moran, | Snyder, J. L., |
| Baldi, | Haluska, | Moul, | Sowers, |
| Barber, | Hamilton, R. S., | Muir, | Sproul, |
| Barnhardt, | Harkins, | Murrin, | Stank, |
| Bernhard, | Hart, | Nagel, | Stevens, |
| Boose, | Hartman, | Nothnagle, | Stewart, |
| Boyer, | Hermansen, | O'Keefe, | Sumney, |
| Bradley, | Hetrick, | O'Neill, | Surface, |
| Brancato, | Hindman, | Patterson, C., | Tahl, |
| Brown, H. S., | Hirsch, | Patterson, J. W., | Trout, |
| Brown, J. E., | Hoffner, | Perry, | Tumelty, |
| Brumbaugh, | Holstrom, | Peters, | Turner, |
| Burke, | Hoopes, | Pfaff, | Van Allsburg, |
| Caputo, | Horst, | Piole, | Van Sickle, |
| Carson, | Jones, | Powers, | Walker, |
| Castor, | Kelder, | Reising, | Weidemann, |
| Chervenak, | Kelso, | Reynolds, | Weiss, |
| Coakley, | Kilroy, | Rhys, | Welliver, |
| Cohen, | Kinney, | Rinn, | Welsh, |
| Coleman, | Klingler, | Roan, | Westrick, |
| Cordier, | Kobelak, | Robinson, | Wilson, |
| Decker, | LaRue, | Ruffennach, | Winner, |
| Diehl, | Linderman, | Ruth, | Wood, |
| Dilley, | Long, | Sarraf, | Woodside, |
| Downey, G. E., | Longaker, | Scanlon, | Yeakel, |
| Downey, J. J., | Lovett, | Schrock, | Yourishin, |
| Eberharter, | Lynch, | Schrope, | Zappala, |
| Eroe, | Male, | Schwab, | Zimmerman, |
| Falkenstein, | Mason, | Shaw, | Sarig, |
| | | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1623, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding a new section providing for the payment over by county officers to the county treasurer of certain unclaimed moneys

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—155

| | | | |
|---|---|---|---|
| Achterman, | Finnerty, | Merrell, | Simon, |
| Alexander, | Fitch, | Moomaw, | Simpson, |
| Altenburg, | Flinchbaugh, | Mooney, | Sinwell, |
| Andrews, | Flynn, | Moran, | Sloan, |
| Arnold, | Furman, | Moul, | Smith, J. A., |
| Aukerman, | Gates, | Muir, | Smith, W. G., |
| Baine, | Gerard, | Murrin, | Snyder, F. E., |
| Baker, F. T., | Habbyshaw, | Nagel, | Snyder, J. L., |
| Baker, J. J., | Haberlen, | Nothnagle, | Sowers, |
| Baldi, | Hagerty, | O'Keefe, | Sproul, |
| Barber, | Hamilton, F. P., | O'Neill, | Stank, |
| Barnhardt, | Hamilton, R. S., | Panton, | Stevens, |
| Bernhard, | Harkins, | Parks, | Stewart, |
| Boose, | Hart, | Patterson, C., | Sumney, |
| Boyd, R., | Hermansen, | Perry, | Surface, |
| Boyer, | Hindman, | Peters, | Terry, |
| Brancato, | Hirsch, | Pfaff, | Tronzo, |
| Brennan, | Holstrom, | Phillips, | Trout, |
| Brown, H. S., | Hoopes, | Piole, | Tumelty, |
| Brown, J. E., | Horst, | Powers, | Turner, |
| Brumbaugh, | Jackson, | Reising, | Van Allsburg, |
| Burke, | Kelder, | Reynolds, | Van Sickle, |
| Cannon, | Kilroy, | Rhys, | Walker, |
| Caputo, | Kinney, | Rinn, | Wall, |
| Castor, | Klingler, | Roan, | Weidemann, |
| Chervenak, | Kobelak, | Robinson, | Weiss, |
| Coakley, | Linderman, | Ruffennach, | Welliver, |
| Cochran, | Long, | Ruth, | Welsh, |
| Cohen, | Lovett, | Sarraf, | Westrick, |
| Coleman, | Lynch, | Scanlon, | Wickersham, |
| Coolahan, | Male, | Schrock, | Wilson, |
| Cordier, | Mason, | Schrope, | Winner, |
| Decker, | McCreary, | Schwab, | Wood, |
| Diehl, | McDermott, | Schwartz, | Yeakel, |
| Dilley, | McDevitt, | Shaw, | Yourishin, |
| Downey, J. J., | McHenry, | Shepard, | Zappala, |
| Duffort, | McKinney, | Shortz, | Zimmerman, |
| Falkenstein, | Melchiorre, | Shugarts, | Sarig, |
| Ferko, | Mentzer, | Siegel, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1426, entitled:

An Act to amend section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing taxation upon either real property or occupations or both

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. Speaker, I would like to have the sponsor of this bill explain it in detail so we will understand it better.

Mr. PETERS. Mr. Speaker and members of the House, this bill is an amendment to the Township Code of Townships of the first class. As the act now reads it is not clear whether the township commissioners may do away with the occupational tax. In my township we wish to do away with it, and to give the commissioners the opportunity of doing away with the occupational tax. This simply makes the act clear that they may do so. It is not an additional tax.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Lynch, | Schrock, |
| Andrews, | Ferko, | Male, | Schrope, |
| Arnold, | Finnerty, | Mason, | Schwab, |
| Aukerman, | Fitch, | McCreary, | Shaw, |
| Baine, | Flanagan, | McDermott, | Shepard, |
| Baker, F. T., | Flinchbaugh, | McDevitt, | Shortz, |
| Baker, J J., | Flynn, | McHenry, | Shugarts, |
| Baldi, | Furman, | McKinney, | Siegel, |
| Barber, | Gates, | Melchiorre, | Simon, |
| Barnhardt, | Gerard, | Mentzer, | Simpson, |
| Bernhard, | Gillette, | Merrell, | Sloan, |
| Boose, | Habbyshaw, | Moomaw, | Smith, J. A., |
| Boyd, R., | Haberlen, | Mooney, | Snyder, F. E., |
| Boyer, | Haluska, | Moore, | Snyder, F. E., |
| Bradley, | Hamilton, F. P., | Moran, | Snyder, J. L., |
| Brancato, | Hamilton, R. S., | Moul, | Sowers, |
| Brennan, | Harkins, | Muir, | Sproul, |
| Brown, H. S., | Hart, | Murrin, | Stank, |
| Brown, J. E., | Hartman, | Nothnagle, | Stevens, |
| Brownfield, | Hermansen, | O'Keefe, | Stockham, |
| Brumbaugh, | Hetrick, | O'Neill, | Sumney, |
| Burke, | Hindman, | Panton, | Surface, |
| Cannon, | Hirsch, | Parks, | Tronzo, |
| Caputo, | Hoffner, | Patterson, C., | Trout, |
| Carson, | Holstrom, | Patterson, J. W., | Tumelty, |
| Chervenak, | Hoopes, | Perry, | Turner, |
| Coakley, | Horst, | Peters, | Van Allsburg, |
| Cohen, | Jackson, | Pfaff, | Walker, |
| Coleman, | Jones, | Phillips, | Wall, |
| Coolahan, | Kelder, | Piole, | Weidemann, |
| Cordier, | Kelso, | Powers, | Weiss, |
| Davies, | Kilroy, | Reising, | Welliver, |
| Decker, | Kinney, | Reynolds, | Welsh, |
| Diehl, | Klingler, | Rhys, | Westrick, |
| Dilley, | Kobelak, | Roan, | Wilson, |
| Downey, J. J., | LaRue, | Robinson, | Wood, |
| Duffort, | Linderman, | Ruth, | Yourishin, |
| Eberharter, | Long, | Sarraf, | Sarig, |
| Eroe, | Lovett, | Scanlon, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1865 as follows:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions of the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" as amended by the act approved the seventeenth day of March one thousand nine hundred and five (P. L. 44) is hereby amended to read as follows

Section 8 In order that the benefits of industrial training may be given to the children in its Soldiers' Orphan Schools the said [commission] board of trustees at its discretion is hereby empowered to extend the time of the discharge of such children from the Soldiers Orphans' Industrial School [for the space of two years after they reach the age of sixteen years] until the end of the school year during which a child reaches the age of nineteen years and for the purpose of this section the school year shall be deemed to commence the first day of September each year

Provided That all acts or parts of acts inconsistent herewith be and the same are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. BERNHARD. Mr. Speaker, and members of the House, ever since the Civil War, Pennsylvania has taken care of and educated the orphans of her veterans. At the present time, Pennsylvania maintains a wonderful home for the orphans of Veterans on the outskirts of a small town called Scotland, in the beautiful Cumberland Valley, just forty-seven miles South of Harrisburg. It is at this home that orphans are prepared to face the world as useful citizens. When the home was established, it was compulsory for the pupils to leave the home at the age of sixteen years, whether they were really prepared or not, to begin a new life. Later on, it was amended so as to make it permissible to remain until they became eighteen years of age. This bill extends the time to nineteen years of age. This will make it possible for these orphans to face the world with an education on a par with our high school education of today. Orphans of World War Veterans are now entering the Home.

You might be asking yourselves the question why I am so interested in this bill to extend the age to nineteen years. Just thirty-four years ago on the 14th day of this month, I was a pupil in this Home and had attained the age of sixteen years. The Superintendent in charge at that time was Captain William Skinner of Fulton County. On that day, he presented me with a suitcase and, if I remember correctly, that suitcase contained several pairs of socks, an extra shirt, and probably several ties. All my belongings were in that suitcase. I immediately secured a position that paid the enormous salary of sixteen dollars per month, but the landlady demanded fifteen dollars of that salary.

I am appealing to you to give the boys and girls in this Home a break by going along one hundred per cent with this bill so as to give them a proper education to face the battle of life.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—164

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shepard, |
| Alexander, | Finnerty, | McDermott, | Shortz, |
| Allen, | Fitch, | McDevitt, | Shugarts, |
| Altenburg, | Flanagan, | McElroy, | Siegel, |
| Andrews, | Flinchbaugh, | McHenry, | Simon, |
| Arnold, | Flynn, | McKinney, | Simpson, |
| Aukerman, | Furman, | Melchiorre, | Sinwell, |
| Baine, | Gates, | Mentzer, | Smith, J. A., |
| Baker, F. T., | Gerard, | Merrell, | Snyder, J. L., |
| Baker, J J., | Gillette, | Moomaw, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Mooney, | Snyder, J. L., |
| Barber, | Haberlen, | Moran, | Sowers, |
| Barnhardt, | Hagerty, | Moul, | Sproul, |
| Bernhard, | Haluska, | Muir, | Stank, |
| Boose, | Hamilton, F. P., | Murrin, | Stevens, |
| Boyd, R., | Hamilton, R. S., | Nagel, | Stewart, |
| Boyer, | Harkins, | Nothnagle, | Stone, |
| Bradley, | Harmuth, | O'Keefe, | Sumney, |
| Brancato, | Hart, | O'Neill, | Surface, |
| Brennan, | Hartman, | Panton, | Terry, |
| Brown, H. S., | Hermansen, | Parks, | Tronzo, |
| Brownfield, | Hetrick, | Patterson, C., | Trout, |
| Brumbaugh, | Hindman, | Pearson, | Tumelty, |
| Burke, | Hirsch, | Perry, | Turner, |
| Cannon, | Holstrum, | Peters, | Van Allsburg, |
| Caputo, | Hoopes, | Phillips, | Van Sickle, |
| Carson, | Horst, | Piole, | Walker, |
| Castor, | Jackson, | Powers, | Wall, |
| Chervenak, | Jones, | Reising, | Weidemann, |
| Coakley, | Kelder, | Reynolds, | Welliver, |
| Cochran, | Kelso, | Rhys, | Welsh, |
| Cohen, | Kilroy, | Rinn, | Westrick, |
| Coleman, | Kinney, | Roan, | Wickersham, |
| Coolahan, | Klingler, | Robinson, | Wilson, |
| Cordier, | Kobelak, | Ruffennach, | Winner, |
| Davies, | LaRue, | Ruth, | Wood, |
| Diehl, | Linderman, | Sarraf, | Woodside, |
| Dilley, | Long, | Scanlon, | Yeakel, |
| Downey, G. E., | Longaker, | Schrock, | Yourishin, |
| Duffort, | Lovett, | Schrope, | Zappala, |
| Eberharter, | Lynch, | Schwab, | Zimmerman, |
| Eroe, | Male, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 898, entitled:

An Act requiring all persons associations copartnerships and corporations conducting any business to have displayed at such business place the names of the owners or the names which the owners are lawfully entitled to use

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker, I would like the sponsor of this bill to explain to the House its provisions.

Mr. WEIDEMANN. Mr. Speaker, we would like to have the right to have the different firms place the name on their business places. We would like to have the

company name placed upon their place of business. John Smith and Company or whatever it is.

Mr. NAGEL. What is the object of having such a bill enacted into law?

Mr. WEIDEMANN. Mr. Speaker and members of the House, the police departments in the state would like to have the right to have the different firms place the name on their place of business so in case any papers are to be served they will know the proper party upon whom to serve the papers.

Mr. NAGEL. Mr. Speaker, does this bill provide that in case it is individuals, half a dozen perhaps in a firm, that all of those names will have to be displayed?

Mr. WEIDEMANN. Mr. Speaker, it does not so long as they have a name, so the proper parties can be served; that is all that is necessary.

Mr. NAGEL. Mr. Speaker, will the sponsor of this bill tell us whether or not there is anything provided in this bill as to the size of the lettering, whether or not if the name of this firm was written on a pastage stamp and place on the front of a building, whether it would fulfill the requirements of the bill?

Mr. WEIDEMANN. Mr. Speaker, it would.

Mr. TUMELTY. Mr. Speaker, may I interrogate the sponsor of this bill?

The SPEAKER. Will the gentleman from Delaware, Mr. Weidemann, permit himself to be interrogated?

Mr. WEIDEMANN. Mr. Speaker, I will.

Mr. TUMELTY. Mr. Speaker, will the sponsor of this bill explain whether every little candy store, or cigar store or shoe store in every little hamlet throughout the state will have to go to the expense of having their name printed on the window?

Mr. WEIDEMANN. Mr. Speaker, we are not representing the painters' association. So long as the name is known and placed some where in the store that is sufficient.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—166

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Male, | Shepard, |
| Alexander, | Ferko, | Mason, | Shortz, |
| Altenburg, | Finnerty | McDermott, | Shugarts, |
| Andrews, | Fitch, | McDevitt, | Siegel, |
| Arnold, | Flanagan, | McHenry, | Simon, |
| Aukerman, | Flinchbaugh, | McKinney, | Simpson, |
| Baine, | Flynn, | Melchiorre, | Sinwell, |
| Baker, F. T., | Furman, | Mentzer, | Sloan, |
| Baker, J. J., | Gates, | Merrell, | Smith, J. A., |
| Baldi, | Gerard, | Moomaw, | Smith, W. G., |
| Barber, | Gillette, | Mooney, | Snyder, F. E., |
| Barnhardt, | Habbyshaw, | Moore, | Snyder, J. L., |
| Bernhard, | Haberlen, | Moran, | Sowers, |
| Boose, | Hagerty, | Moul, | Sproul, |
| Boyd, R., | Haluska, | Muir, | Stank, |
| Boyer, | Hamilton, R. S., | Murrin, | Stevens, |
| Bradley, | Harkins, | Nothnagle, | Stewart, |
| Brancato, | Harmuth, | O'Keefe, | Stockham, |
| Brennan, | Hart, | O'Neill, | Sunney, |
| Brown, H. S., | Hartman, | Panton, | Surface, |
| Brown, J. E., | Hermansen, | Parks, | Tronzo, |
| Brownfield, | Hetrick, | Patterson, C., | Trout, |
| Brumbaugh, | Hindman, | Patterson, J. W., | Turner, |
| Burke, | Hirsch, | Pearson, | Van Allsburg |
| Cannon, | Hoffner, | Perry, | Van Sickle, |
| Caputo, | Holstrom, | Peters, | Walker, |
| Castor, | Hoopes, | Pfaff, | Wall, |
| Chervenak, | Horst, | Phillips, | Weidemann, |
| Coakley, | Jackson, | Piole, | Weiss, |
| Cochran, | Jones, | Powers, | Welliver, |
| Cohen, | Kelder, | Reynolds, | Welsh, |
| Coleman, | Kelso, | Rhys, | Westrick, |
| Coolahan, | Kinney, | Rinn, | Wickersham, |
| Cordier, | Klingler, | Roan, | Wilson, |
| Davies, | Kobelak, | Robinson, | Winner, |
| Decker, | LaRue, | Ruffennach | Wood, |
| Diehl, | Linderman, | Ruth, | Woodside, |
| Dilley, | Long, | Sarraf, | Yeakel, |
| Downey, J. J., | Longaker, | Scanlon, | Yourishin, |
| Duffort, | Lovett, | Schrope, | Zappala, |
| Eberharter, | Lynch, | Schwab, | Zimmerman, |
| Eroe, | | Shaw, | Sarig, |

NAYS—6

| | | |
|---|---|---|
| Carson, | Nagel, | Terry, |
| Hamilton, F. P., | Reising, | Tumelty, |

The majority required by the Constitution having voted ni the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## BILL ON FINAL PASSAGE

Mr. HINDMAN. Mr. Speaker, I desire at this time to call up House Bill No. 306, Printer's No. 379 on page 14 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HINDMAN

The House resumed the consideration on final passage of House Bill No. 306, entitled:

An Act providing for the registration of milk bottles and containers, forbidding refilling, using, selling, purchasing, giving, taking, retaining, destroying, disposing or trafficking in same without the written consent of owners, imposing penalties, fines and imprisonment, providing for issuing process in nature of a search warrant; providing what shall constitute prima facie proof, forbidding defacement, covering up, removing or concealing name, mark or device; defining procedure; providing disposition of fines; providing that appeal will not invalidate conviction for second offence, but that sentence shall await decisions of appeal, providing that the requiring, taking or accepting a deposit shall not be deemed a sale; providing that registration prior to this act entitles registrants to benefits of act, and providing for the transfer of certificates of registration.

## RECONSIDERATION OF VOTE

Mr. HINDMAN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. HINDMAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HINDMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 6, page 5, line 11, by striking out the word "fifty" and insert in lieu thereof: "twenty-five"

Amend Sec. 6, page 5, line 11, by striking out the word "two" and inserting in lieu thereof: "one"

Amend Sec. 6, page 5, line 12, by striking out the words "and fifty"

Amend Sec. 6, page 5, line 13, by striking out the words "not less than"

Amend Sec. 6, page 5, lines 14 and 15, by striking out

the words "nor more than six (6) months or both and to pay the costs of prosecution"

Amend Sec. 6, page 5, line 12, by striking out the word "or" and insert in lieu thereof: "and in default of the payment of such fine and costs

Amend Sec. 6, page 5, line 13, by striking out the words "nor more than six (6) months or both and to pay the costs of prosecution"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 67 entitled

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred and thirty) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—173

| | | | |
|---|---|---|---|
| Achterman, | Finnerty, | McDermott, | Shortz, |
| Alexander, | Fitch, | McDevitt, | Shugarts, |
| Altenburg, | Flanagan, | McHenry, | Siegel, |
| Andrews, | Flinchbaugh, | McKinney, | Simon, |
| Arnold, | Flynn, | Melchiorre, | Simpson, |
| Aukerman, | Furman, | Mentzer, | Sinwell, |
| Baine, | Gates, | Merrell, | Sloan, |
| Baker, F. T., | Gerard, | Moomaw, | Smith, J. A., |
| Baker, J J., | Gillette, | Mooney, | Smith, W. G., |
| Baldi, | Habbyshaw, | Moore, | Snyder, F. E., |
| Barber, | Haberlen, | Moran, | Snyder, J. L., |
| Barnhardt, | Hagerty, | Moul, | Sowers, |
| Bernhard, | Haluska, | Muir, | Sproul, |
| Boose, | Hamilton, F. P., | Murrin, | Stank, |
| Boyd, R., | Hamilton, R. S., | Nagel, | Stevens, |
| Boyer, | Harkins, | Nothnagle, | Stewart, |
| Bradley, | Harmuth, | O'Keefe, | Stockham, |
| Brancato, | Hart, | O'Neill, | Sumney, |
| Brennan, | Hartman, | Panton, | Surface, |
| Brown, H. S., | Hermansen, | Parks, | Terry, |
| Brown, J. E., | Hetrick, | Patterson, C., | Tronzo, |
| Brownfield, | Hindman, | Patterson, J. W., | Trout, |
| Brumbaugh, | Hirsch, | Pearson, | Tumelty, |
| Burke, | Hoffner, | Perry, | Turner, |
| Cannon, | Holstrom, | Peters, | Van Allsburg, |
| Caputo, | Hoopes, | Pfaff, | Van Sickle, |
| Carson, | Horst, | Phillips, | Walker, |
| Castor, | Jackson, | Piole, | Wall, |
| Chervenak, | Jones, | Powers, | Weidemann, |
| Coakley, | Kelder, | Reising, | Weiss, |
| Cohen, | Kelso, | Reynolds, | Welliver, |
| Coleman, | Kinney, | Rhys, | Welsh, |
| Coolahan, | Klingler, | Rinn, | Westrick, |
| Cordier, | Kobelak, | Robinson, | Wickersham |
| Davies, | LaRue, | Ruffennach, | Wilson, |
| Decker, | Linderman, | Ruth, | Winner, |
| Diehl, | Long, | Sarraf, | Wood, |
| Dilley, | Longaker, | Scanlon, | Woodside, |
| Downey, J. J., | Lovett, | Schrock, | Yeakel, |
| Duffort, | Lynch, | Schrope, | Yourishin, |
| Eberharter, | Male, | Schwab, | Zappala, |
| Eroe, | Mason, | Shaw, | Zimmerman, |
| Falkenstein, | McCreary, | Shepard, | Sarig, |
| Ferko, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1885, entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

On the question,

Will the House agree to the bill on third reading?

Mr. STEVENS. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Cleark for information.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 26, by adding at the end of the line after the word "licenses" the following: "nor shall the provisions of this section apply to a person holding a fishing license issued pursuant to the laws of the State of Ohio when fishing by angling in the waters of the Pymatuning Lake or reservoir within the jurisdiction of this State if the persons holding licenses issued pursuant to the provisions of this act when fishing by angling in the waters of said lake within the jurisdiction of the State of Ohio are not required to have Ohio licenses."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1749, as follows:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one as amended of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and

twelve of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 812. Election of Councilmen Where Borough Consolidated Whenever two or more boroughs are consolidated the members of the council of [each of such boroughs] the borough having the largest population shall be members of the council of the new borough from the wards in which they respectively reside and shall hold their office until the expiration of their terms The members of the other borough or boroughs shall determine by lot the councilmen of such borough or boroughs who shall become members of the council of the consolidated borough and the number so determined shall be two less than the number of councilmen from the borough having the largest population The councilmen so selected by lot shall become members of the consolidated borough and shall hold their office until the expiration of their respective terms and the terms of the remaining members of the council or councils of such borough or boroughs shall cease and terminate

In consolidated boroughs divided into wards the number of councilmen in each ward shall be three

At the first municipal election next succeeding consolidation the qualified electors of such borough shall select a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed to serve for a term of four years from the first Monday of January next succeeding their election and where such entire number is seven nine or eleven and where the year in which such officers shall take office is divisible by four then sufficient to constitute three four or five as the case may be and where such year is an even-numbered year not divisible by four then sufficient to constitute four five or six At the second municipal election succeeding such consolidation the remaining number of councilmen to which such consolidated borough is entitled shall be elected to serve for a term of four years from the first Monday of January next succeeding In consolidated boroughs divided into wards the council shall by lot prior to the first municipal election succeeding such consolidation apportion the councilmen to be elected as above provided so that there shall be equal or as nearly equal as possible representation by wards Biennially thereafter at each municipal election a sufficient number of councilmen shall be elected to serve for a term of four years from the first Monday of January next succeeding to fill the places of those whose term shall expire on the first Monday of January next following such election and at the first municipal election after such consolidation also sufficient number for terms of four years each so that each ward will have its full representation of three councilmen unless the number of councilmen in a ward have been reduced as in this act provided

Section two That section eight hundred and twenty-one of the said act as amended by the act approved the eight day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-eight) is hereby amended to read as follows

Section 821. Elections of Burgess When Boroughs Consolidated Whenever two or more boroughs are consolidated the burgess of the borough which shall have the largest population shall be the burgess of the consolidated borough to serve until the expiration of his term [The burgess of the other borough shall become a member of the council of such consolidated borough from the ward in which he resides and shall continue a member thereof until the expiration of his term] The term of the burgess of the other borough shall cease and terminate when the consolidation is effected At the [first] municipal election [for the election of burgess in] preceding the expiration of the term of the burgess of the consolidated borough and quadriennally thereafter a burgess shall be elected in such consolidated borough for a term of four years from the first Monday of January next succeeding such election

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 3, line 24, by striking out the words "Section two".

Amend Sec. 1, page 3, line 25, by striking out the words "That section eight hundred and twenty-one of the said", and inserting in lieu thereof the following: "Section 2. That section eight hundred and twenty-one of the said"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chairs hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1944, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—173

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shugarts, |
| Alexander, | Finnerty, | McDevitt, | Siegel, |
| Altenburg, | Fitch, | McHenry, | Simon, |
| Andrews, | Flanagan, | McKinney, | Simpson, |
| Arnold, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Aukerman, | Flynn, | Mentzer, | Sloan, |
| Baine, | Furman, | Merrell, | Smith, J. A., |
| Baker, F. T., | Gates, | Moomaw, | Smith, W. G., |
| Baker, J. J., | Gerard, | Mooney, | Snyder, F. E., |
| Baldi, | Gillette, | Moore, | Snyder, J. L., |
| Barber, | Habbyshaw, | Moran, | Sowers, |
| Barnhardt, | Haberlen, | Moul, | Sproul, |
| Bernhard, | Hagerty, | Muir, | Stank, |
| Boose, | Haluska, | Murrin, | Stevens, |
| Boyd, R., | Hamilton, F. P., | Nagel, | Stewart, |
| Boyer, | Hamilton, R. S. | Nothnagle, | Stockham, |
| Bradley, | Harkins, | O'Keefe, | Sumney, |
| Brancato, | Harmuth, | O'Neill, | Surface, |
| Brennan, | Hart, | Panton, | Terry, |
| Brown, H. S., | Hartman, | Parks, | Tronzo, |
| Brown, J. E., | Hermansen, | Patterson, C., | Trout, |
| Brownfield, | Hetrick, | Patterson, J. W., | Tumelty, |
| Brumbaugh, | Hindman, | Pearson, | Turner, |
| Burke, | Hirsch, | Perry, | Van Allsburg, |
| Cannon, | Hoffner, | Peters, | Van Sickle, |
| Caputo, | Hoopes, | Pfaff, | Walker, |
| Carson, | Horst, | Phillips, | Wall, |
| Castor, | Jackson, | Piole, | Weidemann, |
| Chervenak, | Jones, | Powers, | Weiss, |
| Coakley, | Kelder, | Reising, | Welliver, |
| Cohen, | Kelso, | Reynolds, | Welsh, |
| Coleman, | Kinney, | Rhys, | Westrick, |
| Coolahan, | Klingler, | Rinn, | Wickersham, |
| Cordier, | Kobelak, | Robinson, | Wilson, |
| Davies, | LaRue, | Ruffennach, | Winner, |
| Decker, | Linderman, | Ruth, | Wood, |
| Diehl, | Long, | Sarraf, | Woodside, |
| Dilley, | Longaker, | Scanlon, | Yeakel, |
| Downey, J. J., | Lovett, | Schrock, | Yourishin, |
| Duffort, | Lynch, | Schrope, | Zappala, |
| Eberharter, | Male, | Shaw, | Zimmerman, |
| Eroe, | Mason, | Shepard, | Sarig, |
| Falkenstein, | | Shortz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1566, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-nine) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—173

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McCreary, | Shortz, |
| Alexander, | Finnerty, | McDermott, | Shugarts, |
| Altenburg, | Fitch, | McHenry, | Siegel, |
| Andrews, | Flanagan, | McKinney, | Simon, |
| Arnold, | Flinchbaugh, | Melchiorre, | Simpson, |
| Aukerman, | Furman, | Mentzer, | Sloan, |
| Baine, | Gerard, | Merrell, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moomaw, | Smith, W. G., |
| Baker, J J., | Gillette, | Mooney, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Moore, | Snyder, J. L., |
| Barber, | Haberlen, | Moran, | Sowers, |
| Barnhardt, | Hagerty, | Moul, | Sproul. |
| Bernhard, | Haluska, | Muir, | Stank, |
| Boose, | Hamilton, F. P., | Murrin, | Stevens, |
| Boyd, R., | Hamilton, R. S., | Nagel, | Stewart, |
| Boyer, | Harkins, | Nothnagle, | Stockham, |
| Bradley, | Harmuth, | O'Keefe, | Sumney, |
| Brancato, | Hart, | O'Neill, | Surface, |
| Brennan, | Hartman, | Panton, | Terry, |
| Brown, H. S., | Hermansen, | Parks, | Tronzo, |
| Brown, J. E., | Hetrick, | Patterson, C., | Trout, |
| Brownfield, | Hindman, | Patterson, J. W., | Tumelty, |
| Brumbaugh, | Hirsch, | Pearson, | Turner, |
| Burke, | Hoffner, | Perry, | Van Allsburg, |
| Cannon, | Holstrom, | Peters, | Van Sickle, |
| Caputo, | Hoopes, | Pfaff, | Walker, |
| Carson, | Horst, | Phillips, | Wall, |
| Castor, | Jackson, | Piole, | Weidemann, |
| Chervenak, | Jones, | Powers, | Weiss, |
| Coakley, | Kelder, | Reising, | Welliver, |
| Cohen, | Kelso, | Reynolds, | Welsh, |
| Coleman, | Kilroy, | Rhys, | Westrick, |
| Coolahan, | Kinney, | Rinn, | Wickersham, |
| Cordier, | Klingler, | Robinson, | Wilson, |
| Davies, | Kobelak, | Ruffennach, | Winner, |
| Decker, | LaRue, | Ruth, | Wood, |
| Diehl, | Linderman, | Sarraf, | Woodside, |
| Dilley, | Long, | Scanlon, | Yeakel, |
| Downey, J. J., | Longaker, | Schrock, | Yourishin, |
| Duffort, | Lovett, | Schrope, | Zappala. |
| Eberharter, | Lynch, | Schwab, | Zimmerman, |
| Eroe, | Male, | Shaw, | Sarig, |
| Falkenstein, | Mason, | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1565, entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," by requiring records of poor districts to be open to inspection.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—173

| | | | |
|---|---|---|---|
| Achterman, | Flinchbaugh, | McHenry, | Shugarts, |
| Altenburg, | Flynn, | McKinney, | Siegel, |
| Altenburg, | Furman, | Melchiorre, | Simon, |
| Andrews, | Gates, | Mentzer, | Simpson, |
| Arnold, | Gerard, | Merrell, | Sinwell, |
| Aukerman, | Gillette, | Moomaw, | Sloan, |
| Baine, | Habbyshaw, | Mooney, | Smith, J. A., |
| Baker, J J., | Haberlen, | Moore, | Smith, W. G., |
| Baldi, | Hagerty, | Moran, | Snyder, F. E., |
| Barber, | Haluska, | Moul, | Snyder, J. L., |
| Barnhardt, | Hamilton, F. P., | Muir, | Sowers, |
| Bernhard, | Hamilton, R. S., | Murrin, | Sproul, |
| Boose, | Harkins, | Nothnagle, | Stank, |
| Boyd, R., | Harmuth, | Nothnagle, | Stevens, |
| Boyer, | Hart, | O'Keefe, | [illegible] |
| Bradley, | Hartman, | O'Neill, | [illegible] |
| Brancato, | Hermansen, | Panton, | [illegible] |
| Brennan, | Hetrick, | Parks, | [illegible] |
| Brown, H. S., | Hindman, | Patterson, C., | [illegible] |
| Brown, J. E., | Hirsch, | Patterson, J. W., | [illegible] |
| Brownfield, | Hoffner, | Pearson, | [illegible] |
| Brumbaugh, | Holstrom, | Perry, | Tumelty, |
| Burke, | Hoopes, | Peters, | Turner, |
| Cannon, | Horst, | Pfaff, | Van Allsburg, |
| Caputo, | Jackson, | Phillips, | Van Sickle, |
| Carson, | Jones, | Piole, | Walker, |
| Chervenak, | Kelder, | Powers, | Wall, |
| Coakley, | Kelso, | Reising, | Weidemann, |
| Cohen, | Kinney, | Reynolds, | Weiss, |
| Coleman, | Klingler, | Rhys, | Welliver, |
| Coolahan, | Kobelak, | Rinn, | Welsh, |
| Cordier, | LaRue, | Robinson, | Westrick, |
| Davies, | Linderman, | Ruffennach, | Wickersham, |
| Decker, | Long, | Ruth, | Wilson, |
| Diehl, | Longaker, | Sarraf, | Winner, |
| Dilley, | Lovett, | Scanlon, | Wood, |
| Downey, J. J., | Lynch, | Schrock, | Woodside, |
| Duffort, | Male, | Schrope, | Yeakel, |
| Eberharter, | Mason, | Schwab, | Yourishin, |
| Eroe, | McCreary, | Shaw, | Zappala, |
| Falkenstein, | McDermott, | Shepard, | Zimmerman, |
| Fitch, | McDevitt, | Shortz, | Sarig, |
| Flanagan, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to third reading and consideration of House Bill No. 893, entitled:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities boroughs towns and townships who are injured in or taken sick as a result of the performance of their duty and providing that absence during such injury or sickness shall not reduce any usual sick leave period

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. EROE. Mr. Speaker and members of the House, on the calendar this bill reads "Who are injured in or taken sick". I wish to call the attention of the House to the fact that this bill was amended and this clause stricken out. It only applies to injuries.

Mr. TURNER. Mr. Speaker, the bill now before the House is one of those which the chairman of the Republican Steering Committee advised me would not be called up this evening, therefore I would like to ask the gentleman from Lawrence if he will not place this bill upon the postponed calendar?

Mr. EROE. Mr. Speaker, there never was any such agreement made by me, and I see no reason to postpone this bill.

The SPEAKER. The Chair was informed and was present when it was agreed before the evening session that we would not bring up controversial bills, so if the gentleman from Lawrence, Mr. Eroe, is agreeable the Chair would like to suggest that the bill be placed on the postponed calendar, because quite a few members are absent at the present time.

## BILL POSTPONED

Mr. EROE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1005, as follows:

An Act requiring tax collectors to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all tax collectors before depositing any tax moneys in any banks banking institutions or trust companies shall secure from such depositories a bond or bonds to secure payment of the deposits of such tax moneys secured by a surety company authorized to transact business within the Commonwealth or in lieu of such surety bond or bonds the deposit of tax funds may be secured by the deposit with any bank or trust company other than the depository within the Commonwealth which may be agreed upon of bonds or other interest bearing obligations of the United States of the Commonwealth of Pennsylvania or of bonds of any city borough township or school district of the Commonwealth of Pennsylvania the total amount of such bonds or obligations thus deposited measured by their actual market value shall be equal at all times to one hundred twenty per centum of the amount of the deposits All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer and in the event of the failure of the depository to pay the full amount of such deposits such bonds and the proceeds of the sale thereof shall belong to the tax collector until he shall receive from the depository the full amount of the deposit made by him Provided That any such tax moneys may be insured with the Federal Deposit Insurance Corporation or any other corporation hereafter organized by the United States for the purpose of insuring deposits up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name and when so insured the tax collector shall not require such banking institution to furnish additional bond insurance or security to cover the amount of such deposits so insured

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MOUL. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Delaware, Mr. Weidemann, permit himself to be interrogated?

Mr. WEIDEMANN. Mr. Speaker, I will.

Mr. MOUL. Mr. Speaker, I am entirely in sympathy with the idea of this bill. However, I question whether we will be able to carry it out in case it becomes a law. This bill requires a tax collector to receive either a depository bond from the bank that has tax money on deposit, or that that tax money be placed in another bank and United States Treasury bonds be taken therefor. At the present time it is rather difficult to secure such a thing as a depositary bond. This bill would require that the tax money be placed in the bank, and if that bank would place that money in a neighboring bank and that bank placed treasury bonds in the neighboring bank, what would be the effect of this law if the bank would refuse to take the money from the tax collector?

Mr. WEIDEMANN. Mr. Speaker, this is one of the State township commissioners' bills, and they claim that they do feel that this man would have the right to be responsible for the tax collectors' money. It is the township commissioners' bill, and as I understand it, the money collected by the tax collector, who in first class townships is also the treasurer; that the commissioners feel that they should be responsible for the township's money, leaving it up to the tax collector to furnish a sufficient bond for the tax collector's portion of the money. Is that clear?

Mr. MAUL. Mr. Speaker, the real difficulty at the present time is with the tax collector and again the matter of the depository bond is completely eliminated at the present time.

Mr. WEIDEMANN. Mr. Speaker, the only trouble is that the tax collector's money happens to be a portion of the township's, a portion of the county's and a portion of the school board's and the townships are not planning for the entire amount.

Mr. MOUL. Mr. Speaker, would it not be better that the township have authority to designate the depositary?

Mr. WEIDEMANN. It would in some cases, but they have found through the state they have had trouble in doing that.

Mr. MOUL. Mr. Speaker, what would be the effect if the bank refused to take it? The bank wouldn't gain anything by doing it and if they refused to take it, it would actually be a loss to them.

Mr. WEIDEMANN. Mr. Speaker, it would be up to the tax collector then to furnish a bond to satisfy the township commission.

On the question recurring,

Shall the bill pass finally?

YEAS—165

| | | | |
|---|---|---|---|
| Achterman, | Finnerty, | Male, | Schwartz, |
| Alexander, | Fitch, | Mason, | Shepard, |
| Altenburg, | Flanagan, | McCreary, | Shortz, |
| Arnold, | Flinchbaugh, | McDermott, | Shreiner, |
| Aukerman, | Flynn, | McDevitt, | Shugarts, |
| Baine, | Furman, | McHenry, | Siegel, |
| Baker, F. T., | Gates, | McKinney, | Simon, |
| Baker, J. J., | Gerard, | Melchiorre, | Simpson, |
| Baldi, | Gillette, | Mentzer, | Sinwell, |
| Barber, | Habbyshaw, | Merrell, | Smith, J. A., |
| Barnhardt, | Haberlen, | Moomaw, | Smith, W. G., |
| Bernhard, | Hagerty, | Mooney, | Snyder, F. E., |
| Boyd, R., | Haluska, | Moore, | Snyder, J. L., |
| Boyer, | Hamilton, F. P., | Moran, | Sowers, |
| Bradley, | Hamilton, R. S., | Muir, | Sproul, |
| Brancato, | Harkins, | Nagel, | Stank, |
| Brennan, | Harmuth, | Nothnagle, | Stevens, |
| Brown, H. S., | Hart, | O'Keefe, | Stewart, |
| Brown, J. E., | Hartman, | O'Neill, | Stockham, |
| Brownfield, | Hefferon, | Panton, | Sumney, |
| Brumbaugh, | Hermansen, | Parks, | Surface, |
| Burke, | Hetrick, | Patterson, C., | Terry, |
| Cannon, | Hindman, | Patterson, J. W., | Tronzo, |
| Caputo, | Hirsch, | Pearson, | Trout, |
| Carson, | Hoffner, | Perry, | Tumelty, |
| Castor, | Holstrom, | Peters, | Turner, |
| Chervenak, | Hoopes, | Pfaff, | Van Allsburg, |
| Coakley, | Horst, | Phillips, | Walker, |
| Cochran, | Jackson, | Piole, | Wall, |
| Cohen, | Jones, | Powers, | Weidemann, |
| Coleman, | Kelder, | Reynolds, | Weiss, |
| Coolahan, | Kelso, | Rhys, | White, |
| Cordier, | Kilroy, | Rinn, | Wickersham, |
| Davies, | Kinney, | Robinson, | Wilson, |
| Decker, | Klingler, | Root, | Winner, |
| Diehl, | Kobelak, | Ruffennach, | Wood, |
| Dilley, | LaRue, | Ruth, | Woodside, |
| Downey, J. J., | Linderman, | Sarraf, | Yeakel, |
| Duffort, | Long, | Scanlon, | Yourishin, |
| Eberharter, | Longaker, | Schrock, | Zappala, |
| Eroe, | Lovett, | Schrope, | Zimmerman, |
| Falkenstein, | Lynch, | Schwab, | Sarig, |
| Ferko, | | | |

NAYS—11

| | | | |
|---|---|---|---|
| Allen, | Moul, | Shaw, | Welsh, |
| Andrews, | Murrin, | Van Sickle, | Westrick, |
| Boose, | Reising, | Welliver, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1613, as follows:

An Act to further amend clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing persons employed in the work of reporting and compiling the legislative journal to become members of said retirement system and opening the system further for original members

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses six and nine of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one and two of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred nineteen) are hereby further amended to read as follows

6 "State employe" shall mean any person holding a State office under the Commonwealth of Pennsylvania or employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session as well as all persons employed by the Commonwealth in the work of reporting and compiling the legislative journal

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred and twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred and [thirty-one] thirty-five

Any such State employe who shall become an original member of the association after the approval of this

amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred and thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed

Section 2 Section three of said act as last amended by section two of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred forty-four) is hereby further amended to read as follows

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsequent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first twelve months of employment as a State employe have the option of membership but after the first twelve months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative department nor the members of any independent administrative board or commission or of any departmental administrative board or commission or of anv advisory board or commission nor the secretary to the Governor nor the budget secretary nor any person employed in the work of reporting and compiling the legislative journal nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass nally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shortz, |
| Alexander, | Finnerty, | McHenry, | Shugarts, |
| Allen, | Fitch, | McKinney, | Siegel, |
| Altenburg, | Flanagan, | Melchiorre, | Simon, |
| Andrews, | Flinchbaugh, | Mentzer, | Simpson, |
| Arnold, | Flynn, | Merrell, | Sinwell, |
| Aukerman, | Furman, | Moomaw, | Sloan, |
| Baine, | Gates, | Mooney, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moore, | Smith, W. G., |
| Baker, J J., | Gillette, | Moran, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Moul, | Snyder, J. L., |
| Barber, | Haberlen, | Muir, | Sowers, |
| Barnhardt, | Hagerty, | Murrin, | Sproul, |
| Bernhard, | Haluska, | Nagel, | Stank, |
| Boose, | Hamilton, F. P., | Nothnagle, | Stevens, |
| Boyd, R., | Hamilton, R. S., | O'Keefe, | Stewart, |
| Boyer, | Harkins, | O'Neill, | Stockham, |
| Bradley, | Hart, | Panton, | Sumney, |
| Brancato, | Hartman, | Parks, | Surface, |
| Brennan, | Hefferon, | Patterson, C., | Terry, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Tronzo, |
| Brown, J. E., | Hetrick, | Pearson, | Trout, |
| Brownfield, | Hindman, | Perry, | Tumelty, |
| Brumbaugh, | Hoffner, | Peters, | Turner, |
| Burke, | Holstrom, | Pfaff, | Van Allsburg, |
| Cannon, | Hoopes, | Phillips, | Van Sickle, |
| Caputo, | Horst, | Piole, | Walker, |
| Carson, | Jackson, | Powers, | Wall, |
| Castor, | Jones, | Reising, | Weidemann, |
| Chervenak, | Kelder, | Reynolds, | Weiss, |
| Coakley, | Kelso, | Rhys, | Welliver, |
| Cohen, | Kinney, | Rinn, | Welsh, |
| Coleman, | Klingler, | Roan, | Westrick, |
| Coolahan, | Kobelak, | Robinson, | Wickersham, |
| Cordier, | LaRue, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Winner, |
| Decker, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Scanlon, | Woodside, |
| Dilley, | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mason, | Schwartz, | Zimmerman, |
| Eroe, | McCreary, | Shaw, | Sarig, |
| Falkenstein, | McDermott, | Shepard, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL ON FINAL PASSAGE

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time House Bill No. 1119, Printer's No. 404 on page 15 of today's calendar bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WOODSIDE.

The House resumed the consideration on final passage of House Bill No. 1119, entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred fifty-one) entitled "An act relating to roads highways and bridges" decreasing minimum widths of certain roads.

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. Speaker, I would like to have the sponsor of this bill explain it.

Mr. WOODSIDE. Mr. Speaker and members of the House, under the present law it is impossible to open any street or have any street or any road of any type taken over by the township supervisors unless that road is thirty-three feet in width. That provision is perfectly proper and I think should exist as to all main public highways. However, in some of the townships there are built-up sections in which there is a road which is commonly known in boroughs as an alley. The township supervisors are perfectly willing to take over and maintain these alleys if they have authority under the law to do so. They do not have that authority if that alley is less than thirty-three feet in width. There is no necessity for that alley to be thirty-three feet in width, and to open an alley thirty-three feet in width in many instances would involve the taking of garages or property on both sides and create considerable damage. I have in mind a particular instance in which there are a number of houses located along the state highway. They have been paying road taxes for a number of years yet not one cent has ever been spent on any road near their property. They have in the rear of their property an alley which they maintain and must maintain themselves. This bill makes it possible in cases like that for the township supervisor

to take over this alley. As I understand it, the township supervisors are in favor of this bill and satisfield to have it enacted into law.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were atken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shortz, |
| Alexander, | Finnerty, | McHenry, | Shugarts, |
| Allen, | Fitch, | McKinney, | Siegel, |
| Altenburg, | Flanagan, | Melchiorre, | Simon, |
| Andrews, | Flinchbaugh, | Mentzer, | Simpson, |
| Arnold, | Flynn, | Merrell, | Sinwell, |
| Aukerman, | Furman, | Moomaw, | Sloan, |
| Baine, | Gates, | Mooney, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moore, | Smith, W. G., |
| Baker, J J., | Gillette, | Moran, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Moul, | Snyder, J. L., |
| Barber, | Haberlen, | Muir, | Sowers, |
| Barnhardt, | Hagerty, | Murrin, | Sproul, |
| Bernhard, | Haluska, | Nagel, | Stank, |
| Boose, | Hamilton, F. P., | Nothnagle, | Stevens, |
| Boyd, R., | Hamilton, R. S., | O'Keefe, | Stewart, |
| Boyer, | Harkins, | O'Neill, | Stockham, |
| Bradley, | Hart, | Panton, | Sumney, |
| Brancato, | Hartman, | Parks, | Surface, |
| Brennan, | Hefferon, | Patterson, C., | Terry, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Tronzo, |
| Brown, J. E., | Hetrick, | Pearson, | Trout, |
| Brownfield, | Hindman, | Perry, | Tumelty, |
| Brumbaugh, | Hoffner, | Peters, | Turner, |
| Burke, | Holstrom, | Pfaff, | Van Allsburg, |
| Cannon, | Hoopes, | Phillips, | Van Sickle, |
| Caputo, | Horst, | Piole, | Walker, |
| Carson, | Jackson, | Powers, | Wall, |
| Castor, | Jones, | Reising, | Weidemann, |
| Chervenak, | Kelder, | Reynolds, | Weiss, |
| Coakley, | Kelso, | Rhys, | Welliver, |
| Cohen, | Kinney, | Rinn, | Welsh, |
| Coleman, | Klingler, | Roan, | Westrick, |
| Coolahan, | Kobelak, | Robinson, | Wickersham, |
| Cordier, | LaRue, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Winner, |
| Decker, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Scanlon, | Woodside, |
| Dilley, | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mason, | Shaw, | Zimmerman, |
| Eroe, | McCreary, | Shepard, | Sarig, |
| Falkenstein, | McDermott, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 932, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. ANDREWS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1423, entitled

An Act to further amend article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing therein authority for appropriation to fire companies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were atken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shortz, |
| Alexander, | Finnerty, | McHenry, | Shugarts, |
| Allen, | Fitch, | McKinney, | Siegel, |
| Altenburg, | Flanagan, | Melchiorre, | Simon, |
| Andrews, | Flinchbaugh, | Mentzer, | Simpson, |
| Arnold, | Flynn, | Merrell, | Sinwell, |
| Aukerman, | Furman, | Moomaw, | Sloan, |
| Baine, | Gates, | Mooney, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moore, | Smith, W. G., |
| Baker, J J., | Gillette, | Moran, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Moul, | Snyder, J. L., |
| Barber, | Haberlen, | Muir, | Sowers, |
| Barnhardt, | Hagerty, | Murrin, | Sproul, |
| Bernhard, | Haluska, | Nagel, | Stank, |
| Boose, | Hamilton, F. P., | Nothnagle, | Stevens, |
| Boyd, R., | Hamilton, R. S., | O'Keefe, | Stewart, |
| Boyer, | Harkins, | O'Neill, | Stockham, |
| Bradley, | Hart, | Panton, | Sumney, |
| Brancato, | Hartman, | Parks, | Surface, |
| Brennan, | Hefferon, | Patterson, C., | Terry, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Tronzo, |
| Brown, J. E., | Hetrick, | Pearson, | Trout, |
| Brownfield, | Hindman, | Perry, | Tumelty, |
| Brumbaugh, | Hoffner, | Peters, | Turner, |
| Burke, | Holstrom, | Pfaff, | Van Allsburg, |
| Cannon, | Hoopes, | Phillips, | Van Sickle, |
| Caputo, | Horst, | Piole, | Walker, |
| Carson, | Jackson, | Powers, | Wall, |
| Castor, | Jones, | Reising, | Weidemann, |
| Chervenak, | Kelder, | Reynolds, | Weiss, |
| Coakley, | Kelso, | Rhys, | Welliver, |
| Cohen, | Kinney, | Rinn, | Welsh, |
| Coleman, | Klingler, | Roan, | Westrick, |
| Coolahan, | Kobelak, | Robinson, | Wickersham, |
| Cordier, | LaRue, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Winner, |
| Decker, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Scanlon, | Woodside, |
| Dilley, | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mason, | Shaw, | Zimmerman, |
| Eroe, | McCreary, | Shepard, | Sarig, |
| Falkenstein, | McDermott, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1233, entitled

An Act requiring street cars to be equipped with caution lights

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were atken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shepard, |
| Alexander, | Finnerty, | McElroy, | Shortz, |
| Allen, | Fitch, | McHenry, | Shugarts, |
| Altenburg, | Flanagan, | McKinney, | Siegel, |
| Andrews, | Flinchbaugh, | Melchiorre, | Simon, |
| Arnold, | Flynn, | Mentzer, | Simpson, |
| Aukerman, | Furman, | Merrell, | Sinwell, |
| Baine, | Gates, | Moomaw, | Sloan, |
| Baker, F. T., | Gerard, | Mooney, | Smith, J. A., |
| Baker, J J., | Gillette, | Moore, | Smith, W. G., |
| Baldi, | Habbyshaw, | Moran, | Snyder, F. E., |
| Barber, | Haberlen, | Moul, | Snyder, J. L., |
| Barnhardt, | Hagerty, | Muir, | Sowers, |
| Bernhard, | Haluska, | Murrin, | Sproul, |
| Boose, | Hamilton, F. P., | Nagel, | Stank, |
| Boyd, R., | Hamilton, R. S., | Nothnagle, | Stevens, |
| Boyer, | Harkins, | O'Keefe, | Stewart, |
| Bradley, | Hart, | Ominsky, | Stockham, |
| Brancato, | Hartman, | O'Neill, | Sumney, |
| Brennan, | Hefferon, | Panton, | Surface, |
| Brown, H. S., | Hermansen, | Parks, | Terry, |
| Brown, J. E., | Hetrick, | Patterson, C., | Tronzo, |
| Brownfield, | Hindman, | Patterson, J. W., | Trout, |
| Brumbaugh, | Hoffner, | Pearson, | Tumelty, |
| Burke, | Holstrom, | Perry, | Turner, |
| Cannon, | Hoopes, | Peters, | Van Allsburg, |
| Caputo, | Horst, | Pfaff, | Van Sickle, |
| Carson, | Jackson, | Phillips, | Walker, |
| Castor, | Jones, | Piole, | Wall, |
| Chervenak, | Kelder, | Powers, | Weidemann, |
| Coakley, | Kelso, | Reising, | Weiss, |
| Cohen, | Kinney, | Reynolds, | Welliver, |
| Coleman, | Klingler, | Rhys, | Welsh, |
| Coolahan, | Kobelak, | Rinn, | Westrick, |
| Cordier, | LaRue, | Roan, | Wickersham, |
| Davies, | Linderman, | Robinson, | Wilson, |
| Decker, | Long, | Ruffennach, | Winner, |
| Diehl, | Longaker, | Ruth, | Wood, |
| Dilley, | Lovett, | Sarraf, | Woodside, |
| Downey, J. J., | Lynch, | Scanlon, | Yeakel, |
| Duffort, | Male, | Schrock, | Yourishin, |
| Eberharter, | Mason, | Schrope, | Zappala, |
| Eroe, | McCreary, | Schwab, | Zimmerman, |
| Falkenstein, | McDermott, | Shaw, | Sarig, |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 861, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled "An act fixing the time when statutory law hereafter enacted shall become effective"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were atken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shugarts, |
| Alexander, | Finnerty, | McHenry, | Siegel, |
| Allen, | Fitch, | McKinney, | Simon, |
| Altenburg, | Flanagan, | Melchiorre, | Simpson, |
| Andrews, | Flinchbaugh, | Mentzer, | Sinwell, |
| Arnold, | Flynn, | Merrell, | Sloan, |
| Aukerman, | Furman, | Moomaw, | Smith, J. A., |
| Baine, | Gates, | Mooney, | Smith, W. G., |
| Baker, F. T., | Gerard, | Moore, | Snyder, F. E., |
| Baker, J J., | Gillette, | Moran, | Snyder, J. L., |
| Baldi, | Habbyshaw, | Moul, | Sowers, |
| Barber, | Haberlen, | Muir, | Sproul, |
| Barnhardt, | Hagerty, | Murrin, | Stank, |
| Bernhard, | Haluska, | Nagel, | Stevens, |
| Boose, | Hamilton, F. P., | Nothnagle, | Stewart, |
| Boyd, R., | Hamilton, R. S., | O'Keefe, | Stockham, |
| Boyer, | Harkins, | O'Neill, | Sumney, |
| Bradley, | Hart, | Panton, | Surface, |
| Brancato, | Hartman, | Parks, | Terry, |
| Brennan, | Hefferon, | Patterson, C., | Tronzo, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Trout, |
| Brown, J. E., | Hetrick, | Pearson, | Tumelty, |
| Brownfield, | Hindman, | Perry, | Turner, |
| Brumbaugh, | Hoffner, | Peters, | Van Allsburg, |
| Burke, | Holstrom, | Pfaff, | Van Sickle, |
| Cannon, | Hoopes, | Phillips, | Walker, |
| Caputo, | Horst, | Piole, | Wall, |
| Carson, | Jackson, | Powers, | Weidemann, |
| Castor, | Jones, | Reising, | Weiss, |
| Chervenak, | Kelder, | Reynolds, | Welliver, |
| Coakley, | Kelso, | Rhys, | Welsh, |
| Cohen, | Kinney, | Rinn, | Westrick, |
| Coleman, | Klingler, | Roan, | Wickersham, |
| Coolahan, | Kobelak, | Robinson, | Wilson, |
| Cordier, | LaRue, | Ruffennach, | Winner, |
| Davies, | Linderman, | Ruth, | Wood, |
| Decker, | Long, | Sarraf, | Woodside, |
| Dilley, | Longaker, | Scanlon, | Yeakel, |
| Diehl, | Lovett, | Schrock, | Yourishin, |
| Downey, J. J., | Lynch, | Schrope, | Zappala, |
| Duffort, | Male, | Schwab, | Zimmerman, |
| Eberharter, | Mason, | Shaw, | Sarig, |
| Eroe, | McCreary, | Shepard, | |
| Falkenstein, | McDermott, | Shortz, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 473 as follows:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries

the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refuding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventeen) is hereby further amended to read as follows

Section 41 (a) 1 [When a fiduciary shall have in his hands any moneys the principal or capital whereof is to remain for a time in his possession or under his control and the interest profits or income whereof are to be paid away or to accumulate or when the income of real estate shall be more than sufficient for the purpose of the trust such fiduciary may invest such moneys in the stock or public debt of the United States or in the public debt of this Commonwealth or in bonds or certificates of debt constituting the direct and general obligation of any of the counties cities boroughs townships school districts or poor districts of this Commonwealth or in first mortgages on real estate in this Commonwealth securing bonds or other obligations not exceeding in amount two-thirds of the fair value of such real estate or in ground rents in this Commonwealth or in bonds payable not more than twenty years after date of one or more individuals secured by a deed or deeds of unencumbered real estate in this Commonwealth conveyed to a corporation organized under the laws of this Commonwealth and authorized to act as trustee in trust for the benefit of all such bondholders but the total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing it and the trustee shall not be exempted by contract or otherwise from responsibility for performing the ordinary duties of trustees or in trust certificates issued by a trust company organized under the laws of this Commonwealth certifying that the holders thereof are respectively the owners of undivided interests in deposits with such trust company of securities in which trust funds may be invested under the preceding provisions of this clause Provided That nothing herein contained shall authorize any fiduciary to make any investment contrary to the directions contained in the will of the decedent in regard to the investment of such moneys

It shall be the duty of any trustee of any property securing any investment which may be made hereunder at any time upon demand to disclose to any bondholder or certificate holder and to the representative of any public agency authorized by law to examine the affairs of the trustee any information which may be requested regarding any of the trust property in its possession

Within the meaning of this clause the "fair value" of real estate shall be the value placed thereon in writing by a reputable person who shall be especially familiar with real estate values shall have actually inspected the real estate before making his valuation and shall certify that his valuation was made after inspection of the premises]

Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Sub-section (1) UNITED STATES OBLIGATIONS Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Sub-Section (2) PENNSYLVANIA OBLIGATIONS Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of the Commonwealth is pledged

Sub-Section (3) LOCAL GOVERNMENT OBLIGATIONS Bonds or other interest-bearing obligations of any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that at the date of the investment in such bonds or other interest-bearing obligations such political subdivision is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Sub-Section (4) MORTGAGES Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or it shall be amortized in installments totaling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Sub-Section (5) GROUND RENTS Ground rents secured upon unencumbered improved real estate situate within this Commonwealth provided that the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Sub-Section (6) REAL ESTATE BONDS Bonds of one or more individuals or corporations secured by improved real estate situated within this Commonwealth not including real estate used as a theatre or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estate so conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of the investment if such mortgage bonds by such fiduciary provided that such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (7) FRACTIONAL INTERESTS A fractional undivided interest in any investment in which a fiduciary is authorized by this section to invest trust funds apportioned to an estate of which the person or corporation cheating such fractional undivided interest in the fiduciary

In the case of an investment in a fractional interest in a mortgage if the date of such investment is subsequent to the original date of the mortgage or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of such investment provided that such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds or other obligations secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (8) RAILROAD OBLIGATIONS Railroad obligations subject to the following provisions

(a) As used in this sub-section the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-guage railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for any of such fiscal years ending during the period from December thirty-first one thousand nine hundred and thirty to December thirty-first one thousand nine hundred and thirty-five inclusive and shall have been not less than one and one-half times its fixed charges for any such fiscal year ending after December thirty-first one thousand nine hundred and thirty-five

(b) As used in this sub-section the words "railroad obligations" shall include and mean obligations which meet following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on not less than two-thirds of the total length of the railroad lines covered by its lien a part of which two-thirds shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census The railroad lines covered by the mortgage shall be either subject to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien then the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agree-

ment and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding fifteen years from the first date of issue of any thereof in approximately equal annual or semiannual installments beginning not later than three years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this sub-section The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged bonds and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this sub-section

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges Fixed charges shall be rent for leaser roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Sub-Section (9) OBLIGATIONS OF GAS WATER AND ELECTRICAL COMPANIES The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from other corporations and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business or businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State or Commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory

body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of seucrities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien gage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (10) OBLIGATIONS OF TELEPHONE COMPANIES The following obligations of any corporation incorporated under the law of the United States or of any State or Commonwealth thereof or of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period provided such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay the interest thereon

(3) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said the proceeds of the new financing and for such five year securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial portion of the property of any other

corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this sub-section have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be of and the total expense of maintaining and operating all respectively the total amount earned from the operation property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter.

(7) The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of section provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (11) GENERAL PROVISIONS

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement by two reputable persons familiar with real estate values in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. CAPUTO. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1806, entitled:

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five 'Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shortz, |
| Alexander, | Finnerty, | McHenry, | Shugarts, |
| Allen, | Fitch, | McKinney, | Siegel, |
| Altenburg, | Flanagan, | Melchiorre, | Simon, |
| Andrews, | Flinchbaugh, | Mentzer, | Simpson, |
| Arnold, | Flynn, | Merrell, | Sinwell, |
| Aukerman, | Furman, | Moomaw, | Sloan, |
| Baine, | Gates, | Mooney, | Smith, J. A., |
| Baker, F. T., | Geraid, | Moore, | Smith, W. G., |
| Baker, J J., | Gillette, | Moran, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Moul, | Snyder, J. L., |
| Barber, | Haberlen, | Muir, | Sowers, |
| Barnhardt, | Hagerty, | Murrin, | Sproul, |
| Bernhard, | Haluska, | Nagel, | Stank, |
| Boose, | Hamilton, F. P., | Nothnagle, | Stevens, |
| Boyd, R., | Hamilton, R. S., | O'Keefe, | Stewart, |
| Boyer, | Harkins, | O'Neill, | Stockham, |
| Bradley, | Hart, | Panton, | Sumney, |
| Brancato, | Hartman, | Parks, | Surface, |
| Brennan, | Hefferon, | Patterson, C., | Terry, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Tronzo, |
| Brown, J. E., | Hetrick, | Pearson, | Trout, |
| Brownfield, | Hindman, | Perry, | Tumelty, |
| Brumbaugh, | Hoffner, | Peters, | Turner, |
| Burke, | Holstrom, | Pfaff, | Van Allsburg, |
| Cannon, | Hoopes, | Phillips, | Van Sickle, |
| Caputo, | Horst, | Piole, | Walker, |
| Carson, | Jackson, | Powers, | Wall, |
| Castor, | Jones, | Reising, | Weidemann, |
| Chervenak, | Kelder, | Reynolds, | Weiss, |
| Coakley, | Kelso, | Rhys, | Welliver, |
| Cohen, | Kinney, | Rinn, | Welsh, |
| Coleman, | Klingler, | Roan, | Westrick, |
| Coolahan, | Kobelak, | Robinson, | Wickersham, |
| Cordier, | LaRue, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Winner, |
| Decker, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Scanlon, | Woodside, |
| Dilley, | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mason, | Shaw, | Zimmerman, |
| Eroe, | McCreary, | Shepard, | Sarig, |
| Falkenstein, | McDermott, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 183, entitled:

A Joint Resolution proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shortz, |
| Alexander, | Finnerty, | McHenry, | Shugarts, |
| Allen, | Fitch, | McKinney, | Siegel, |
| Altenburg, | Flanagan, | Melchiorre, | Simon, |
| Andrews, | Flinchbaugh, | Mentzer, | Simpson, |
| Arnold, | Flynn, | Merrell, | Sinwell, |
| Aukerman, | Furman, | Moomaw, | Sloan, |
| Baine, | Gates, | Mooney, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moore, | Smith, W. G., |
| Baker, J. J., | Gillette, | Moran, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Moul, | Snyder, J. L., |
| Barber, | Haberlen, | Muir, | Sowers, |
| Barnhardt, | Hagerty, | Murrin, | Sproul, |
| Bernhard, | Haluska, | Nagel, | Stank, |
| Boose, | Hamilton, F. P., | Nothnagle, | Stevens, |
| Boyd, R., | Hamilton, R. S., | O'Keefe, | Stewart, |
| Boyer, | Harkins, | O'Neill, | Stockham, |
| Bradley, | Hart, | Panton, | Sumney, |
| Brancato, | Hartman, | Parks, | Surface, |
| Brennan, | Hefferon, | Patterson, C., | Terry, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Tronzo, |
| Brown, J. E., | Hetrick, | Pearson, | Trout, |
| Brownfield, | Hindman, | Perry, | Tumelty, |
| Brumbaugh, | Hoffner, | Peters, | Turner, |
| Burke, | Holstrom, | Pfaff, | Van Allsburg, |
| Cannon, | Hoopes, | Phillips, | Van Sickle, |
| Caputo, | Horst, | Piole, | Walker, |
| Carson, | Jackson, | Powers, | Wall, |
| Castor, | Jones, | Reising, | Weidemann, |
| Chervenak, | Kelder, | Reynolds, | Weiss, |
| Coakley, | Kelso, | Rhys, | Welliver, |
| Cohen, | Kinney, | Rinn, | Welsh, |
| Coleman, | Klingler, | Roan, | Westrick, |
| Coolahan, | Kobelak, | Robinson, | Wickersham, |
| Cordier, | LaRue, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Winner, |
| Decker, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Scanlon, | Woodside, |
| Dilley, | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mason, | Shaw, | Zimmerman, |
| Eroe, | McCreary, | Shepard, | Sarig, |
| Falkenstein, | McDermott, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 184, entitled:

A Joint Resolution proposing an amendment to section seven article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

| | | | |
|---|---|---|---|
| Achterman, | Ferko, | McDevitt, | Shortz, |
| Alexander, | Finnerty, | McHenry, | Shugarts, |
| Allen, | Fitch, | McKinney, | Siegel, |
| Altenburg, | Flanagan, | Melchiorre, | Simon, |
| Andrews, | Flinchbaugh, | Mentzer, | Simpson, |
| Arnold, | Flynn, | Merrell, | Sinwell, |
| Aukerman, | Furman, | Moomaw, | Sloan, |
| Baine, | Gates, | Mooney, | Smith, J. A., |
| Baker, F. T., | Gerard, | Moore, | Smith, W. G., |
| Baker, J J., | Gillette, | Moran, | Snyder, F. E., |
| Baldi, | Habbyshaw, | Moul, | Snyder, J. L., |
| Barber, | Haberlen, | Muir, | Sowers, |
| Barnhardt, | Hagerty, | Murrin, | Sproul, |
| Bernhard, | Haluska, | Nagel, | Stank, |
| Boose, | Hamilton, F. P., | Nothnagle, | Stevens, |
| Boyd, R., | Hamilton, R. S., | O'Keefe, | Stewart, |
| Boyer, | Harkins, | O'Neill, | Stockham, |
| Bradley, | Hart, | Panton, | Sumney, |
| Brancato, | Hartman, | Parks, | Surface, |
| Brennan, | Hefferon, | Patterson, C., | Terry, |
| Brown, H. S., | Hermansen, | Patterson, J. W., | Tronzo, |
| Brown, J. E., | Hetrick, | Pearson, | Trout, |
| Brownfield, | Hindman, | Perry, | Tumelty, |
| Brumbaugh, | Hoffner, | Peters, | Turner, |
| Burke, | Holstrom, | Pfaff, | Van Allsburg, |
| Cannon, | Hoopes, | Phillips, | Van Sickle, |
| Caputo, | Horst, | Piole, | Walker, |
| Carson, | Jackson, | Powers, | Wall, |
| Castor, | Jones, | Reising, | Weidemann, |
| Chervenak, | Kelder, | Reynolds, | Weiss, |
| Coakley, | Kelso, | Rhys, | Welliver, |
| Cohen, | Kinney, | Rinn, | Welsh, |
| Coleman, | Klingler, | Roan, | Westrick, |
| Coolahan, | Kobelak, | Robinson, | Wickersham, |
| Cordier, | LaRue, | Ruffennach, | Wilson, |
| Davies, | Linderman, | Ruth, | Winner, |
| Decker, | Long, | Sarraf, | Wood, |
| Diehl, | Longaker, | Scanlon, | Woodside, |
| Dilley, | Lovett, | Schrock, | Yeakel, |
| Downey, J. J., | Lynch, | Schrope, | Yourishin, |
| Duffort, | Male, | Schwab, | Zappala, |
| Eberharter, | Mason, | Shaw, | Zimmerman, |
| Eroe, | McCreary, | Shepard, | Sarig, |
| Falkenstein, | McDermott, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 153, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. SIMON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 317, entitled:

An Act providing that where a tract of land has been or shall hereafter be annexed to a city borough or township and is a part of an election district therein, it shall be apart of the same State-senatorial congressional and legislative district as the said election district

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. WEISS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1655, (Senate Bill No. 29), entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## STATEMENT BY MR. RUTH

Mr. RUTH asked and obtained unanimous consent to make the following statement:

Mr. Speaker, the next two bills, House Bill 1611 and House Bill No. 1631 are tax bills, revenue measures. Before the minority floor leader left today we agreed that since they are both on the Republican platform and on the Democratic platform we should let these bills go without opposition. They are on both platforms.

Mr. TURNER. Mr. Speaker, I am very sorry to raise this question but I was not at the conference held between the Speaker and the Democratic floor leader, and the chairman of the Republican Steering Committee, therefore I am not able to state just what the agreement was. On the list of the bills I find both House Bill 1611 and House Bill 1631. I do not doubt the statement, of course, of the Democratic floor leader.

The SPEAKER. The Chair can vouch for the statement of the gentleman from Berks, Mr. Ruth. The gentleman from Philadelphia, Mr. Witkin, stated that inasmuch as these bills were on the platforms of both the Democrats and the Republicans they might as well be passed and he would agree to have them passed.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1611, entitled:

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth establishing Ports of Entry to aid in the collection of said taxes conferring powers and imposing duties upon certain officials boards and departments of this Commonwealth and political subdivisions thereof providing for the collection and disposition of the tax and for the administration and enforcement of the act providing penalties and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—107

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McElroy, | Scanlon, |
| Alexander, | Finnerty, | McHenry, | Schrope, |
| Arnold, | Fitch, | Melchiorre, | Schwab, |
| Aukerman, | Flanagan, | Mentzer, | Shaw, |
| Baine, | Furman, | Moomaw, | Shepard, |
| Baker, F. T., | Gerard, | Mooney, | Shugarts, |
| Barber, | Haberlen, | Moran, | Siegel, |
| Bernhard, | Hagerty, | Moul, | Simon, |
| Bradley, | Haluska, | Nagel, | Sinwell, |
| Brancato, | Hamilton, F. P., | O'Keefe, | Smith, J. A., |
| Brownfield, | Harkins, | Ominsky, | Smith, W. G., |
| Brumbaugh, | Hartman, | O'Neill, | Stank, |
| Burke, | Hetrick, | Panton, | Stevens, |
| Cannon, | Hindman, | Parks, | Stone, |
| Caputo, | Hirsch, | Patterson, C., | Sumney, |
| Carson, | Holstrom, | Patterson, J. W., | Tronzo, |
| Chervenak, | Hoopes, | Pearson, | Tumelty, |
| Coakley, | Kelso, | Perry, | Van Sickle, |
| Cochran, | Kilroy, | Pfaff, | Weiss, |
| Cohen, | Kinney, | Piole, | Welliver, |
| Coleman, | Klingler, | Powers, | Welsh, |
| Coolahan, | Kobelak, | Reising, | Westrick, |
| Decker, | LaRue, | Rhys, | Wilson, |
| Diehl, | Long, | Robinson, | Yourishin, |
| Dilley, | Lovett, | Ruffennach, | Zappala, |
| Downey, J. J., | Male, | Ruth, | Sarig, |
| Eberharter, | McDermott, | Sarraf, | |

NAYS—68

| | | | |
|---|---|---|---|
| Altenburg, | Gillette, | McCreary, | Sproul, |
| Andrews, | Green, | McKinney, | Stott, |
| Atkins, | Habbyshaw, | Merrell, | Surface, |
| Baker, J J., | Hamilton, R. S., | Moore, | Tahl, |
| Barnhardt, | Hart, | Peters, | Terry, |
| Boose, | Hermansen, | Phillips, | Trout, |
| Boyd, R., | Hoffner, | Reynolds, | Turner, |
| Boyer, | Horst, | Rinn, | Walker, |
| Brennan, | Jackson, | Roan, | Wasserman, |
| Brown, J. E., | Jones, | Schrock, | Weidemann, |
| Castor, | Kelder, | Shortz, | Winner, |
| Duffort, | Linderman, | Sloan, | Wood, |
| Ferko, | Longaker, | Snyder, F. E., | Woodside, |
| Flinchbaugh, | Lynch, | Snyder, J. L., | Yeakel, |
| Flynn, | Mason, | Sowers, | Zimmerman, |
| Gates, | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1631, as follows:

An Act to provide revenue by imposing a State excise tax upon all gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Gift Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the

United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made

"Donor" Any natural person making a gift

"Department" The Department of Revenue of this Commonwealth

"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any devise whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education

"Person" Every natural person association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2000.00) at following rates

(a) Two per centum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descedants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother

(b) Ten per centum upon the clear value of any gift made to any person other than those set forth in subsection (a) of this section or to any body politic

Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purpose of this act be deemed a gift and shall be included in computing the amount of gifts

(b) The clear value of all gifts made during the year to the same donee by the same donor within the same calendar year shall be added together and the aggregate of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts

Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Inheritance Tax Law

Section 6 (a) In case any person in any calendar year shall give or contribute and has given or contributed in each of the ten preceding calendar years ninety per centum or more of his net income in each year to any corporation or trust or community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation such net income so given or contributed shall not be considered a gift taxable under the provisions of this act

(b) Any voluntary contribution to any corporation trust community chest fund or foundation organized and operated exclusively for charitable purposes made by any person in any calendar year for the purpose of defraying the normal current expenditures of such corporation trust community chest fund or foundation during such calendar year or the next succeeding calendar year shall not be considered a gift taxable under the provisions of this act

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever If a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to th date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made

previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appear to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and the basis of such return is given or sent as heretofore thirty (30) days after notice of the assessment made on provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum From the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Except as otherwise provided by the Constitution all taxes interest fines penalties and bail forfeited that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and credited to the General Fund

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate one of the sponsors of this bill.

The SPEAKER. Will the gentleman from Westmoreland, Mr. Mentzer, permit himself to be interrogated?

Mr. MENTZER. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Westmoreland, whether the term "gift" as set forth in this bill means any gift to a charitable organization or to any kind of an organization that is without consideration.

Mr. MENTZER. I will answer that question, Mr. Speaker, by saying that it does include any gift except for current expenses.

Mr. TURNER. Mr. Speaker, would a gift of five hundred dollars to a Y. M. C. A. be a gift that would be taxed under this act?

Mr. MENTZER. Mr. Speaker, I would say no. There is an exemption of two thousand dollars.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—172

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | Mason, | Shepard, |
| Alexander, | Duffort, | McCreary, | Shortz, |
| Altenburg, | Eberharter, | McDermott, | Shugarts, |
| Andrews, | Eroe, | McDevitt, | Siegel, |
| Arnold, | Falkenstein, | McHenry, | Simon, |
| Atkins, | Ferko, | McKinney, | Simpson, |
| Aukerman, | Finnerty, | Melchiorre, | Sinwell, |
| Baine, | Fitch, | Mentzer, | Sloan, |
| Baker, J. J., | Flanagan, | Merrell, | Smith, J. A., |
| Baldi, | Flinchbaugh, | Moomaw, | Smith, W. G., |
| Barber, | Flynn, | Mooney, | Snyder, F. E., |
| Barnhardt, | Furman, | Moran, | Snyder, J. L., |
| Bernhard, | Gates, | Moul, | Sowers, |
| Blumberg, | Gerard, | Muir, | Sproul, |
| Boyd, R., | Gillette, | Murrin, | Stank, |
| Boyer, | Habbyshaw, | Nagel, | Stevens, |
| Bradley, | Haberlen, | Nothnagle, | Stewart, |
| Brancato, | Hagerty, | O'Keefe, | Stockham, |
| Brennan, | Haluska, | O'Neill, | Sumney, |
| Brown, H. S., | Hamilton, F. P., | Panton, | Surface, |
| Brown, J. E., | Hamilton, R. S., | Parks, | Terry, |
| Brownfield, | Harkins, | Patterson, C., | Tronzo, |
| Brumbaugh, | Hart, | Patterson, J. W., | Trout, |
| Burke, | Hartman, | Pearson, | Tumelty, |
| Cannon, | Hefferon, | Perry, | Turner, |
| Caputo, | Hermansen, | Peters, | Van Allsburg, |
| Carr, | Hetrick, | Pfaff, | Van Sickle, |
| Carson, | Hindman, | Phillips, | Walker, |
| Castor, | Holstrom, | Piole, | Wall, |
| Chervenak, | Hoopes, | Powers, | Weidemann, |
| Coakley, | Horst, | Reising, | Weiss, |
| Cochran, | Jackson, | Reynolds, | Welliver, |
| Cohen, | Kelder, | Rhys, | Welsh, |
| Coleman, | Kelso, | Rinn, | Westrick, |
| Condon, | Kinney | Roan, | Wickersham, |
| Conner, | Klingler, | Robinson, | Wilson, |
| Coolahan, | Kobelak, | Ruffennach, | Winner, |
| Cordier, | LaRue, | Ruth, | Wood, |
| Davies, | Linderman, | Sarraf, | Woodside, |
| Decker, | Long, | Scanlon, | Yeakel, |
| Denning, | Longaker, | Schrock, | Yourishin, |
| Dent, | Lovett, | Schrope, | Zappala, |
| Diehl, | Lynch, | Schwab, | Zimmerman, |
| Dilley, | Male, | Shaw, | Sarig, |
| Downey, G. E., | | | |

NAYS—4

| | | | |
|---|---|---|---|
| Hoffner, | Jones, | Stott, | Moore, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 909, as follows:

An Act to provide reimbursement for hospitals on account of expenses of the care of indigent persons injured in motor vehicle accidents imposing powers and duties upon certain State departments and making an appropriation from the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose of this act

"Motor vehicle injury" means any personal injury suffered by a human being and caused by the operation of a motor vehicle on any public highway in this Commonwealth whether the injured person be the operator of such motor vehicle a passenger in the same or in another vehicle a pedestrian or whatever be the relation of such injured person to the operation of such vehicle and whether or not such motor vehicle is under the control of a human being at the time of such injury

"Hospital" means any institution which conforms to at least the minimum standards of plant equipment service administration and care and treatment necessary for the proper care and treatment of patients as prescribed by the rules and regulations of the Department of Welfare and which receives and cares for patients suffering from motor vehicle injuries the per diem cost of which care shall be ascertained and certified in the manner provided in this act

"Per diem cost" means the per diem cost of caring for a patient in a ward in a hospital as determined by the Department of Welfare

"Indigent patient" means a person who has suffered a motor vehicle injury is received and cared for and treated in a hospital and is unable to pay for the cost of such care and treatment as determined by regulations prescribed by the Department of Welfare it excludes an employe suffering from a motor vehicle injury with respect to which he is entitled to the benefits of the Workmen's Compensation Act of this or any other state or country

Section 2 Within thirty days after this act shall take effect the Department of Welfare shall notify all hospitals in the State of the provisions of this act and of the rules and regulations of the Department of Welfare prescribing minimum standards of plant equipment administration and services necessary for the proper care and treatment of patients and for determining the number of free days of care and treatment rendered to indigent patients in hospitals and for determining per diem costs Every hospital desirous of seeking compensation for the service rendered to indigent patients under the provisions of this act shall request the Department of Welfare in writing to determine its per diem costs according to the rules and regulations of the Department of Welfare and shall certify its willingness to comply with the rules and regulations of the Department of Welfare with respect to minimum standards of plant equipment administration and services necessary for the proper care and treatment of patients and for determining the number of free days of care and treatment rendered to indigent patients and for determining per diem costs No claim for compensation by any hospital shall be allowed for care and treatment rendered to any indigent patient incurred prior to the receipt by the Department of Welfare of said request and said certificate of compliance

Section 3 Within ninety days after this act shall take effect the Department of Welfare shall certify in duplicate to the Department of Revenue and the Auditor General respectively the name address and per diem cost of all hospitals in the State that have complied with the provisions of this act Thereafter quarterly said Department of Welfare shall in like manner certify any additions to or subtractions from said list or any changes in such per diem costs which may occur All claims made under this act shall be audited and paid in accordance with the per diem costs so certified and in effect at the time the charge shall have been incurred

Section 4 Each hospital in order to be entitled to the benefit of this act shall make and file with the Depart-

ment of Revenue quarterly as of the last business day of each quarter a report under oath showing the name of each sufferer from a motor vehicle injury received into cared for and treated in such hospital during the quarter covered by the report for whom such hospital may desire to make claim under this act the time and place of the accident or occurence in which the injury was incurred the total number of days' care and treatment given to such sufferer in the quarter for which report is made and in any preceding quarter or quarters the date of the receipt and discharge of such sufferer or other termination of such care and treatment and such other facts or information as the Department of Revenue may require in the form of report prescribed by it

Section 5 At the time of making any quarterly report each hospital may present a statement of its claim for reimbursement for the cost of the care and treatment of each indigent patient suffering from a motor vehicle injury which claim has matured within the quarter covered by the report then due or within any previous quarter Each such claim shall be made in the form prescribed by the Department of Revenue and shall show the following

1 The name of the person to whom care and treatment has been given

2 The number of days' care and treatment as determined by the regulations of the Department of Welfare with the dates of reception into the hospital and discharge or other termination of care and treatment

3 The amount of the claim

4 A statement under oath showing the effort made by the hospital to collect the amount of the claim from the indigent patient and the amount if any collected from such patients or any other person on his account

5 The certificate by the Department of Welfare that it has approved the records of the hospital showing the number of free days of care and treatment to such indigent persons

6 Such other facts and information as the Department of Revenue may require in the form of claim prescribed by it

7 For the purpose of the claim provided for in this section an indigent patient who is not otherwise able to pay such hospital charges shall not be deemed to be able to pay the same because a third person might be held liable in an action to recover damages on account of such motor vehicle injury

Section 6 The Department of Revenue shall examine and audit each claim presented to it under the provisions of this act From the facts and information contained in the claim the quarterly reports of the claimant hospital the supporting certificates and affidavits and such other evidence as it may require the Department of Revenue shall ascertain and determine as to each claim the following facts

1 Whether or not the claim is predicated upon care and treatment given to a person suffering from a motor vehicle injury as defined in this act

2 Whether or not such person is able to pay the hospital charges for which the claim is made within the meaning of this act

Section 7 When and if the Department of Revenue shall have determined that a claim presented to it under the provisions of this act by a hospital which has complied with said provisions is made in respect of an indigent patient as evidenced by its findings under section six of this act it shall determine the amount of such claim in accordance with the per diem cost of such hospital as certified to it under the provisions of this act less any amount collected from the patient and shall pay the amount so ascertained to the claimant from the Motor License Fund available for its use and appropriated for that purpose The Department of Revenue may make quarterly payments to each hospital entitled to receive the same covering all claims audited and approved by it within the preceding quarter

Section 8 If the Department of Revenue shall disapprove any claim made under the provisions of this act except as to the amount thereof it shall notify the claimant hospital that the same has been rejected and state in such notice the ground or grounds of rejection In such event the claimant hospital shall be entitled to a hearing by the Department of Revenue on the grounds of rejection so specified within thirty days after the receipt of such notice and its decision thereon shall be final

Section 9 Whenever it shall come to the knowledge of the managing officer of a hospital which has received payment of a claim under the provisions of this act that the patient in respect of whom such claim has been paid or any other person chargeable by law with his care and support has paid or is or has become able to pay the amount thereof such managing officer shall notify the Department of Revenue thereof and if such hospital shall thereafter make a quarterly report or a claim for reimbursement or both under the provisions of this act a reference to such paid claim in such form as the Department of Revenue shall prescribe showing the name of the patient and the amount paid shall be incorporated in or attached to such report or claim Whenever the Department of Revenue shall otherwise acquire knowledge of facts showing that a patient in respect of whom a payment has been made as provided in this act or any other person chargeable by law with his care and support has paid or is or has become able to pay such amount thereof it shall notify the hospital which has received such payment by better addressed to the managing officer thereof giving a brief statement of the fact thus coming to its knowledge and specifying the amount of such paid claim the date of its prior payment and the name of the person from whom the same may be recovered

Within three months after such managing officer shall have given the notice herein required or such hospital shall have received such notice from the Department of Revenue such hospital shall unless the amount specified therein has been fully paid collect such amount or the balance thereof from such patient or other person chargeable by law with his care or support and in default of such collection file an action against such patient or other person chargeable by law with his care and support for the recovery of the sum so paid or balance thereof Such hospital shall in its quarterly reports or otherwise advise the Department of Revenue as to the collection of such amount or as to the filing of such action and the proceedings therein and in the event of recovery of judgment therein and if the amount of such judgment is not realized shall show by certified copies of the procedings that all legal remedies for the satisfaction of such judgment have been exhausted

When notice has been given as required by this section the Department of Revenue shall deduct the amount of the prior payment made to the hospital affected thereby from any payment or payments to be made to such hospital under the provisions of this act on or after three months from the date of such notice unless such hospital shall have advised the Department of Revenue as herein provided that an action has been filed for the recovery of such amount from the patient or other person chargeable by law with his care and support that such action has not been finally determined and that there is reasonable ground for delay or unless such hospital shall so advise the Department of Revenue that such action has been prosecuted to final judgment and that all legal remedies for the satisfaction of such judgment have been exhausted without realizing the amount thereof

Section 10 Whenever under the provisions of section nine of this act the Department of Revenue would be authorized to deduct the amount of a prior payment to a hospital from a subsequent payment or payments to such hospital it shall in the event no such subsequent payment shall fall due within three months after the right to make such deduction accrues certify the amount of such prior payment without interest to the Department of Justice for collection from such hospital Such amount may be recovered from such hospital in an action brought in the name of the Commonwealth by the Attorney General for the use of the Motor License Fund Such action shall be brought within the time limited by law for the commencement of civil actions based on contracts and the cause of action in such cases shall be deemed to have accured on the date on which such right of deduction arose

Section 11 There is hereby appropriated from the Motor License Fund a sum sufficient to carry out the provisions of this act not to exceed forty-two cents for each motor vehicle registered for each year

Section 12 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 13 The provisions of this act shall become effective immediately upon final enactment

Section 14 All acts or parts of act inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House agree to the bill on third reading?

## BILL POSTPONED

Mr. WELSH. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 28 as follows:

An Act to amend article nine of the act approved the first day of May one thousand nine hundred and twenty-nine Pamphlet Law nine hundred five), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by adding a new section thereto for protecting the safety of the public by prohibiting the operation of certain commercial motor vehicles on Sundays and certain legal holidays between the hours of nine o'clock ante meridian and twelve o'clock midnight.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article nine of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five), entitled "An act for the protection of the pubilc safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors, burgesses, magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended by adding after section nine hundred and seven a new section to read as follows:

Section 907.1 No commercial motor vehicle trailer or semitrailer or combination of such vehicles shall be operated upon the highways of this Commonwealth on Sunday New Year's Day Memorial Day Independence Day Labor Day Thanksgiving Day and Christmas Day between the hours of seven o'clock ante meridian and twelve o'clock midnight provided however that this section shall not apply to fire department equipment street sweepers snow plows vehicles loaded exclusively with newspapers perishable food products or dairy products and emergency vehicles operated in the event of a catastrophe or accident affecting the public safety or the plant or service of a public service company or used for transportation of persons only on a Sunday or legal holiday or vehicles used in the transportation of food stuff ice cream United States mail fuel oil gasoline ice live stock theatre scenery movie films baggage public service company repairing equipment inter-state and intra-state commodities garage wrecker silk products products for processing and property requiring expedited movement.

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—105

| | | | |
|---|---|---|---|
| Achterman, | Downey, J. J., | Longaker, | Schrope, |
| Alexander, | Eberharter, | Lovett, | Shaw, |
| Altenburg, | Falkenstein, | Lynch, | Shepard, |
| Arnold, | Ferko, | Male, | Shugarts, |
| Atkins, | Fitch, | McCreary, | Simon, |
| Aukerman, | Flinchbaugh, | McHenry, | Simpson, |
| Baine, | Furman, | Melchiorre, | Sinwell, |
| Baker, J J., | Gerard, | Merrell, | Smith, W. G., |
| Barber, | Haberlen, | Moomaw, | Snyder, F. E., |
| Bernhard, | Hagerty, | Moore, | Snyder, J. L., |
| Boyd, R., | Haluska, | Moran, | Sowers, |
| Bradley, | Hamilton, F. P., | Murrin, | Stank, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Stevens, |
| Brennan, | Harkins, | O'Keefe, | Sumney, |
| Brown, H. S., | Harmuth, | O'Neill, | Tumelty, |
| Brownfield, | Hartman, | Patterson, C., | Van Sickle, |
| Burke, | Hermansen, | Patterson, J. W., | Walker, |
| Cannon, | Hindman, | Peters, | Weidemann, |
| Caputo, | Hoffner, | Pfaff, | Weiss, |
| Chervenak, | Holstrom, | Piole, | Welliver, |
| Coakley, | Jackson, | Powers, | Welsh, |
| Cohen, | Kelso, | Reynolds, | Westrick, |
| Coolahan, | Klingler, | Rinn, | Wood, |
| Cordier, | Kobelak, | Robinson, | Yourishin, |
| Davies, | LaRue, | Ruth, | Zappala, |
| Diehl, | Linderman, | Scanlon, | Sarig, |
| Dilley, | Long, | | |

NAYS—0

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmaive.

Ordered, that the Clerk present the same to the Senate for concurrence.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. SOWERS. (Concurrent) RESOLUTION No. 127.

In the House of Representatives, April 17, 1935.

A Joint Resolution Petitioning the Congress of the United States of America to call a National Convention to adopt an amendment to the Constitution of the United

States of America, authorizing and empowering the Congress of the United States of America to pass Income Tax Laws taxing all of the incomes of individuals and corporations irrespective of the sources from which they are derived.

And taxing all of the income of individuals and corporations whether derived from interest bearing obligations of the United States, one of the States, or Territories thereof, or of any Government or Governmental function, or derived from any source whatever.

Whereas, great injustice, in the levying of the Income Tax, has arisen by reason of the exemption from taxation of the income of obligations of the United States, States, Territories and sub-divisions thereof, and

Whereas the Congress of the United States on application of the Legislatures of two-thirds of the several States may call a Convention for proposing Amendments, and

Whereas it is the desire of the Commonwealth of Pennsylvania to make application to Congress to call a convention for proposing the Amendments hereinafter mentioned,

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the General Assembly or Legislature of the Commonwealth of Pennsylvania hereby applies to the Congress of the United States of America to call a National Constitutional convention to adopt an Amendment thereto of the following nature and character to wit:—

"Congress shall have power to impose an Income Tax on all of the incomes of individuals, corporations, entities of any kind or nature whatsoever, irrespective of whether such income is derived from the obligations of the United States, the States, Territories of the United States, or from any other Governmental subdivision or function and shall not have power to exempt from taxation any particular kind of income, but may only grant uniform exemptions to individuals, and all parts of laws inconsistent herewith shall be null and void."

Section 2. It shall be the duty of the proper officers of the House of Representatives and the Senate of the General Assembly of the Commonwealth of Pennsylvania to notify by sending duly certified copies hereof to the President of the United States of America and the Senate and the House of Representatives of the United States of America and the Legislatures of the various states of the United States of America of the passage of this resolution by the Legislature or General Assembly of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. SHEPARD. (Concurrent) RESOLUTION No. 128.

In the House of Representatives, April 17, 1935.

Whereas, The President and Congress, in order to alleviate unemployment in developing various public works; and

Whereas, In the City of Philadelphia, Pennsylvania, there is planned a construction and extension of the Market Street subway to Fifty-Second Street, and the removal of the Elevated Structure; and

Whereas, The work of equipping said subway extension and the removel of the Elevated Structure, would give employment to many persons now unemployed; and

Whereas, The full completion of this project would result in great usefulness to the citizens of the entire City of Philadelphia, and West Philadelphia in particular; therefore be it

Resolved, (if the Senate concur), that the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President and Congress of the States to consider the advisibility and feasibility of including within the public work program, the extension of the Market Street Subway to Fifty-second Street, and the removal of the Elevated Structure; and be it further

Resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives and the Chief Clerk of the Senate, to the President of the United States, the Vice President, and the President of the Senate and to the Speaker of the House of Representatives, and to all the Senators and Representatives in the Congress of the United States from the Commonwealth of Pennsylvania.

Referred to the Committee on Cities.

By Mr. SHREINER. RESOLUTION No. 129.

In the House of Representatives, April 17, 1935.

Whereas, It is the firm belief of most Pennsylvanians that moneys expended for unemployment relief within this Commonwealth, from whatever source, should be to the greatest degree possible in the form of work relief; and

Whereas, It is equally generally held that such work relief should be, whenever possible, employed in the construction of permanent and lasting improvements beneficial to all citizens; and

Whereas, One of the most important and costliest of all financial burdens upon this Commonwealth and the political sub-divisions thereof is the furnishing and maintenance of proper highway transportation facilities; and

Whereas, It is believed and hoped that a great portion of such work relief contributions from both Federal and State agencies will be expended in the dual capacity of relieving this burden and furnishing employment; and

Whereas, Modern conditions render increasingly necessary not only additional highways but highways of proper width, construction and design; and

Whereas, The construction of narrow or temporary highways is dangerous and uneconomical in view of the present day tremendous vehicular demands upon such highways; now, therefore, be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the authorities, both State and National, charged with distribution of work relief moneys, be requested to insist that the portions of such moneys expended in the construction of highways in this Commonwealth which are portions of the primary system of highways be constructed so as to safely support and allow at least three lanes of traffic

Referred to the Committee on Highways.

By Mr. DIEHL. RESOLUTION No. 130.

In the House of Representatives, April 17, 1935.

Whereas Dissatisfaction with the administration of direct and work relief is widespread in the County of Blair allegations are made that the Blair County Emergency Relief Board and the United States Employment Bureau and other agencies dealing with relief are not using their powers consistent with the best interests of those in need the misery is widespread that improper and incompetent personnel is being employed that political activity is being indulged in and aid granted on a political basis that discrimination on account of race creed and color is practiced and that husbands and wives are both employed or one employed when the other has employment elsewhere therefore be it

Resolved That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House whose duty it shall be to thoroughly and impartially investigate the Blair County Emergency Relief Board and the United States Employment Bureau is said county or any other governmental agency dealing with relief and the personnel thereof with a view of determining whether the allegations set forth in the preamble hereof are true and to make report thereof to the House of Representatives as early as possible.

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commending any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts

of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Resolved That said committee shall have the further right and authority to issue a requisition to the aforesaid board bureau or agency for such stenographic help or service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearing etc.

Referred to the Committee on Judiciary Special.

By Mr. ALLEN. RESOLUTION No. 131.

In the House of Representatives, April 17, 1935.

Whereas Dissatisfaction with the administration of direct and work relief is widespread in the County of Bedford allegations are made that the Bedford County Emergency Relief Board and the United States Employment Bureau and other agencies dealing with relief are not using their powers consistent with the best interests of those in need the misery is widespread that improper and incompetent personnel is being employed that political activity has been indulged in and aid granted on a political basis that known chiselers are being maintained on the relief rolls that discrimination on account of race creed and color is practiced and that husbands and wives are both employed or one employed when the other has employment elsewhere therefor be it

Resolved That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House whose duty it shall be to thoroughly and impartially investigate the Bedford County Emergency Relief Board and the United States Employment Bureau in said county or any other governmental agency dealing with relief and the personnel thereof with a view of determining whether the allegations set forth in the preamble hereof are true and to make report thereof to the House of Representatives as early as possible

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases

Resolved That said committee shall have the further right and authority to issue a requisition to the aforesaid board bureau or agency for such stenographic help or service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearings etc

Referred to the Committee on Judiciary Special.

By Miss BRANCATO. RESOLUTION No. 132.

In the House of Representatives, April 17th, 1935.

Whereas, The United States Government has recently completed a large and beautiful Naval Hospital at the Navy Yard, located at Philadelphia; and

Whereas, The grounds immediately surrounding the aforesaid hospital are being used as a public dumping ground, on which there is continually being dumped ashes, rubbish and waste and which is being blown into the hospital and has been causing much annoyance, as well as being a possible source of disease, and

Whereas, The waste and rubbish on these surrounding grounds is slowly smoldering and giving off obnoxious fumes and smoke which in many cases increases the discomfort and the pain and suffering of the patients in the aforesaid hospital; therefore be it

Resolved, That the mayor and the council of Philadelphia has jurisdiction over these grounds, order the discontinuance of all dumping upon the immediate grounds surrounding the United States Naval Hospital at the Navy Yard at Philadelphia, and to prohibit the setting of fires to the waste thereon and to institute a program for the removal of this unsightly, unsanitary and disease producing area and the replacing thereof by an area marked by modern beautification through landscape gardening.

Referred to the Committee on Cities.

## ANNOUNCEMENTS

### COMMITTEE MEETINGS

The Committee on Judiciary Special will meet immediately after adjournment tonight in the Conference Room.

The Committee on Forestry will meeet tomorrow at 9:00 A. M. in room 323.

The Committee on Counties will meet tomorrow at 9:30 A. M. in room 324.

## ADJOURNMENT

Mr. FRANK E. SNYDER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 10:00 A. M.

The motion was agreed to, and (at 10:13 P. M.) the House adjourned until Thursday, April 18, 1935, at 10:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., THURSDAY, APRIL 18, 1935 No. 48

## SENATE

THURSDAY, April 18, 1935.

The Senate met at 12:00 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the chair.

### PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O God, our Heavenly Father, at the approach to our beautiful Capitol are engraved in stone two striking mottoes. One proclaims "In God We Trust." Grant that none of us may make this solemn declaration a mere empty platitude. Save us from the error of trusting in ourselves instead of Thee.

Another motto, cut into one of the pillars forming the gateway of our Commonwealth's shrine, declares that those who enact and execute laws therein shall have "Truth for Authority." How shall we know the truth except Thou teach it unto us? How shalt Thou teach it unto us except we sit at Thy feet? Thou art the source of all truth. Thou, indeed, art Truth.

If we are motivated by any desires or purposes other than those expressed by those watchwords which guard the portals of this sacred temple of liberty, forgive us and lead us back into the pathway pointed out by them.

May knowledge of truth revealed to them by Thy spirit inspire the members of this Senate. May every action they take be right, noble and manly, and, above all, sincere. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

### PETITIONS

#### FAVORING PENDING TAX LEGISLATION

The Chair cleared his table and laid before the Senate petitions from the Philadelphia Boosters' Association and the Snowden Township Democratic Club favoring pending tax legislation.

Which were referred to the Committee on Finance.

#### PROTESTING AGAINST ANTI-SABBATH BILLS

The Chair also laid before the Senate petitions signed by numerous citizens throughout the State protesting against anti-Sabbath bills.

Which were referred to the Committee on Law and Order.

#### PROTESTING AGAINST SENATE BILL NO. 204

The Secretary presented to the Senate petition from the Council of the Borough of Bellevue protesting against Senate Bill No. 204.

Which was referred to the Committee on County Government.

#### FAVORING EMERGENCY EDUCATIONAL-RECREATIONAL PROGRAM

Mr. SHAPIRO presented petition signed by six thousand residents of Philadelphia favoring an emergency educational-recreational program.

Which was referred to the Committee on Education.

#### FAVORING SENATE BILL NO. 689

Mr. RODGERS presented to the Senate petition from the Council of the City of Pittsburgh favoring Senate Bill No. 689.

Which was referred to the Committee on Municipal Government.

#### PROTESTING AGAINST SENATE BILL NO. 204

He also presented to the Senate petitions from the Council of the Borough of Ben Avon, Jefferson Township Commissioners and the School Board of South Fayette Township opposing Senate Bill No. 204.

Which were referred to the Committee on County Government.

#### OPPOSING SENATE BILL NO. 759

He also presented to the Senate petition signed by numerous residents of Pittsburgh opposing Senate Bill No. 759.

Which was referred to the Committee on Judiciary Special.

#### FAVORING RELOCATION OF HIGHWAYS THROUGH PITTSBURGH

He also presented to the Senate petition from the Council of the City of Pittsburgh favoring relocation of highways through Pittsburgh.

Which was referred to the Committee on Highways.

OPPOSING AMENDMENTS TO THE COMPENSATION LAW

He also presented petition from the Workingmen's Sick Benefit Federation, Pittsburgh, opposing amendments to the Compensation law.

Which was referred to the Committee on Labor and Industry.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 28 (Senate Bill No. 970), entitled:

An Act to amend article nine of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code" by adding a new section thereto for protecting the safety of the public by prohibiting the operation of certain commercial vehicles on Sunday and legal holidays between the hours of nine o'clock ante meridian and nine o'clock post meridian.

Which was committed to the Committee on Highways.

House Bill No. 67 (Senate Bill No. 971), entitled:

An Act to amend section one of the act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 130), entitled "An act to provide civil rights for all people, regardless of race or color," amplifying and extending the provisions of said act and increasing the penalties for violation thereof.

Which was committed to the Committee on Judiciary General.

House Bill No. 183 (Senate Bill No. 972), entitled:

A Joint Resolution proposing an amendment to section eighteen, article three, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 184 (Senate Bill No. 973), entitled:

A Joint Resolution proposing an amendment to section seven, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 247 (Senate Bill No. 974), entitled:

An Act to amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-one (P. L. 1278), entitled "General County Law," giving courts discretion with respect to certain surcharges against county commissioners.

Which was committed to the Committee on County Government.

House Bill No. 861 (Senate Bill No. 975), entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1808), entitled "An act fixing the time when statutory law hereafter enacted shall become effective."

Which was committed to the Committee on Judiciary General.

House Bill No. 898 (Senate Bill No. 976), entitled:

An Act requiring all persons, associations, copartnerships and corporations, conducting any business, to have displayed at such business place the names of the owners, or the names which the owners are lawfully entitled to use.

Which was committed to the Committee on Corporations.

House Bill No. 1005 (Senate Bill No. 977), entitled:

An Act requiring tax collectors to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania or any city, borough, township or school district in the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

House Bill No. 1119 (Senate Bill No. 978), entitled:

An Act to further amend section five of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "General Road Law," decreasing minimum widths of certain roads.

Which was committed to the Committee on Highways.

House Bill No. 1233 (Senate Bill No. 979), entitled:

An Act requiring street cars to be equipped with caution lights.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1340 (Senate Bill No. 980), entitled:

An Act to amend section one thousand and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned.

Which was committed to the Committee on Municipal Government.

House Bill No. 1423 (Senate Bill No. 981), entitled:

An Act to further amend article five of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by providing therein authority for appropriations to fire companies.

Which was committed to the Committee on County Government.

House Bill No. 1426 (Senate Bill No. 982), entitled:

An Act to amend section one thousand seven hundred and nine of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," authorizing taxation upon either real property or occupations or both.

Which was committed to the Committee on Municipal Government.

House Bill No. 1476 (Senate Bill No. 983), entitled:

An Act to amend section forty of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "Fish Law of 1925," as amended; changing the number of trout allowed to be caught in one day.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1565 (Senate Bill No. 984), entitled:

An Act to amend section two hundred and twenty-one of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "General Poor Relief Act of 1925," by requiring records of poor districts to be open to inspection.

Which was committed to the Committee on County Government.

House Bill No. 1566 (Senate Bill No. 985), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by requiring county records to be open to inspection.

Which was committed to the Committee on County Government.

House Bill No. 1611 (Senate Bill No. 986), entitled.

An Act to provide revenue by imposing an excise tax on foreign commercial vehicles as herein defined for the use of the highways of this Commonwealth, establishing Ports of Entry to aid in the collection of said taxes; conferring powers and imposing duties upon certain officials, boards and departments of this Commonwealth and political subdivisions thereof; providing for the collection and disposition of the tax and for the administration and enforcement of the act; providing penalties and making an appropriation.

Which was committed to the Committee on Finance.

House Bill No. 1613 (Senate Bill No. 987), entitled:

An Act to further amend clauses six and nine of section one, and section three of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes' Retirement Law" authorizing legislative journal reporters to become members of said retirement system; and opening the system further for original members.

Which was committed to the Committee on State Government.

House Bill No. 1615 (Senate Bill No. 988), entitled:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," by providing for the assessment of seated lands divided by the boundary line between two townships.

Which was committed to the Committee on County Government.

House Bill No. 1623 (Senate Bill No. 989), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by adding a new section, providing for the payment over by officers to the county treasurer of certain unclaimed moneys.

Which was committed to the Committee on County Government.

House Bill No. 1631 (Senate Bill No. 990), entitled:

An Act to provide revenue by imposing a State excise tax upon all gifts, as herein defined, made within this Commonwealth, or of property situated therein; providing for the collection and lien of the tax, and the disposition of the revenue derived therefrom; imposing certain costs on counties; conferring powers and imposing duties upon certain persons, associations, partnerships, corporations, and State departments, and imposing penalties.

Which was committed to the Committee on Finance.

House Bill No. 1699 (Senate Bill No. 991), entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law," as amended; by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1806 (Senate Bill No. 992), entitled:

An Act to further amend section two hundred twenty-four of the act approved the second day of May, one thousand nine hundred twenty-five (P . L. 448), entitled "Fish Law of 1925," by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 1865 (Senate Bill No. 993), entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the erection of the Pennsylvania Soldiers' Orphans Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphans Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers' Orphans Industrial School and the said Soldiers' Orphans School" extending the time for the discharge of children from said school.

Which was committed to the Committee on State Government.

House Bill No. 1944 (Senate Bill No. 944), entitled:

An Act authorizing the taking of oaths and affidavits by certain employees of the Department of Military Affairs for limited purposes.

Which was committed to the Committee on Judiciary General.

House Bill No. 1949 (Senate Bill No. 995), entitled:

An Act to further amend section one thousand one of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (P. L. 359), entitled "Game Law" by authorizing the Board of Game Commissioners to prescribe by rule or regulation when and for what vermin bounties should be paid, and the amounts thereof within certain limits.

Which was committed to the Committee on Game and Fisheries.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 149

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 149, Printer's No. 257, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

Mr. EALY. Mr. President, I move that the communication just read be laid on the table.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the folowing persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Fred P. Benthin, 505 Frick Bldg., Pittsburgh.
George E. Kelsch, McKeesport.
M. G. Wolff, 359 Sixth Ave., Pittsburgh.

BUCKS COUNTY

Edwin W. Henry, Jr., Hulmeville.

INDIANA COUNTY

Miss Hester A. Donaldson, Indiana.

PHILADELPHIA COUNTY

Miss Florence E. Lindsay, 213 S. Broad St., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 17, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Evelyn L. Keefe, 2851 Bedford Ave., Pittsburgh.

CARBON COUNTY

Edward T. Royer, Weatherly.

LEHIGH COUNTY

Harry T. Armstrong, Fountain Hill.
Mrs. Irene M. Gillespie, Catasauqua.

MONTGOMERY COUNTY

Daniel Signore, Ambler.

PHILADELPHIA COUNTY

Harry F. Deibel, 1515 N. Broad St., Philadelphia.
John R. Johnstone, 819 N. 11th St., Philadelphia.
Charles F. Larrigoy, 2332 "A" St., Philadelphia.
Edward G. Lotwick, Cedar and Westmoreland Sts., Philadelphia.
Vincent A. Spano, 5751 Woodcrest Ave., Philadelphia.

WESTMORELAND COUNTY

E. M. Frye, Monessen.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DELAWARE COUNTY

Harry R. C. Robinson, Chester, April 20, 1935.

ALLEGHENY COUNTY

C. C. Meyer, Pittsburgh, April 24, 1935.

LAWRENCE COUNTY

E. F. Connelly, New Castle, April 28, 1935.

GEORGE H. EARLE.

## REPORTS FROM COMMITTEES

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 958, entitled:

An Act making an appropriation to the Coudersport General Hospital.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 959, entitled:

An Act making an appropriation to the Northern Tier Home, Harrison Valley, Potter County, Pennsylvania.

Mr. GELDER, from the Committee on Highways, reported as amended, Senate Bill No. 547, entitled:

An Act to amend section one of the act, approvel the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," providing a procedure for the vacation of such abandoned State highways without the necessity of a view.

## BILLS INTRODUCED

Mr. SONES (by Request) read in his place and presented to the Chair Senate Bill No. 996, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the banking Department Fund; authorizing the Department of Banking, under circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions and officers; authorizing certain local public officers and State departments

to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by providing for the licensing of secretaries of building and loan associations by the Department of banking.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair Senate Bill No. 997, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties.

Which was committed to the Committee on Banking.

## BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 154, entitled:

An Act providing that State and Federal moneys appropriated and available for unemployment relief and work relief shall be allocated by the Department of Welfare for expenditure either by political subdivisions charged by law with the care of the poor or by county unemployment relief boards appointed by the court of common pleas defining the powers of such political subdivisions and boards providing for the audit of accounts prescribing penalties and repealing existing laws relating to the administration of unemployment relief

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys hereafter appropriated by the Commonwealth of Pennsylvania for unemployment relief shall be appropriated to the Department of Welfare and all moneys received from the Federal Government or any agency of the Federal Government for relief and work relief is hereby added to any appropriations made by the Commonwealth for such purposes and part of all of said moneys shall be allocated monthly for expenditure in the several counties of this Commonwealth on a ratio that the estimated number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry The moneys so allocated monthly to the several counties shall be expended either by political subdivisions charged by law with the care of the poor or by county unemployment relief boards as the case may be as hereinafter provided

Section 2 Where a political subdivision charged with the care of the poor is coextensive with a county the amount allocated to the county from time to time shall be forthwith paid by the State Treasurer on requisition of the Department of Welfare to the treasurer of such political subdivision

In any county where there is more than one political subdivision charged with the care of the poor the amount allocated to the county shall be paid to the county treasurer and shall be expended by and under the supervision of a county unemployment relief board to be created as follows

The court of common pleas of each county where more than one political subdivision is charged with the care of the poor shall as soon as may be after the effective date of this act appoint a county unemployment relief board for the county which board shall be composed of not less than five nor more than seven citizens at the discretion of the court The court shall designate one of the members as chairman and such board shall elect a secretary who need not be a member of the board The members of each county unemployment relief board shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the performance of their duties Each county unemployment relief board shall be furnished with an office or offices by the county commissioners at the expense of the county All moneys received by any county treasurer for expenditure by the county unemployment relief board shall be paid out of the county treasury on order of the board under such system of accounting and requisition as the county unemployment relief board may estblish

Section 3 Each county unemployment relief board and every political subdivision charged with the care of the poor shall have power to employ such experts clerks investigators and assistants as may be deemed necessary to carry into effect the provisions of this act in an economical manner and to fix their compensation Such compensation and the other expenses of the board or the political subdivision shall be paid from funds allocated to the county for unemployment relief but not more than five per centum of the amount so allocated for any month shall be expended for salaries wages and other administration purposes

Section 4 Each political subdivision charged by law with the care of the poor and each such county unemployment relief board shall have authority under the provisions of this act any law to the contrary notwithstanding to expend the moneys received under the provisions of this act for the purpose of providiing food clothing fuel shelter and work or any of them for residents within their districts who are without means of support and for administration purposes subject however to the limitations hereinbefore provided

Section 5 The amounts allocated to political subdivisions and to county unemployment relief boards under the provisions of this act and by them expended shall be audited by the Auditor General in the same manner as other expenditures of Commonwealth moneys

Section 6 Any officer member or employe of any political subdivision or any county unemployment relief board who shall expend or authorize the expenditure of any moneys allocated under the provisions of this act for any purpose other than one authorized by this act or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act who is not legally entitled thereto because he or she has means of support shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars or to imprisonment for a term of not more than six months or both at the discretion of the court

Section 7 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" together with the amendments thereto are hereby repealed

Section 8 Except as herein otherwise provided this act shall become effective immediately upon final enactment

Section six of this act shall become effective upon the first day of June one thousand nine hundred and thirty-five and no moneys allocated to political subdivisions and county unemployment relief board shall be expended by such political subdivisions and boards prior to June first one thousand nine hundred and thirty-five

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, I move to reconsider the vote by which Senate Bill No. 154 passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye."

Mr. WOODWARD. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. WOODWARD. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. EALY. Mr. President, with the consent of the sponsor of this bill, I ask unanimous consent to amend page 2, line 6, by striking out after the word "part" the word "of" and inserting in lieu thereof the word "or"; amend page 4, line 20, by inserting after the word "establish" the following: "County unemployment relief boards shall employ a uniform system of accounting which shall be established in accordance with plans, rules and regulations prescribed by the Auditor General"; also page 4, line 23, after the word "employ" strike out the words "such experts" and insert in lieu thereof the following: "a director and such"; also page 5, line 3, by inserting after the word "purposes" the following: "After the first day of January, one thousand nine hundred and thirty-six, one-third of the cost of administration of such relief shall be paid by the several counties respectively and after the first day of September, one thousand nine hundred and thirty-six, one half of such administration costs shall be paid by the county"; also line 10, by inserting after the word "shelter" the following: "or other necessities"; also line 23, by inserting after the word "moneys" the following; "Reports shall be submitted by each such board to the Department of Welfare as often as it may require."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## BILLS ON SECOND READING

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of bills on second reading.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

## BILL RECOMMITTED

Mr. PYTKO. Mr. President, I move that Senate Bill No. 144, on second reading, entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith misdemeanors and prescribing penalties.

be recommitted to the Committee on Judiciary Special for the purpose of amendment.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 577 (House Bill No. 1281), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the nine day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 704, as follows:

An Act making an appropriation to the Louise Tuberculosis Home Mill Creek Township Erie County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Louise Tuberculosis Home Mill Creek Township Erie County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 751, as follows:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created in each county of this Commonwealth a County Assistance Board composed of six citizens one of whom shall be appointed by the Governor and four of whom shall be appointed by the courts of common pleas of the county The sixth member shall be the chairman of the board of county commissioners The members of County Assistance Boards shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties Each member of a County Assistance Board shall have the right to have assigned to him or her a distinguishing motor vehicle registration plate by the Department of Revenue Each County Assistance Board with the consent and approval of the county commissioners of the county shall have power to employ such experts clerks and assistants as may be deemed necessary to discharge the duties imposed by this act and to fix their compensation which compensation and all other administrative expenses of such boards shall be paid by the county but the amount expended for the compensation of employes and other administrative expenses of a board shall not exceed an amount equal to six per centum of the moneys allocated to a board in any one month The county commissioners shall at the expense of the county furnish to the County Assistance Board a suitable office or offices at the county seat

Section 2 The County Assistance Boards created under this act shall supersede the local relief boards and agencies created by the State Emergency Relief Board for the distribution of unemployment relief

Section 3 The County Assistance Board in each county shall be the agency to expend under the direct supervision of the Governor money appropriated by the Commonwealth for unemployment relief and the moneys received from the Federal Government or any agency thereof for unemployment relief

All moneys hereafter appropriated by the Commonwealth for unemployment relief shall be appropriated to the Governor and all moneys received from the Federal Government or any agency thereof for relief and work relief shall be added to any appropriations made by the Commonwealth for such purposes and the Governor shall monthly allocate a portion of such moneys for expenditures in the several counties the monthly allocation to be reallocated to the various counties on a ratio that the estimated total number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry

Section 4 The Governor shall have power to employ a director of assistance and such other employes as he may deem necessary to perform the duties imposed upon him by this act He shall have power to require from each County Assistance Board such monthly or other periodic reports as he may deem necessary but each County Assistance Board shall be held solely responsible for the expenditure of unemployment relief and determine the amounts to be allowed to individuals and families entitled to unemployment relief Moneys allocated for unemployment relief shall be expended only for food clothing fuel shelter and work relief for residents who are without means of support except that Federal moneys made available for aid to transients may be expended for such purposes

Section 5 The moneys paid to a County Assistance Board from time to time shall be paid into the county treasury for safe keeping and shall be paid out of the county treasury under such system of requisition and accounting as the County Assistance Board and the county treasurer of the county shall by agreement establish Any county treasurer may with the consent of the County Assistance Board appoint one or more clerks to assist him in the performance of his duties in receiving any paying out moneys and the compensation of such clerks or clerks shall be paid by the county as part of the administrative expense of the County Assistance Board

Section 6 Any member or employe of any County Assistance Board who shall expend or authorize the expenditure of any money allocated to it under the provisions of this act for any purpose other than one authorized by this act or by law or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act when he or she is not legally entitled thereto because he or she has means of support or any person who shall sell any order issued to him or her by a County Assistance Board for cash or part cash or other consideration or sell any food clothing or fuel received for cash or other consideration shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment for a term of not more than six months or both at the discretion of the court

Section 7 The expenditures of County Assistance Boards shall be audited from time to time by the Auditor General in the same manner as other expenditures of Commonwealth moneys and copies of such audits shall be furnished to each board whose accounts have been audited and to the Governor

Section 8 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" is hereby repealed

Section 9 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 752, as follows:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly and it is hereby enacted by the authority of the same That every person applying for direct relief or work relief from any agency authorized by law to distribute or furnish such relief out of any moneys appropriated in whole or in part by the Commonwealth or by the Federal government shall be required to sign as a part of his or her written application a bond to the Commonwealtah containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars which bond shall be conditioned for the faithful observance of all the stipulations and promises contained in such application and on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his or her written application

Section 2 This act shal become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 834 (House Bill No. 1788), entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended, by changing the names of the State Association and training schools for nurses.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 849, as follows:

An Act to amend Article XIX of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by adding thereto Section eighteen and one tenth regulating the procedure to be followed when such cities find it necessary to reduce the number of police officers or firemen

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article XIX of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended by adding thereto Section eighteen and one tenth to read as follows:

Section 18.1 If for reasons of economy or other reasons it shall be deemed necessary by any city of the first class to reduce the number of police officers or firemen then such city shall follow the following procedure

First If there are any police officers or firemen eligible for retirement under the terms of any pension fund then such reduction in numbers shall be made by retirement on pension of all the oldest in age and service

Second If the number of the respective police officers or firemen eligible for retirement under the pnsion fund of said city if any is insufficient to effect the reduction in number desired by said city or if there is no eligible person for retirement or if no pension fund exists in said city then the reduction shall be effected by suspending the last man or men including probationers that have been appointed Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed all recent appointees until such reduction shall have been accomplished Whenever such police officers or firemen shall again be increased in numbers to the strength existing prior to such reduction or if any vacancies occur the employes suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 955, as follows:

Making an appropriation to the Beulah Anchorage of Reading Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two thousand dollars ($2,000) or so much thereof as may be necessary is hereby specifically appropriated to the Beulah Anchorage of Reading Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1023.

The Clerk of the House of Representative being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 18, 1935.

Resolved (if the Senate concur), That House Bill No. 1023, Printer's No. 276, entitled:

An Act prohibiting the sale and distribution of medicines, drugs, poisons and articles intended for use in the cure, mitigation, treatment or prevention of disease in man or animal by means of vending machines

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILLS OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 22, on third reading, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK. Mr. President I ask unanimous consent that Senate Bill No. 432 (House Bill No. 678) on third reading, entitled:

An Act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 581 entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rodgers, |
| Batchelor, | Harris, | Owlett, | Rupp, |
| Baumer, | Homsher, | Pierson, | Shapiro, |
| Bean, | Howell, | Prince, | Sones, |
| Bennett, | Huffman, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

Mr. REED (Dauphin). Mr. President, inasmuch as the sponsor of the bill is not present, I ask unanimous consent that Senate Bill No. 608, on third reading, entitled:

An Act to amend article twenty of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by prescribing the powers and duties of the boards of trustees of State Teachers Colleges and the Cheyney Training School for Teachers repealing inconsistent legislation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS. Mr. President, I ask unanimous consent that Senate Bill No. 666, on third reading, entitled:

An Act regulating the motor vehicle junk business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 730, entitled:

An Act to amend section one of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred eighteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" extending said act to issues where any of the bonds thereof have matured.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Aron, | Harris, | Owlett, | Rupp, |
| Batchelor, | Homsher, | Pierson, | Shapiro, |
| Baumer, | Howell, | Prince, | Sones, |
| Bean, | Huffman, | Pytko, | Staudenmeier, |
| Cavalcante, | Kahle, | Rankin, | Thompson, |
| Chapman, | Lanius, | Reed, | (Centre) |
| Clark, | Law, | (Dauphin) | Thompson, |
| Coyne, | Mallery, | Reed, | (Westmoreland) |
| Ealy, | McClure, | (Washington) | Trainer, |
| Frey, | McCreesh, | Rice, | Woodward, |
| Gelder, | McGinnis, | Roberts, | Ziesenheim, |
| Graff, | Miller, | Rodgers, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 746 (House Bill No. 1156), as follows:

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created and established in every city of the second class in this Commonwealth a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police of such city which fund shall be known as the "Policemen's Relief and Pension Fund of the City of ....."

Section 2 Such fund shall consist of and to it shall be transferred and paid

(1) All disciplinary fines imposed upon the policemen of such city

(2) The income from any and all trust funds which may hereafter be established by gift for the benefit of such persons as are eligible to be beneficiaries under this fund

(3) The dues of the members of the fund as hereinafter stipulated

(4) All donations of money from whatever source which shall be made to the fund

(5) All monies heretofore required to be paid by cities of the second class to the organization or association constituting and having in charge the distribution of police pension funds in such cities

(6) Sums to be annually paid into said fund by each city of the second class in amounts sufficient to maintain the pensions or compensations due under this Act The public authorities of every city of the second class charged with the disbursements expenditures and appropriations thereof shall annually set aside apportion and appropriate out of all taxes and income of the said cities unto the fund hereby created a sum sufficient to maintain the pensions or compensations due under this Act and to carry out the provisions of this Act

Section 3 There is hereby created for the care management and control of such fund a board of managers consisting of eleven members to be known as the "Policemen's Pension Fund Board of the City of ....." The personnel thereof shall be as follows the president of council the city controller and the director of the department of public safety who shall be ex-officio members and eight elective members from among the following classes of the members and beneficiaries of such fund one member to be elected from among the inspectors captains and lieutenants of both police and detectives one member to be elected from among the sergeants and detectives two members to be elected from among the beneficiaries of the fund and four members to be elected from among the active members of the fund who are of the rank and file and not classified in any of the foregoing groups

The first board of managers the members of which shall hold office until the first day of February one thousand nine hundred and thirty-six shall consist of those persons who at the effective date of this Act shall be the members of the board of directors or managers of the organization or association which is designated as the official and authorized organization or association to hold receive and distribute the funds for the purpose of pensioning the police officers of said cities of the second class under the provisions of the Act of Assembly of April fifth one thousand nine hundred and seventeen Pamphlet Laws thirty-nine

The Board is hereby authorized to make and establish such rules and regulations for the care management and operation of the fund created by this Act as shall not be inconsistent with the provisions of this Act

Section 4 Elections of the eight elective members of the Board shall be held annually on the second Monday of January of each year beginning with the year one thousand nine hundred and thirty-six and the said members so elected shall take office on the first day of February following their elections

Vacancies among the elective members of the board shall be filled by the board at its next meeting for the unexpired term

The time and place of holding the annual elections shall be designated and fixed by the board herein created

Section 5 The president and the vice-president of the Board shall be elected by the members of the Board The Board shall elect a secretary-treasurer from the members of the fund and may elect or appoint a solicitor and such other employes as the Board may deem necessary and shall fix the salary or compensation of all officers and employes elected or appointed by the Board

Section 6 The president shall preside at all meetings of the Board He shall sign all necessary papers approved by the Board requiring his signature and perform such other duties as may be required by his office

The secretary-treasurer shall keep minutes of all meetings of the Board receive and receipt for all payments to the fund and keep accurate accounts between the fund and its members All checks shall be signed by the secretary-treasurer and countersigned by the president or vice-president of the Board

The Board shall hold regular monthly meetings at a time and place to be fixed by the Board Special meetings of the Board shall be called by the president whenever he deems it necessary or upon written request of five members of the Board or twenty-one members of the fund

Section 7 The Board shall designate and choose the bank or banks trust company or trust companies in such city in which the monies of the fund shall be deposited

The Board may invest the monies of the fund in such State County or Municipal bonds of the State of Pennsylvania or in bonds of the United States Government as they may deem to the best interest of the fund The accounts of the fund shall be audited annually by the city controller or oftener if the Board requests the same to be done and a copy of the audit shall be furnished to the council of the city and copies to the members of the board

Section 8 The membership of the fund shall consist of

(1) All persons who shall after the effective date of this Act become employes of the Bureau of Police as uniformed policemen or as detectives including all substitute uniformed employes of the Bureau of Police superintendent of police assistant superintendent of police inspector of police inspector of traffic inspector of detectives captain

of police captain of detectives lieutenant of police lieutenant of detectives lieutenant of traffic lieutenant of motorcycles detective sergeant of police turnkey patrolman cornerman motorcycle patrolman radio patrolman Morals Court officer Traffic Court officer and precinct detectives provided that the membership of any person who shall become a member of the fund under and by virtue of the provisions of this subsection shall be in no way affected or impaired by the fact that he thereafter becomes a chief Bertillon operator or Bertillon operator who shall have come from the ranks and provided further that membership under this sub-section shall exist solely by virtue of the provisions of this sub-section and without the making of any application

(2) Each present employe of the Bureau of Police as classified by part (1) of this Section who at the effective date of this Act is a member of any Employes' Pension Fund created under the Act of May twenty-eight one thousand nine hundred and fifteen Pamphlet Laws five hundred ninety-six if and only if he elects to withdraw and resign from the said Employes' Pension Fund and to apply for membership in the fund created by this Act

(3) Each person who at the effective date of this Act is a member of any other association corporation or fund in the same city constituted for and having in charge the distribution of police pension funds but to whom a pension has not yet been granted by said other association corporation or fund if and only if he waives his right to receive any other pension than a death benefit from the said other association corporation or fund and applies for membership in the fund created by this Act and assigns to the fund created by this Act whatever amount of his contributions to the said other association corporation or fund of which he is a member at the effective date of this Act he is permitted to withdraw from the said association corporation or fund by the laws and rules thereof now or hereafter in effect

(4) Each member of any other association corporation or fund in the same city existing or created for purposes similar to the purposes of the fund created by this Act to whom prior to the effective date of this Act a pension has been granted by the said other associations corporation or fund and who has not forfeited his right to receive the said pension whether at the effective date of this Act he is receiving the said pension or not if and only if he waives his right to receive from the said other association corporation or fund any other pension than a death benefit and applies for membership in the fund created by this Act The waiver in such case is only to take effect as of the date that the member first receives pension payments from the fund created by this Act

Section 9 The forms for application for membership required under sub-sections (2) (3) and (4) of Section 8 hereof shall be determined by the board of managers These forms shall include the waivers and assignments required under the provisions of Section 8 hereof Upon the filing with the secretary-treasurer of the fund of an application properly filled out and executed on the form prescribed by this Section an applicant shall automatically become a member of the fund created by this Act

Section 10 Each member in active service shall be required

(1) To contribute to said fund three percentum of his rated monthly salary or wages which shall be deducted from his salary or wages by the city controller from the payroll for the last half of each month and paid into the fund

(2) Substitute employes of the Bureau of Police as classified under sub-section (1) of Section 8 hereof shall be credited for pension and paid on the basis of actual days served in the Bureau of Police

(3) Regular and substitute employes shall serve at least one day in each month in order to be credited for one month's service for pension under this Act

Section 11 When any member of the fund shall resign or be dismissed from service or shall die while in active service there shall be paid to him or to his executor or administrator if his service has been terminated by death from the fund all dues paid by him into the fund without interest and all monies which the fund may have received under any assignment made by the said member to the fund at the time of his admission to membership under the provisions of sub-section (3) of Section 8 hereof

Section 12 A member of the fund who has severed his connection therewith and has subsequently again become a member thereof shall be required to pay a re-admission fee of $5.00 and to return to the fund such monies as were paid to him from the fund when his membership in the fund was terminated

Such re-admission fee and refund shall be collected from the monthly salary or wages of the reinstated member over the period of a year in the manner provided for in sub-section (1) of Section 10 hereof or in such manner and period as the board of managers may determine Full payment thereof shall be a condition precedent to the member being eligible to receive the benefits of the fund

If however any such reinstated member shall be injured in the line of duty before he shall have made such full restitution and if the disability caused by such injury shall continue beyond the period during which compensation shall be paid to him under the provisions of the Workmen's Compensation Act of Pennsylvania he shall be eligible to pension under this Act but any amount in which he shall have been indebted to the fund at the date of his injury shall be repaid if the board in its discretion shall so require in such monthly payments as said board may determine which amounts shall be deducted from his pension as and when monthly payments thereof shall be made

Section 13 Members of the fund shall be eligible to receive pensions from said fund as follows

(1) A member who has been admitted into membership under the provisions of sub-section (4) of Section 8 hereof shall at once and automatically be entitled to receive a pension as hereinafter stipulated

(2) A member who has been admitted to membership in this fund within sixty days from the effective date of this Act under the provisions of subsection (2) or subsection (3) of Section 8 hereof shall be entitled to receive a pension from this fund upon written application of such member stating his desire to withdraw from service in said city or that his employment by the said city has been terminated and showing that such member has rendered at least twenty years' service to the said city at least one year of which was immediately prior to his application but which need not have been otherwise continuous service Such service shall total twenty years and shall include service in the armed forces of the United States in times of war provided that the Board of Managers for good cause shown to their own satisfaction may permit a member who has been admitted to membership more than sixty days after the effective date of this Act to go on pension upon filing a written application containing the statements prescribed by this sub-section

(3) Any member who has become a member of this fund under the provisions of sub-section (1) of Section 8 hereof or who has been admitted to membership under the provisions of sub-section (2) or subsection (3) of Section 8 hereof more than sixty days after the effective date of this Act shall be entitled to receive a pension from said fund upon written application of such member stating his desire to withdraw from service in said city or that his employment by the said city has been terminated and showing that such member has attained the age of fifty-five years and has rendered at least twenty-five years' service to the said city at least one year of which was immediately prior to his application but need not have been otherwise continuous service Such service shall total twenty-five years and shall include service in the armed forces of the United States in times of war

(4) Any member who while a member of the fund is injured in the line of duty and disabled through such injury shall be entitled to receive a pension from the fund created by this Act upon written application of such member stating such facts and further showing that such disability continues and that the applicant is no longer entitled to payments from the city under the provisions of the Workmen's Compensation Act and its amendments Upon approval by the Board such member of the fund shall become a beneficiary thereunder

Section 14 Beneficiaries under said fund shall be rated and classified and shall be entitled to receive from the fund per month the amounts indicated in the following table to-wit

| Classification | Monthly Payments |
|---|---|
| Superintendent of Police | $125.00 |
| Assistant Superintendent of Police | 115.00 |
| Inspector of Police | 100.00 |
| Inspector of Traffic | 100.00 |
| Inspector of Detectives | 100.00 |
| Captain of Detectives | 95.00 |
| Captain of Police | 95.00 |
| Lieutenant of Detectives | 95.00 |
| Lieutenant of Police | 90.00 |
| Lieutenant of Traffic | 90.00 |
| Lieutenant of Motorcycles | 90.00 |
| City Detective | 90.00 |
| Sergeant of Police | 85.00 |
| Chief Bertillon Operator | 85.00 |
| Turnkey | 85.00 |
| Patrolman | 80.00 |
| Cornerman | 80.00 |
| Motorcycle Patrolman | 80.00 |
| Morals Court Officer | 80.00 |
| Traffic Court Officer | 80.00 |
| Precinct Detective | 80.00 |
| Bertillon Operator | 80.00 |
| Radio Patrolman | 80.00 |

The pensions for members holding positions not included in the above table shall be rated classified and determined by the Board of Managers in amounts proportionate to the pensions listed in the above table

No pension shall be granted or paid to any member based on the rank or position which he holds at the time of making application for pension unless he has held such rank or position for a period of one (1) year prior to the date of making such application

The first pension payments to be made under this Act shall be those for the month of October one thousand nine hundred and thirty-five which shall be payable on the third working day of November one thousand nine hundred and thirty-five Pension payments thereafter shall always be payable on the third working day of each month and shall be for the preceding month

Section 15 If any beneficiary of the fund shall be awarded a pension and shall thereafter be convicted of felony or shall become an habitual drunkard or shall cease to care for and support his wife and family then and in any such case the Board shall have power by a two-thirds vote to revoke the pension or to suspend the payment thereof or to direct payment of the pension to the family of such beneficiary and in such case the family shall be considered the beneficiary within the meaning of Section 18 hereof

Section 16 Any beneficiary of the fund who may obtain employment in the service of the City itself or County or State or any political sub-division whereof shall suffer suspension of his pension from the fund during the time of such employment

Section 17 The provisions of this Act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

Section 18 The compensation or pension herein provided for shall not be subject to attachment execution levy garnishment or other legal process and shall be payable only to the beneficiary designated by this Act in person and shall not be subject to assignment or transfer

Section 19 The provisions of this Act shall be severable and if any of the provisions thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any of the remaining provisions of this Act It is hereby declared as the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein

Section 20 The following Acts and parts of Acts of Assembly are repealed so far as they apply to cities of the second class viz

An Act entitled" An Act to empower boroughs and cities to establish a Police Pension Fund to take property in trust therefor and regulating and providing for the regulation of the same" approved the 24th day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine)

An Act entitled "An Act to empower boroughs and Act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine) entitled 'An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same' directing the establishment of such funds by cities" approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-two)

Section 21 This act shall take effect on the first day of September one thousand nine hundred and thirty-five

Approved the ..... day of ..... 19 .....

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

| | | | |
|---|---|---|---|
| Aron, | Harris, | Owlett, | Rodgers, |
| Batchelor, | Homsher, | Pierson, | Rupp, |
| Baumer, | Howell, | Prince, | Shapiro, |
| Bean, | Huffman, | Pytko, | Sones, |
| Cavalcante, | Kahle, | Rankin, | Staudenmeier, |
| Chapman, | Lanius, | Reed, | Thompson, |
| Clark, | Law, | (Dauphin) | (Centre) |
| Coyne, | Mallery, | Reed, | Thompson, |
| Ealy, | McClure, | (Washington) | (Westmoreland) |
| Frey, | McCreesh, | Rice, | Trainer, |
| Gelder, | McGinnis, | Roberts, | Woodward, |
| Graff, | Miller, | | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

## BILLS OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 769, on third reading, entitled:

An Act to amend sections four five seven and twelve of the act approved the third day of June one thousand nine hundred and eleven (P. L. 635) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Buerau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" as amended changing the requirements of medical educational institutions and applicants for examinations and licensure and defining new ground for the refusal or revocation of licenses

go over in its order.

The PRESIDENT. Is there objection? The Chair hear none.

Mr. EALY. Mr. President, I ask unanimous consent

that Senate Bill No. 781 (House Bill No. 1236), on third reading, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds by providing certain exemptions from the payment of fees provided for therein

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 800 (House Bill No. 1151), entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and nonresidents and providing further exception to the tax on transient merchants

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—12

| | | | |
|---|---|---|---|
| Aron, | Frey, | McGinnis, | Rankin, |
| Cavalcante, | Harris, | Miller, | Rice, |
| Ealy, | McCreesh, | Pytko, | Thompson, (Centre) |

NAYS—27

| | | | |
|---|---|---|---|
| Batchelor, | Graff, | McClure, | Rodgers, |
| Baumer, | Homsher, | Owlett, | Rupp, |
| Bean, | Howell, | Pierson, | Shapiro, |
| Chapman, | Kahle, | Prince, | Sones, |
| Clark, | Lanius, | Reed, | Staudenmeier, |
| Coyne, | Law, | (Dauphin) | Thompson, |
| Gelder, | Mallery, | Roberts, | (Westmoreland) |
| | | | Trainer, |

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

## BILL RECOMMITTED

Mr. ARON. Mr. President, I move that Senate Bill No. 801 (House Bill No. 1152), on third reading, entitled:

An Act to amend section two thausand six hundred and eleven and section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants

be recommitted to the Committee on Municipal Government

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Aron.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron, permit himself to be interrogated?

Mr. ARON. Mr. President, I will.

Mr. McGINNIS. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Aron, what his purpose is in recommitting this bill.

Mr. ARON. Mr. President, the purpose of recommitting this bill is that it may be given further study and consideration.

Mr. McGINNIS. Mr. President, I have no objection if that be the purpose, but these bills have been passed by the House and are over here for our action; there has been a chance for a hearing, and, by recommitting, we are only delaying our calendar.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

## BILL OVER IN ORDER

MR. RANKIN. Mr. President, I ask unanimous consent that Senate Bill No. 804, on third reading, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fines and costs imposed before the restoration of operating privilege in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideratinon of Senate Bill No. 824 (House Bill No. 1021), entitled:

An Act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands at certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" by providing for condemnation proceedings and assessment of damages.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

| | | | |
|---|---|---|---|
| Aron, | Graff, | McGinnis, | Rupp, |
| Batchelor, | Harris, | Miller, | Shapiro, |
| Baumer, | Homsher, | Owlett, | Sones, |
| Bean, | Howell, | Prince, | Staudenmeier, |
| Cavalcante, | Huffman, | Pytko, | Thompson, |
| Chapman, | Kahle, | Rankin, | (Centre) |
| Clark, | Lanius, | Reed, | Thompson, |
| Coyne, | Law, | (Dauphin) | (Westmoreland) |
| Ealy, | Mallery, | Rice, | Trainer, |
| Frey, | McClure, | Roberts, | Woodward, |
| Gelder, | McCreesh, | Rodgers, | |

NAYS—0

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent the Senate Bill No. 835 (House Bill No. 1789) on third reading, entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-eight) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nusing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 856 (House Bill No. 1143), entitled:

An Act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws eighty-nine one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act appropriating the moneys in The State Stores Fund" making appropriations for the payment of refunds.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

| | | | |
|---|---|---|---|
| Aron, | Graff, | McGinnis, | Rodgers, |
| Batchelor, | Harris, | Miller, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Cavalcante, | Huffman, | Prince, | Staudenmeier, |
| Chapman, | Kahle, | Pytko, | Thompson, |
| Clark, | Lanius, | Rankin, | (Centre) |
| Coyne, | Law, | Reed, | Thompson, |
| Ealy, | Mallery, | (Dauphin) | (Westmoreland) |
| Frey, | McClure, | Rice, | Trainer, |
| Gelder, | McCreesh, | Roberts, | Woodward, |

NAYS—0

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 865 (House Bill No. 1815), entitled:

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating places and drinking may be cleansed with any suitable cleansing re-agent.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rupp, |
| Batchelor, | Harris, | Owlett, | Shapiro, |
| Baumer, | Homsher, | Pierson, | Sones, |
| Bean, | Howell, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Rice, | Trainer, |
| Frey, | McCreesh, | Roberts, | Woodward, |
| Gelder, | McGinnis, | Rodgers, | |

NAYS—0

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of

Representatives with information that the Senate has passed the same without amendments.

## BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move the Senate Bill No. 870 (House Bill No. 1153) on third reading, entitled:

An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants

be recommitted to the Committee on Municipal Government for the purpose of a hearing.

Mr. FRY. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 879, entitled:

An Act making an appropriation to the Western Pennsylvania Hospital Pittsburgh Pennsylvania

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

| | | | |
|---|---|---|---|
| Aron, | Graff, | Miller, | Rupp, |
| Batchelor, | Harris, | Owlett, | Shapiro, |
| Baumer, | Homsher, | Pierson, | Sones, |
| Bean, | Howell, | Prince, | Staudenmeier, |
| Cavalcante, | Kahle, | Pytko, | Thompson, |
| Chapman, | Lanius, | Rankin, | (Centre) |
| Clark, | Law, | Reed, | Thompson, |
| Coyne, | Mallery, | (Dauphin) | (Westmoreland) |
| Ealy, | McClure, | Rice, | Trainer, |
| Frey, | McCreesh, | Roberts, | Woodward, |
| Gelder, | McGinnis, | Rodgers, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 880, entitled:

An Act making an appropriation to the Montefiore Hospital Association of Western Pennsylvania.

And said bill having been read at length the third ,and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

| | | | |
|---|---|---|---|
| Aron, | Graff, | McGinnis, | Rodgers, |
| Batchelor, | Harris, | Miller, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Cavalcante, | Huffman, | Prince, | Staudenmeier, |
| Chapman, | Kahle, | Pytko, | Thompson, |
| Clark, | Lanius, | Rankin, | (Centre) |
| Coyne, | Law, | Reed, | Thompson, |
| Ealy, | Mallery, | (Dauphin) | (Westmoreland) |
| Frey, | McClure, | Rice, | Trainer, |
| Gelder, | McCreesh, | Roberts, | Woodward. |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 881, entitled:

An Act making an appropriation to the Pittsburgh Homeopathic Medical and Surgical Hospital Pittsburgh Pennsylvania.

And said bill having been read at length the third time, ,and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

| | | | |
|---|---|---|---|
| Aron, | Graff, | McGinnis, | Rodgers, |
| Batchelor, | Harris, | Miller, | Rupp, |
| Baumer, | Homsher, | Owlett, | Shapiro, |
| Bean, | Howell, | Pierson, | Sones, |
| Cavalcante, | Huffman, | Prince, | Staudenmeier, |
| Chapman, | Kahle, | Pytko, | Thompson, |
| Clark, | Lanius, | Rankin, | (Centre) |
| Coyne, | Law, | Reed, | Thompson, |
| Ealy, | Mallery, | (Dauphin) | (Westmoreland) |
| Frey, | McClure, | Rice, | Trainer, |
| Gelder, | McCreesh, | Roberts, | Woodward, |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. CLARK. Mr. President, I ask unanimous consent that Senate Bill No. 911 (House Bill No. 1459) on third reading, entitled:

An Act to further amend sections one and two and to add sections two A two B two C and two D to the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred) entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marketing eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" providing standards for fresh eggs and prohibiting illegal sales and misbranding.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECONSIDERATION OF SENATE BILL NO. 800
(HOUSE BILL NO. 1151)

Mr. REED (Dauphin). Mr. President, I move to reconsider the vote by which Senate Bill No. 800 (House Bill No. 1151) entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and nonresidents and providing further exception to the tax on transient merchants

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. REED. Mr. President, I voted "no."

Mr GRAFF. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GRAFF. Mr. President, I voted "no."

The motion was agreed to.

And the question, recurring

Shall the bill pass finally?

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 800 (House Bill No. 1151), be recommitted to the Committee on Municipal Government for the purpose of a hearing.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF SENATE BILL No. 751.

Mr. WOODWARD. Mr. President, I move to reconsider the vote by which Senate Bill No. 751, entitled:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemploymen relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

passed second reading.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and reconsideration of Senate Bill No. 751.

The title, the ninth, eighth, seventh, sixth, fifth, fourth third and second sections of the bill were reconsidered.

The first section of the bill was read as follows:

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created in each county of this Commonwealth a County Assistance Board composed of six citizens one of whom shall be appointed by the Governor and four of whom shall be appointed by the courts of common pleas of the county The sixth member shall be the chairman of the board of county commissioners The members of County Assistance Boards shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties Each member of a County Assistance Board shall have the right to have assigned to him or her a distinguishing motor vehicle registration plate by the Department of Revenue Each County Assistance Board with the consent and approval of the county commissioners of the county shall have power to employ such experts clerks and assistants as may be deemed necessary to discharge the duties imposed by this act and to fix their compensation which compensation and all other administrative expenses of such boards shall be paid by the county but the amount expended for the compensation of employes and other administrative expenses of a board shall not exceed an amount equal to six per centum of the moneys allocated to a board in any one month The county commissioners shall at the expense of the county furnish to the County Assistance Board a suitable office or offices at the county seat.

And the question recurring,

Will the Senate agree to the section?

Mr. WOODWARD. Mr. President, I move to amend section 1, page 2, line 13, by striking out the words "which com-"; also lines 14 to 18, by striking out all of said lines, both inclusive; also line 19, by striking out the word "month" and insert in lieu thereof: "Such compensation and the other administrative expenses of a county assistance board shall be paid from funds allocated to the county for unemployment relief but not more than six per centum of the amount so allocated for any month shall be expended for salaries, wages and other administrative expenses. After the first day of January, one thousand nine hundred and thirty-six, one-third of the costs of administration of relief shall be paid by the several counties respectively, and after the first day of September, one thousand nine hundred and thirty-six one-half of such administration costs shall be paid by the county."

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to the ninth sections inclusive, of the bill were read as follows and agreed to:

Section 2 The County Assistance Boards created under this act shall supersede the local relief boards and agencies created by the State Emergency Relief Board for the distribution of unemployment relief.

Section 3 The County Assistance Board in each county shall be the agency to expend under the direct supervision of the Governor money appropriated by the Commonwealth for unemployment relief and the moneys received from the Federal Government or any agency thereof for unemployment relief.

All moneys hereafter appropriated by the Commonwealth for unemployment relief shall be appropriated to the Governor and all moneys received from the Federal Government or any agency thereof for relief and work relief shall be added to any appropriations made by the Commonwealth for such purposes and the Governor shall monthly allocate a portion of such moneys for expenditure in the several counties the monthly allocation to be reallocated to the various counties on a ratio that the estimated total number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry.

Section 4 The Governor shall have power to employ a director of assistance and such other employes as he may deem necessary to perform the duties imposed upon him by this act He shall have power to require from each County Assistance Board such monthly or other periodic

reports as he may deem necessary but each County Assistance Board shall be held solely responsible for the expenditure of unemployment relief and determine the amounts to be allowed to individuals and families entitled to unemployment relief Moneys allocated for unemployment relief shall be expended only for food clothing fuel shelter and work relief for residents who are without means of support except that Federal moneys made available for aid to transients may be expended for such purposes.

Section 5 The moneys paid to a County Assistance Board from time to time shall be paid into the county treasury for safe keeping and shall be paid out of the county treasury under such system of requisition and accounting as the County Assistance Board and the county treasurer of the county shall by agreement establish Any county treasurer may with the consent of the County Assistance Board appoint one or more clerks to assist him in the performance of his duties in receiving any paying out moneys and the compensation of such clerk or clerks shall be paid by the county as part of the administrative expense of the County Assistance Board.

Section 6 Any member or employe of any County Assistance Board who shall expend or authorize the expenditure of any money allocated to it under the provisions of this act for any purpose other than one authorized by this act or by law or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act when he or she is not legally entitled thereto because he or she has means of support or any person who shall sell any order issued to him or her by a County Assistance Board for cash or part cash or other consideration or sell any food clothing or fuel received for cash or other consideration shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment for a term of not more than six months or both at the discretion of the court.

Section 7 The expenditures of County Assistance Boards shall be audited from time to time by the Auditor General in the same manner as other expenditures of Commonwealth moneys and copies of such audits shall be furnished to each board whose accounts have been audited and to the Governor.

Section 8 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" is hereby repealed.

Section 9 This act shall become effective on the first day of June one thousand nine hundred and thirty-five.

The title of the bill was read as folows and agreed to:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## REPORTS FROM COMMITTEE

M. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED (Dauphin). from the Committee on State Government reported as amended, the following resolution:

In the Senate, March 18, 1935.

Whereas, It is generally conceded that the most dignified and sedate deliberative body in this Commonwealth is the senior branch of our State's General Assembly, and

Whereas, the atmosphere of gentlemanly decorum which permeated the Senate Chamber through decades of deliberations has been dispelled by neither the flight of time nor changes in personnel constituting its membership, and

Whereas, The gilded brilliance of the traditional aureole by which this Senate Chamber was graced in reflecting the interchange of usual Senatorial courtesies among its members in the past, is in grave danger of being superseded by Stygian clouds, born of distrust and nurtured by discontent, and

Whereas, It should be the sincere desire of all whose great fortune it is to be numbered among the membership of the Senate now in session, to aid in the maintenance of the customary serenity of its deliberations by adhering to established tradition held holy, and

Whereas, It is the consensus of opinion nevertheless, that only those traditional precepts should be deemed sacrosanct which have their origin in purity of purpose and honesty of design, therefore

Be It Resolved, That the members of the Senate of Pennsylvania, now in session assembled, as true representatives of the will of the people of this Commonwealth, do hereby, individually and collectively and without regard to party inclination, solemnly dedicate themselves to henceforward discharge their duties in accordance with the latest tangibly expressed wishes of the vast majority of the electorate of our State as expressed by the voters of Pike and Montgomery Counties; that in the discharge of said duties they shall henceforward allow themselves to be motivated solely by influences inspired by a profound sense of moral consciousness rather than, submitting to promptings predicated on political expediency, seek exculpation for flaunting the will of the people, in the all too-flexible permissiveness of legal technicalities.

Mr. GELDER. Mr. President, I move that the resolution just read be laid on the table.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. PYTKO. Mr. President, I desire to interrogate the Senator from Dauphin, Mr. Reed, who has reported that resolution out.

The PRESIDENT. Will the Senator from Dauphin, Mr. Reed, permit himself to be interrogated?

Mr. REED (Dauphin). Mr. President, I will.

Mr. PYTKO. Mr. President, I ask the Senator from Dauphin, Mr. Reed, who reported that resolution out, whether the amendment was made by the committee or by the Senator from Dauphin, Mr. Reed, himself.

Mr. REED (Dauphin). Mr. President, the amendment was made by consent of a very large majority of the members of the committee.

Mr. PYTKO. Mr. President, may I ask when the committee meeting was held?

Mr. REED (Dauphin). Mr. President, it was held this morning.

Mr. PYTKO. Mr. President, may I ask whether notice was given to all the members of the committee?

Mr. REED (Dauphin). Mr. President, I do not know whether all the members of the committee got notice of it.

Mr. PYTKO. Mr. President, I ask whether the members of the Senate had been notified by the Secretary that the committee meeting would take place.

Mr. REED (Dauphin). Mr. President, as far as I know, they had not.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

## RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until 3 o'clock P. M.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, I move to amend by striking out the figure "3" and inserting in lieu thereof the figures "2:30".

The PRESIDENT. Will the maker of the motion concur in the amendment?

Mr. CLARK. Mr. President, I concur.

Mr. EALY. Mr. President, I accept the amendment.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor, being introduced, presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

Unemployment relief will come to a halt in Pennsylvania on Saturday, April 20th, unless Pennsylvania immediately meets the demand of the Federal Emergency Relief Administration that this Commonwealth should contribute its fair share toward the present approximate $20,000,000 monthly costs of relief.

The Federal Emergency Relief Administration has fixed the sum of $5,000,000 as Pennsylvania's fair share of the $20,000,000 monthly relief burden. The Federal Emergency Relief Administration made clear its position at conferences which were held at Washington with Federal Emergency Relief Administratior, Harry L. Hopkins, on March 25th and again on April 11th. In a message which I sent to the General Assembly on April 10th and in another message which I sent to the General Assembly on April 15th, I stressed the urgency of the passage of such tax legislation which would insure Pennsylvania's contribution of $5,000,000 monthly when the revenut from such tax legislation became available I asked such action so that the Federal Government would be assured that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

In addition, the State Emergency Relief Board, at a special meeting held Friday, April 12th, adopted a resolution requesting the Legislature to pass adequate tax legislation during the current week so that unemployment relief in this Commonwealth would not terminate on Saturday.

Despite the urgency of this situation, the Republican majority in the Senate has persistently refused to enact such tax legislation which would enable Pennsylvania to carry on unemployment relief, in accordance with the position taken by the Federal Emergency Relief Administration which has paid the entire cost of unemployment relief in Pennsylvania between January 1, 1935 and the present time, amounting to $68,000,000, without the State contributing one single dollar. The Federal Emergency Relief Administrator has asked that Pennsylvania pass a tax program which will insure that Pennsylvania will contribute $5,000,000 monthly as its fair share of the costs of unemployment relief for at least the next year. Despite the fact that on February 12, 1935, more than two months ago, I submitted in my Budget Message a program which would comply with the stand of the Federal Relief Administration, the Republican majority in the Senate has blocked the passage of such tax legislation without submitting its own tax program. When the Republican caucus finally submitted its budget and tax program to the Administration at a conference yesterday, April 17th, that program provided for an allocation of $57,000,000 for unemployment relief during the two-year period beginning June 1, 1935. When I requested the Chairman of the Republican caucus that its budget be so phrased that the $57,000,000 allocated under that program for unemployment relief be made available if necessary for expenditure during the first year of the biennium, my request was summarily rejected.

The tax program which I submitted on February 12th provided not only for unemployment relief for the two-year period beginning June 1st, but also for unemployment relief for the balance of the present biennium.

Avoiding its proper duty to enact tax legislation which would provide for adequate unemployment relief for the six week period between April 15th and June 1st, as it has for the following two year budget period, the Republican majority in the Senate has instead enacted four bills which provide for the taking of $5,000,000 from special funds which for the most part belong to counties and municipalities as their share of the liquid fuels tax and the liquor license fund. These counties and municipalities have included their probable receipts from these sources in setting up their own budgets for this year and will suffer, should these funds be taken by the State. These same counties and municipalities and various political subdivisions have already suffered through the action of the Legislature at its 1934 Special Session in transferring $13,843,000 from these special funds to unemployment relief instead of levying taxes as should have been done.

I find myself in the position today of having to make a choice between seeing two million unemployed Pennsylvanians face starvation, privation and indescribable hardship after midnight Saturday, or accepting the stopgap program which has been offered by the Republican majority in the Senate. Rather than see these two million unemployed needy men, women and children suffer starvation and privation, I recommend to the Democratic majority in the House of Representatives that it enact the transfer measures sponsored by the Republican majority in the Senate. I make this recommendation, although I feel most strongly that this program of tapping special funds to evade the duty of taxation is wrong in principle and will inevitably impose increased taxation by the local communities which are being deprived of these special funds.

In a telephone conversation with Federal Emergency Relief Administrator Hopkins today, I apprised him of the situation and at my earnest request he agreed to continue unemployment relief to Pennsylvania from April 15 to May 15, 1935, upon the contribution of the $5,000,000 which will be made available by reason of these transfers.

In granting my request, however, the Federal Emergency Relief Administrator stressed the fact that it is imperative that Pennsylvania shall enact a tax program which will insure that Pennsylvania will contribute $5,000,000 a month for unemployment relief for at least the next year.

In view of the situation which I have just recited, I again make the request that the Republican majority in the Senate immediately proceed to enact a tax program which will conform with the position taken by the Federal Emergency Relief Administration, so that Pennsylvania may be assured of receiving adequate relief for its 2,000,000 unemployed and needy.

The passage of the transfer bills referred to will insure unemployment relief in Pennsylvania until May 15th. The responsibility rests upon the Republican majority in the Senate as to whether unemployment relief will continue after May 15th.

GEORGE H. EARLE.

The PRESIDENT. The communication from His Excellency, the Governor of the Commonwealth will be made a matter of record in the Journal.

## REPORT FROM COMMITTEE

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON (Centre), from the Committee on State Government reported as committed, Senate Bill No. 500 (House Bill No. 445) entitled:

An Act supplementing the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing additional credit for service and prior service for State employes who were formerly employed as teachers, principals or superintendents in the public school system of the Commonwealth.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1906 (Senate Bill No 998), entitled:

An Act to amend the act, approved the nineteenth day of July, one thousand nine hundred thirteen (P. L. 843), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees, and prescribing a penalty for noncompliance therewith," by further defining the duty of employers to make reports of injuries received by their employes; requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so; and clarifying the provisions of the act pertaining to the evidential value of such reports.

Which was committed to the Committee on State Government.

### HOUSE CONCURS IN SENATE BILL NO. 631.

He also returned to the Senate, Senate Bill No. 631 entitled:

An Act to amend sections five and six of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act.

with the information that the House has passed the same without amendment.

## BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct the title was publicly read as follows:

Senate Bill No. 631 entitled:

An Act to amend sections five and six of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions: providing State aid for certain agricultural associations, and regulating the payment thereof," changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act .

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

## RECESS

Mr. CLARK, Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. McCLURE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, I object.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Allegheny, Mr. McGinnis, state whether or not this is in order to make up for the mistake of yesterday?

Mr. McGINNIS. Mr. President, I do not admit there was a mistake made yesterday.

## POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, my point of order is that the interrogation of the Senator from Allegheny, Mr. McGinnis, by the Senator from Philadelphia, Mr. Shapiro, is out of order.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDENT. The Chair is in doubt.

A division being called for by the Chair, twenty-three Senators voted in the affirmative and none in the negative.

Whereupon, the question was decided in the affirmative.

## REPORTS FROM COMMITTEE.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on State Government, reported as amended the following resolution:

CONTINUING JOINT LEGISLATIVE COMMITTEE TO STUDY THE FINANCES OF THE COMMONWEALTH

In the Senate, April 8, 1935.

Resolved (if the House of Representatives concur), That the Legislative Committee on Finances authorized to be appointed pursuant to a Concurrent Resolution, approved April 30, 1929, P. L. 1816, and continued pursuant to a Concurrent Resolution approved April 22, 1931, P. L. 1426, and further continued by Resolution of April 28, 1933, P. L. 1551, to devise ways and means of financing the Commonwealth, is hereby continued for a further period of two years, and shall make further report of their recommendations to the General Assembly of 1937.

Any vacancy existing on said Committee for any cause shall be filled by appointment of a Senator or a Member of the House of Representatives, by the President Pro Tempore or the Speaker, as the case may be.

Mr. WOODWARD. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions lie on the table be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

## REPORTS FROM COMMITTEE

Mr. STAUDENMEIER. Mr. President, I ask unaniimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

MR. STAUDENMEIER, from the Committee on State Government, reported as committed, the following resolution:

DISPLAYING CERTAIN UNION LABELS ON OFFICIAL STATIONERY.

In the House of Representatives, March 5, 1935.

Whereas, The present session of the General Assembly is composed of members elected from political parties which have all gone on record as favoring legislation protecting the rights of labor and labor organizations now therefore be it

Resolved (if the Senate concur), That the administrative authorities in charge of the printing for the Commonwealth be urged to have printed all stationery envelopes and other desk materials used by the various branches of the Executive Judicial and Legislative Departments of the State Government in printing shops that can furnish the Allied Printing Trades Council Label or Typographical Union Label and that such labels be displayed thereon

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions to lie on the table be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

## REPORTS FROM COMMITTEE

Mr. HARRIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS, from the Committee on State Government, reported as committed, the following resolution:

SENATE COMMITTEE TO STUDY THE QUESTION OF PURCHASE AND SALE OF LIQUOR IN PENNSYLVANIA.

In the Senate, April 3, 1935.

Whereas, Administration of the Pennsylvania Liquor Control Act of 1933 has been the subject of considerable discussion throughout the Commonwealth, and

Whereas, It is essential that the Senate of Pennsylvania ascertain facts with relation to the method of handling the liquor business in Pennsylvania during the past two years, and whether the present system can be improved upon, and

Whereas, It is the desire to put into operation the best possible method by which the purchase and distribution of liquor can be effected in Pennsylvania, and

Whereas, It is deemed advisable to create a committee to study from time to time as occasion may arise, the question of the purchase and sale of liquor in the Commonwealth, therefore be it

Resolved, That the President pro tempore of the Senate be and he is hereby authorized to appoint a special committee of five Senators to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate in considering proposed legislation into the matters aforesaid and all others having any bearing thereon which may come to the notice of said Committee; and be it further

Resolved, That such committee shall have authority to call upon such of the members of the Senate as are learned in the law of prosecution of the inquiry and ascertainment of the facts for the information of the Senate and to require of any officers of the Senate such service as may be necessary to the same end.

That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee, and to produce such books, papers, records and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall willfully neglect or refuse to testify before said Committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

That the said Committee shall make a report of its findings to the Senate as occasion requires.

Mr. OWLETT. Mr. President, I move that Rule 39, which requires resolutions to lie on the table, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. ROBERTS. Mr. President, I object.

The Chair hears objection. The resolution will lie over.

## REPORTS FROM COMMITTEE

Mr. PIERSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PIERSON from the Committee on State Government reported as committed, Senate Bill No. 513 (House Bill No. 1043), entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefore without charge" as amended governing the issuing of licenses.

Mr. PYTKO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO from the Committee on State Government reported as committed, Senate Bill No. 517 (House Bill No. 738), entitled:

An Act to amend section seven hundred and two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933 and 1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" providing that one-half of all fines and penalties shall be paid to counties.

## BILLS ON THIRD READING

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 835 (House Bill No. 1789) on third reading, entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. nine hundred eighty-eight) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to:

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 835 (House Bill No. 1789), entitled:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend section 1, page 3, by striking out on line 6, "bracket" before the word "corrected"; also by striking out on line 6 "bracket" after the word "hospitals."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. PYTKO. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 500 (House Bill No. 445), entitled:

An Act supplementing the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing additional credit for service and prior service for State employes who were formerly employed as teachers principals or superintendents in the public school system of the Commonwealth

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 513 (House Bill No. 1043), entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefore without charge" as amended governing the issuing of licenses.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 517 (House Bill No. 738), entitled:

An Act to amend section seven hundred and two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option to sell such beverages

for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," providing that one-half of all fines and penalties shall be paid to counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 547, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," providing a procedure for the vacation of such abandoned State highways without the necessity of a view.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 958, entitled:

An Act making an appropriation to the Coudersport General Hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 959, entitled:

An Act making an appropriation to the Northern Tier Home, Harrison Valley, Potter County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## ADJOURNMENT

Mr. LAW. Mr. President, there being nothing more before the Senate, and tomorrow being Good Friday. I move that the Senate do now adjourn.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:35 P. M. until nine o'clock Monday evening, April 22, 1935.

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# HOUSE OF REPRESENTATIVES

THURSDAY, April 18, 1935.

The House met at 10:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

## PRAYER

The Reverend Martin F. Bierbaum, State Chaplain of the Pennsylvania Elks Association, Allegheny County, offered the following prayer:

Let us pray. Our God, Creator and Father, we thank Thee today for the wisdom with which Thou did inspire our forefathers who shaped and moulded our system of government. We thank Thee that we may worship Thee in our land according to the dictates of our own conscious.

We thank Thee for Thy love manifested in a Saviour to all mankind who will accept Him. We thank Thee for the God-fearing men and women of our nation who have carried that truth through the years that blessed is the nation whose God is the Lord.

We pray for wisdom for those in authority, the executives and law makers of our nation and of our state and of all nations, that all their actions may be in accordance with the old precept "Let the welfare of the people be the supreme law of the land."

Look down upon us in compassion, O God, and guide us in our deliberations, that the fatherhood of God and the brotherhood of man may be supremely established to glorify Thy name and to enhance the happiness of the constituency of our State and of our Nation.

This we ask in Thy name. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. SINWELL the further reading was dispensed with and the Journal approved.

## BILLS INTRODUCED AND REFERRED

By Mr. JONES. HOUSE BILL No. 2438.

An Act to amend section one of the act approved the second day of June, one thousand nine hundred and twenty-three (P. L. 489), entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation" as amended, extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale.

Referred to the Committee on Game.

By Messrs. FLINCHBAUGH and MOUL. HOUSE BILL No. 2439.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highway; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporation for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highway.

By Mr. ANDREWS. HOUSE BILL No. 2440.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of

Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons, affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of certain private banks.

Referred to the Committee on Banking.

By Mr. HARKINS. HOUSE BILL No. 2441.

An Act requiring railroad companies to abolish all grade crossings on State highways and on certain municipal streets; and providing for enforcement by the Public Service Commission.

Referred to the Committee on Public Utilities.

By Mr. JAMES W. PATTERSON.
HOUSE BILL No. 2442.

An Act to amend section twenty-six of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties;" changing certain provisions relating to the transfer of registration by removal notices.

Referred to the Committee on Elections.

By Mr. HARKINS. HOUSE BILL No. 2443.

An Act requiring railroad companies to abolish certain grade crossings; and providing for enforcement by the Public Service Commission.

Referred to the Committee on Public Utilities.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2444.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," so that a new section, to be known as section four hundred and ten B (410B) is added, providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2445.

An Act to amend section 629 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to further except from Subdivision (b) of Article 6 of that Act, double indemnity accidental death contracts and contracts providing for limited periodical income in the event of total and permanent disability, issued in conjunction with life insurance and annuity contracts.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2446.

An Act to amend section 410 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) .entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" so that the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident; and further to amend the provisions relating to participation in surplus so that deferred dividends will no longer be permitted.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2447.

An Act to amend Section 354 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds, associations, reciprocal and inter-insurance exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; benefit certificates issued by fraternal and beneficial; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania; and further stipulating the manner in which such forms shall be submitted to the Insurance Commissioner for his approval.

Referred to the Committee on Insurance.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2448.

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled, "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds accosiations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such com-

panies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws, by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act, which insured against perils arising from the ownership or maintenance, or from the use of aircraft, automobiles or other motor vehicles.

Referred to the Committee on Insurance.

By Mr. MUIR. HOUSE BILL No. 2449.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act; establishing an additional route in the County of Warren.

Referred to the Committee on Highways.

By Mr. CHERVENAK. HOUSE BILL No. 2450.

An Act to amend section one thousand two hundred and seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith, reducing the number of votes required to employ teachers in certain cases.

Referred to the Committee on Education.

By Mr. HARKINS. HOUSE BILL No. 2451.

An Act to amend route 02032 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations of such highways;; and making an appropriation to carry out the provisions of said act;" as amended.

Referred to the Committee on Highways.

By Mr. MUIR. HOUSE BILL No. 2452.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Warren.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No.2453.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By. Mr. MOUL. HOUSE BILL No. 2454.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. ), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highway; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional route in the County of York.

Referred to the Committee on Highways.

By Mr. MOUL. HOUSE BILL No. 2455.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making as appropriation to carry out the provisions of said act;" establishing and additional route in the County of York.

Referred to the Committee on Highways.

By Mr. MOUL. HOUSE BILL No. 2456.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing and additional route in the County of York.

Referred to the Committee on Highways.

By Mr. MOUL. HOUSE BILL No. 2457.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain con-

ditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of ighways and local authorities, persons associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," by establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. MOUL. HOUSE BILL No. 2458.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing and additional route in the County of York.

Referred to the Committee on Highways.

By Mr. KLINGLER. HOUSE BILL No. 2459.

An Act requiring the licensing of portable grinding mills; conferring powers and imposing duties on the Department of Agriculture, and prescribing penalties.

Referred to the Committee on Agriculture.

By Mr. MOOMAW. HOUSE BILL No. 2460.

An Act to amend section six hundred and three of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto; as amended, making it unlawful to place or set traps, snares or deadfalls within ten feet of any animal's den, house or hole.

Referred to the Committee on Game.

By Mr. JOHN J. BAKER. HOUSE BILL No. 2461.

An Act relating to basket-ball on Sunday; prohibiting basket-ball on Sunday, unless the electors of a municipality are in favor of the same and, in certain cases, a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws.

Referred to the Committtee on Law and Order.

By Mr. MURRIN. HOUSE BILL No. 2462.

An Act to amend sections seventy-two, seventy-eight, eighty-two, eighty-seven, ninety-two and ninety-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing that certain county officers in counties of the second, third, fourth, fifth and sixth classes shall be paid only mileage for attendance at their annual State association meetings.

Referred to the Committee on Counties.

By Mr. NOTHNAGLE. HOUSE BILL No. 2463.

An Act to regulate and restrain the traffic in malt liquors, as herein defined; providing for the licensing of manufacture, importation, sale and distribution of such liquors; providing for the creation of the post of excise commissioner; conferring powers and imposing duties upon the excise commissioner and other officers of the State and county governments; imposing license fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; prohibiting certain sales or practices in transaction in such beverages by licensees and others; imposing penalties and repealing inconsistent laws.

Referred to the Committtee on Law and Order.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2464.

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

Referred to the Committee on Insurance.

By Mr. HOLSTROM. HOUSE BILL No. 2465.

An Act to prohibit the sale, offering for sale giving away of spring scales for commercial purposes; prescribing penalties; and imposing duties on the Bureaus of Standards and on sealers of weights and measures.

Referred to the Committee on Judiciary Local.

By Messrs. HOLSTROM and McDERMOTT. HOUSE BILL No. 2466.

An Act to further amend sections four and five of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by removing the limitation on the lien for unpaid taxes.

Referred to the Committee on Counties.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2467.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenances, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. KINNEY. HOUSE BILL No. 2468.

An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by counties, cities, boroughs, towns, townships, school districts, poor districts and other incorporated districts of this Commonwealth for public works projects.

Referred to the Committee on Municipal Corporations.

By Mr. ANDREWS. HOUSE BILL No. 2469.

An Act to authorize cities, other than those of the first class, to construct or acquire waterworks, subways, underground railways or street railways and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenue thereof, secured solely by liens upon the respective properties and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Referred to the Committee on Cities.

By Mr. BARBER. HOUSE BILL No. 2470.

An Act to amend the title and to further amend clauses (a) and (f) of section six of the act approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be use; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts; providing for the payment of expense incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by changing the method of collecting and disbursing fees received or collected for examinations of voting machines.

Referred to the Committee on Elections.

By Mr. HARKINS. HOUSE BILL No. 2471.

An Act to amend section three hundred and five, four hundred and seven and five hundred and fourteen, to add section four hundred and sixty-one, and to repeal section three hundred and one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," by abolishing separate assessments for county taxation purposes in cities of the third class located in counties of the fourth, fifth, sixth, seventh and eighth classes; requiring the deparment of assessors or the city assessor of such cities to transmit copies of city assessments; providing for basing of county valuations on such assessments; and abolishing the office of county assessor in wards of cities of the third class.

Referred to the Committee on Counties.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2472.

An Act providing for the repairing, supervision, and care of a trout stream, commonly called Big Springs, located near Newville, Cumberland County, Pennsylvania.

Referred to the Committee on Game.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2473.

An Act to amend section four of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," imposing an additional tax on liquid fuels.

Referred to the Committee on Ways and Means.

By Mr. PHILLIPS. HOUSE BILL No. 2474.

An Act to provide for the conservation of anthracite, a unique natural resource of Pennsylvania, by the creation and appointment of an Anthracite Conservation Commission; defining its duties and powers to prevent waste, regulate production, and stabalize and broaden the markets for Pennsylvania anthracite, levying a tax on anthracite and appropriating the same for such purposes, and defining procedure for the enforcement of the act.

Referred to the Committee on Mines and Mining.

By Messrs. FLINCHBAUGH and MOUL. HOUSE BILL No. 2475.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. ANDREWS. HOUSE BILL No. 2476.

An Act providing for the incurring or increasing of indebtedness by counties, cities, boroughs, towns, townships, school districts and poor districts, for the purpose of financing public works projects from the proceeds of loans or grants or both from the federal government or any agency thereof, prescribing the procedure to be followed in authorizing the issuance of bonds as evidence of such indebtedness, and their disposal at public sale or at private sale to the federal government or any agency thereof; authorizing counties, cities, boroughs, towns, townships, school districts and poor districts, to accept grants and enter into any contracts required in connection with the acceptance of any loan or grant or both or the construction of any project from the proceeds thereof; and providing for the expiration of the powers conferred by this act on the thirtieth day of June, one thousand nine hundred and thirty-seven.

Referred to the Committee on Municipal Corporations.

By Mr. DECKER. HOUSE BILL No. 2477.

An Act to amend the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by making it unlawful to interfere with dams, deflectors, retards or similar devices.

Referred to the Committee on Fisheries.

By Mr. DECKER. HOUSE BILL No. 2478.

An Act to amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended, by revoking the limitation on the power to tax for the payment of the principal and interest on bonded indebtedness and other loans, and by providing for the issuance of negotiable bonds to finance improvements, all or part of the cost of which may be assessed against abutting or benefited properties.

Referred to the Committee on Boroughs and Townships.

By Mr. SHAW. HOUSE BILL No. 2479.

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended, by removing the limitation on the power to tax for the payment of the principal of and interest on funded indebtedness.

Referred to the Committee on Education.

By Mr. BAINE. HOUSE BILL No. 2480.

An Act to amend the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by removing the limitation on the power to tax for the payment of the principal of and interest on funded indebtedness.

Referred to the Committee on Counties.

By Mr. KINNEY. HOUSE BILL No. 2481.

An Act to amend the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by removing the limitation on the power to tax for the payment of the principal and interest on bonded indebtedness and other loans, and by providing for the issuance of negotiable bonds to finance improvements, all or part of the cost of which may be assessed against abutting or benefited properties.

Referred to the Committee on Cities.

By Mr SIEGEL. HOUSE BILL No. 2482.

An act to amend section seventy-four of the act approved the thirty-first day of March, one thousand eight hundred and sixty (Pamphlet Laws, four hundred twenty-seven), entitled "An act to Consolidate, Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings," as amenedd requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries.

Referred to the Committee on Judiciary General.

By Mr. ANDREWS. HOUSE BILL No. 2483.

An Act simplifying the procedure for the construction and financing of public works projects by counties, cities, towns, boroughs, townships, school districts, and poor districts; defining such agencies as political subdivisions: enabling such political subdivisions to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon such political subdivisions.

Referred to the Committee on Municipal Corporations.

By Mr. FRANK P. HAMILTON. HOUSE BILL No. 2484.

An Act to amend the act approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by conferring on such townships the power to issue negotiable bonds and expend the proceeds thereof for the construction of water and sewer systems, all or part of the cost of which may be assessed against accommodated or benefited properties, and removing the limitation of the power to tax for the payment of the principal of, and interest on, indebtedness.

Referred to the Committee on Boroughs and Townships.

By Mr. SIMON. HOUSE BILL No. 2485.

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation.

Referred to the Committee on Highways.

By Mr. ARNOLD. HOUSE BILL No. 2486.

An Act to amend the act approved the twentieth day of April, one thousand eight hundred seventy-four (Pamphlet Laws, sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," as amended and supplemented, by clarifying the law relating to municipal financing; further defining the method of determining permitted and existing indebtedness; modifying and simplifying the procedure for incurring or increasing indebtedness, either with or without an election; reducing the period of time required for advertising elections and sales of bonds; providing for the private sale of bonds to the United States of America; and repealing conflicting acts and sections of acts.

Referred to the Committee on Municipal Corporations.

By Mr. LaRUE. HOUSE BILL No. 2487.

An Act amending sections eight, ten, sixteen and seventeen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the ex-

pense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property,, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by providing for the abandonment of sections of State Highway Routes, providing for an effective date for the condemnation of casements for highway purposes and slopes; providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings; extending the Commonwealth's obligation to additional bridges; providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures; requiring occupancy permits for additional types of structures.

Referred to the Committee on Highways.

By Mr. ANDREWS. HOUSE BILL No. 2488.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorizing to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, associations, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employee of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

Referred to the Committee on Banking.

By Messrs. FLANAGAN and SCANLON.
HOUSE BILL No. 2489.

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessments shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

Referred to the Committee on Highways.

By Mr. SHEPARD. HOUSE BILL No. 2490.

An Act to amend clauses nine and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," opening the system further for original members; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the right of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due, by the board in certain cases.

Referred to the Committee on Pensions and Gratuities.

By Mr. RUTH. HOUSE BILL No. 2491.

An Act to variously amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, boards, commission. and officer of the State government, every

political subdivision of the State, and certain officers of such subdivision, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

Referred to the Committee on State Government.

## COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

### WORK RELIEF

A resolution from residents of Fayette County addressed to Mr. Welsh urging favorable consideration of work projects in Fayette County.

Referred to the Committee on Appropriations.

### METROPOLITAN CHARTER

A communication adressed to Mr. Carson from volunteer firemens association of Allegheny County opposing metropolitan charter.

Referred to the Committee on Cities.

### SOCIAL LEGISLATION

A communication addressed to Mr. Carson from local Union No. 2232 United Mine Workers of America, urging passage of social legislation.

Referred to the Committee on Labor.

### CORPORATE INCOME TAX

Telegrams from:
Textile Machine Works, Reading;
Berkshire Knitting, Reading;
Narrow Fabrics Company, Reading;
protesting passage of ten percent corporate income tax

Referred to the Committee on Ways and Means.

## LEAVE OF ABSENCE

Mr. Moul asked and obtained leave of absence for Mr. ALLEN on account of illness.

Mr. George E. Downey asked and obtained leave of absence for Mr. HARMUTH for the balance of the day.

Mr. Woodside asked and obtained leave of absence for Mr. SHREINER on account of attending a funeral.

Mr. Trout asked and obtained leave of absence for Mr. WOOD.

Mr. Weidemann asked and obtained leave of absence for Mr. TURNER on account of death in the family.

Mr. Stevens asked and obtained leave of absence for Mr. DENT on account of death in the family.

Mr. RINN asked and obtained leave of absence for himself for the balance of the week.

## REPORTS FROM COMMITTEES

Mr. PFAFF, from the Committee on Elections, reported as committed, House Bill No. 1841, entitled:

An Act to amend section twenty-five of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act" by reducing the number of days the machines must be locked following a fall primary.

Mr. PFAFF, from the Committee on Elections, reported as committed, House Bill No. 1842, entitled:

An Act to amend section fourteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates for National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended; by limiting the time in which final computation of the returns must be made following any fall primary.

Mr. KELDER, from the Committee on Fisheries reported as committed, House Bill No. 2175, entitled:

An Act to amend section one of the act approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

Mr. PERRY, from the Committee on Fisheries reported as committed, House Bill No. 2117, entitled:

An Act to amend section two hundred and fifty-four of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amend, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

Mr. LONGAKER, from the Committee on Judiciary Special reported as committed, House Resolution No. 124.

## BILL RE-REFERRED

Mr. GEORGE E. DOWNEY, returned from the Committee on Military Affairs with the recommendation that it be re-referred to the Committee on Municipal Corporations, House Bill No. 2433 (Senate Bill No. 520), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendements and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

The SPEAKER. The bill is now re-referred to the Committee on Municipal Corporations.

## RESOLUTION

### COMMITTEE TO INVESTIGATE SCHUYLKILL COUNTY RELIEF BOARD

Mr. SCHROPE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 18, 1935.

Whereas, Dissatisfaction with the administration of direct and work relief is widespread in the County of Schuylkill, allegations are made that the Schuylkill County Emergency Relief Board, and the National Reemployment Bureau, and other agencies dealing with relief, are not using their powers consistent with the best interests of those in need, that misery is widespread; that improper and incompetent personnel is being employed; that political activity is being indulged in and aid granted on a political basis; that discrimination on account of race, color, and creed is practiced; and that husbands and wives are both employed, or one employed when the other has employment elsewhere; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House, whose duty it shall be to thoroughly and impartially investigate the Schuylkill County Emergency Relief Board, and the National Reemployment Bureau in said countw, or any other governmental agency dealing with relief, and the personnel thereof, with a view of determining whether the allegations set forth in the preamble hereof, are true, and to make report thereof to the House of Representatives as early as possible;

Resolved, That the said committees shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer any such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents, as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee, or to produce any papers, books, records or ducuments, shall be subject to the penalties provided by the laws of the Commonwealth in such cases;

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid board, bureau, or agency, for such stenographic help, or service as it may deem necessary under the circumstances, in the taking of testimony and the conduct of hearings, et cetera.

## APPOINTMENT OF COMMITTEE

The SPEAKER. In accordance with the resolution just adopted, the Chair appoints the following committee: Messrs. Schrope, Chairman, John J. Downey, Hirsch, Lnderman and Barnhardt.

## SYMPATHY EXTENDED TO HON. JOHN H. DENT

Mr. MENTZER offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, April 18, 1935.

Whereas, The Honorable John H. Dent was called in the midst of the session, Monday evening, April 15, 1935, to return to his home as a result of serious illness of his mother, and

Whereas, Death called in the family of the Honorable John H. Dent, a member of this House, on Tuesday morning at 5 A. M. in the loss of his mother.

Be it resolved, That this House extend its message of condolence to the Honorable John H. Dent and members of his family in this bereavement and send to him a copy of this resolution.

## RESOLUTION NO. 24

Mr. SOWERS. Mr. Speaker, I desire to call up at this time Resolution No. 24, Printer's No. 704.

The resolution was read by the Clerk as follows:

In the House of Representatives, January 22, 1935.

Whereas, The installation of loud speakers in the Hall of this House has resulted in great convenience to the Members and in a clearer understanding of questions discussed upon the floor of the House and

Whereas, The installation of at least seven microphones on the floor of the House would greatly expedite the business of the House and aid the members thereof to follow the debates and discussions on measures brought before the House, and

Whereas, The R C A Manufacturing Company Incorporated of Camden New Jersey has verbally offered to install the said mocrophones on the floor of the House with other necessary equipment for a free trial by the House for at least thirty days with the understanding that the House cannot obligate the Commonwealth of Pennsylvania to buy the same and if the same is satisfactory to the House and the General Assembly decides to buy the same after such trial the said Company will go into open competition and bid with others in accordance with the law now therefore be it

Resolved by this House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that the verbal offer of the R C A Manufacturing Company Incorporated to install seven microphones on the floor of the House and other necessary equipment for a free trial thereof for at least thirty days be accepted and that the Department of Property and Supplies is hereby requested to aid and assist said corporation in and about the said work and with the said corporation proceed at once with the said installation and be it further

Resolved that a copy of this Resolution be forthwith transmitted by the Speaker of this House to the Secretary of the Department of Property and Supplies of the Commonwealth to the R C A Manufacturing Company Incorporated Camden New Jersey or its distributor L. P. Clark

On the question,

Will the House adopt the resolution?

Mr. SOWERS. Mr. Speaker, the R. C. A. Manufacturing Company through its representative offered to give this House a free trial of at least seven microphones placed at different points on the floor of the House and so arrange them that at least three persons could speak at one and the same time. Now, their proposition obligates us to nothing; we don't have to accept it after we

have tried it. If we like it we can approve it or reject it, whatever we want to do, and I would ask every member to vote for the resolution.

Mr. MOOMAW. Mr. Speaker and members of this House, I was on the sub-committee of the Committee on State Government to consider that offer, and I heartily concur in the remarks of the gentleman from Philadelphia, Mr. Sowers, with regard to this matter.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

## MEMORIALIZING F. E. R. A. TO CONTINUE RELIEF FUNDS

Mr. JONES offered a resolution and asked and obtained unanimous consent that it be read.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 18, 1935.

Whereas, His Excellency, the Governor, has represented to the General Assembly that the sum of two hundred and three millions of dollars in excess of the customary needs of this Commonwealth will be required for the coming biennium; and

Whereas, One hundred and twenty million dollars of that amount is estimated to be necessary for unemployment relief; and

Whereas, The F. E. R. A. Administrator has warned Pennsylvania that no more relief moneys will be advanced to this Commonwealth from Federal sources unless the furnishing of at least five millions per month be provided from State sources; and

Whereas, Regardless of political recriminations between parties, it is a stupendous undertaking to provide the revenue so stipulated to be necessary; and

Whereas, Members of both houses, under their constitutional oaths and with an honest desire to represent their constituents fairly and well, must study and weigh with caution the various proposed measures to accomplish this purpose; now, therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania memorialize the F. E. R. A. Administrator to continue contributions, as before, to unemployment relief in Pennsylvania, at least until the first day of June, 1935; and, be it further

Resolved, That a copy of this resolution be sent by the Chief Clerk of the House of Representatives to his Excellency, the President of the United States, and to the Hon. Harry Hopkins, Federal Relief Administrator.

The SPEAKER. The resolution will be filed with the Clerk.

Mr. COHEN in the Chair.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2127, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and powers under his supervision.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2096, entitled:

An Act to amend section two, paragraph C of section three hundred thirteen, paragraph C of section four hundred two, sections four hundred eleven, six hundred four, six hundred sixteen, six hundred eighteen, paragraph D of section eight hundred two, and section nine hundred ten, of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," providing for bonds by officers, directors and employes, and for the imposition of membership and withdrawal fees, and regulating dividends and loans on full-paid stock.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2225, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," as amended, by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2133, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts

of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 483, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing such township to prohibit and regulate the manufacture, sale and exposure of fireworks and other inflammable materials, imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2134, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring pwers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2007, entitled:

An Act providing that when any person held under arrest shall request the privilege and means of notifying his family or friends of his arrest and imprisonment, those persons in charge of such prisoner, shall grant such request.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2139, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, or existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1907, entitled:

An Act to further amend section eleven of the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by eliminating the provision making the fund available for payment to the Treasury Department of the cost of making disbursements out of the fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2128, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing

penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2130, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", as amended, to authorize and empower boroughs to construct or acquire water-works and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens thereon, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1791, entitled:

An Act to amend an act approved the third day of June, one thousand nine hundred thirty-three, (Pamphlet Laws one thousand five hundred fifteen), entitled "A supplement to the act approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder;' defining the liability of public or charitable bodies, corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor, and the rights of persons injured in such employment; establishing the State Work Relief Compensation Fund to provide such compensation in certain cases, and providing for the administration of such fund by the State Workmen's Insurance Fund, and making an appropriation therefor," by further defining the compensation to be paid injured work relief employes and further defining the liability of employers for such compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1568, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred, and twenty-seven (P. L. 519), entitled "An Act concerning boroughs, and revising, amending and consolidating the law relating to boroughs, by requiring borough records to be open to inspection.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 440, entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 813, entitled:

An Act to amend section one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 910), entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in cities other than first and second class; and repealing existing acts relating thereto," by changing such compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1904, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board; further defining the powers and duties of such board and its members; and transferring certain powers of the board over referees from the board to the Department of Labor and Industry.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1109, entitled:

An Act requiring specifications for the construction, alteration, or repair of public works of the Commonwealth, county, municipality or other subdivisions of the Commonwealth, to contain a provisions that the laborers or mechanics employed thereon, shall have been residents of this Commonwealth for at least sixty days prior to their employment; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 952, entitled:

A Supplement to the act approved the twenty-second day of May, one thousand eight hundred and ninety-five (P. L. 99), entitled "An act to punish pool-selling, receiving and transmitting bets or aiding in pool-selling or betting."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1725, entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2129, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2127, entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (Pamphlet Laws, nine), entitled "An act relating to banks, trust companies savings banks and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2016, entitled:

An Act creating a State Planning Board, prescribing and defining its powers and duties, including the planning of long term and emergency programs of public works construction and expenditure, planning for the conservation and utilization of the resources of the Commonwealth, coordinating the plans of the various departments of the State government for the general good of the Commonwealth, and assisting official and citizen constituted planning groups throughout the Commonwealth, cooperating closely with the Federal government, making special studies for the Legislature when requested and provided for, and such other activities as may be assigned to it by the Governor of the Commonwealth, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1967, entitled:

An Act to amend the title and to further amend section one of the act approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, seven hundred seven), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by including notice in the title that said act includes indigent patients, whether insane, mental defectives, epileptics, or other mental patients; by extending the provisions of the act to include indigent patients, whether mental defectives, epileptics, or other mental patients; and by further defining the liability of the counties, poor districts and the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1555, entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; providing for appeals from refusals of the Board of Finance and Revenue to allow refunds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2103, entitled:

An Act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic, with power to purchase, construct, lease and operate bridges, tunnels, streets, highways, traffic circles, airports, hangers, parkways, recreation grounds and facilities, public parks, swimming pools, lakes, dams, sewers, sewage systems, sewage disposal plants and other projects, excepting housing and water, gas and electric supply; authorizing said Authority to issue bonds for the financing of its projects, providing such projects are self-supporting and self-liquidating, and to enter into agreements with the Government of the United States, or any Federal agency; requiring said Authority to take over the assets and projects of certain existing county and State authorities and commissions and to assume the obligations and contracts of such authorities and commissions; repealing certain existing acts inconsistent herewith; granting the right of eminent domain; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2138, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2132, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotareis, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1785, entitled:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name; and regulating the service of process and pleadings in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2136, entitled:

An Act authorizing and regulating the reorganization of banks and trust companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 9, entitled:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto," authorizing townships to light the streets, highways and public places, and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2236, entitled:

An Act for the protection of the public and the prevention of fraud, by prohibiting any person individually or in association or partnership with another person or persons, to practice as an accountant, auditor, certified public accountant or public accountant under a false, assumed, fictitious or trade name; prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such, and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1110, entitled:

An Act to amend section sixty-two of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," prohibiting the imposition of costs on a defendant in the case of a directed verdict of acquittal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2015, entitled:

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and gas works and appurtenances thereto and to sell water and gas both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purpose

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2197, entitled:

An Act authorizing cities boroughs incorporated towns townships of the first class and school districts coextensive with townships of the second class to incur temporary indebtedness not in excess of the amount due such municipalities or quasi municipalities from the Liquor License Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1763, entitled:

An Act providing that pawnbrokers shall not sell or dispose of property taken by them as pledge or for storage until after a certain period of time

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2188, entitled:

An Act requiring community welfare organizations federations and associations and community chest organizations to have their accounts and financial affairs audited annually and to furnish copies to contributors on demand and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1641, entitled:

An Act for the protection of producers of farm produce providing for the licensing bonding and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1964, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws eight hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereof candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for office from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1628, entitled:

An Act validating certain procedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2104, entitled:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred and sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department of Public Welfare and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2105, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commisisons and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined by adding thereto section one thousand two hundred and nine providing for the preparation and furnishing by the Department of Internal Affairs to counties (except counties of the first class) cities of the third class boroughs towns townships certain school districts and poor districts or suitable blank forms for annual budget making and financial report purposes and requiring the Department to compile comparative statistics therefrom

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2106, entitled:

An Act to amend section five hundred and eleven and section five hundred and sixty-three as amended of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for and regulating methods of making appropriations expenditures contracts and purchases by school districts and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth the Department of Public Instruction and the Department of Internal Affairs and requiring a copy of the budget to be filed with the Department of Internal Affairs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2107, entitled:

An Act to amend sections five hundred forty-seven eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by the township and the making of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2108, entitled:

An Act to amend section three hundred forty-five as amended sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of and to add section three hundred seventy and section three hundred seventy point one to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for good regulating methods of making appropriations expenditures contracts and purchases by counties and the making of an annual budget on form prepared by representatives of the County commissioners county controllers and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2109, entitled:

An Act to amend sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of and to add section one thousand seven hundred and one A to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by townships and their agents and the making of annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs requiring the auditors or controllers to make and file a financial report with the Department of Internal Affairs and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2110, entitled:

An Act to amend sections one thousand and six and one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating methods of making appropriations expenditures contracts and purchases by boroughs and its agents and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association

of Boroughs and the Department of Internal Affairs requiring copy of the annual budget to be filed by council with the Department requiring the auditors or controller to make and file a financial report with the Department and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2120, entitled:

An Act to amend sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of and to add section one thousand eight hundred twelve to the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred and thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further providing for and regulating methods of making appropriations expenditures contracts and purchases by the city and its agents and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs imposing duties upon the director of accounts and finance and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1057, entitled:

An Act to amend section ten of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" as amended eliminating the provisions requiring county commissioners to prepare street lists

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1357, entitled:

An Act to amend sections one two three four five and seven as amended and sections eleven and fourteen of and to add sections seven and one-tenth seven and two-tenth and seven and three tenth to the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for the violation of its provisions" providing a system of permanent personal registration for such cities changing the method of appointing registrars and imposing duties and restrictions on county commissioners and registrars

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1764, entitled:

An Act limiting the rates pawnbrokers are allowed to charge

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2097, entitled:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees, executors administrators receivers trustees removal closing-out sale of goods damaged by fire smoke or water and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2116, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplemet to an act entitled 'The Workmen's Compensation Act of 1915' to exempt domestic servants and agricultural workers from the provision thereof" removing the exemptions set forth in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2151, entitled:

An Act relating to the sale furnishing delivery weighing and importation of unmanufactured horse manure for agricultural purposes including mushroom growing floriculture and other intensive forms of agriculture establishing standards thereof providing for inspections and tests and the issuing and effect of certificates by the Department of Agriculture and by inspectors licensed by it conferring powers and imposing duties on the Department of Agriculture prescribing penalties and requiring the payment of fines and other moneys collected into the State Treasury

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2177, entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Act No. 14) entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made" providing that certain mortgages shall have priority over such revived municipal claims

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 419, entitled:

An Act to encourage industry and benefit labor by prohibiting any and all institutions which receive state aid through appropriation or grant of money from the state treasury or which are exonerated from the payment of any taxes by any city borough township or county from

manufacturing or producing any printed matter of any description whatsoever for sale to the public in competition with any person co-partnership association or corporation engaged in the business of printing or publishing

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1533, entitled:

An Act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2098, entitled:

An Act to suspend the laws of this Commonwealth authorizing the collection of local taxes by distress and sale of goods and chattels

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1656, (Senate Bill No. 68), entitled:

An Act to amend sections five and nine of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended changing the time for filing nomination papers and the time when the official list of candidates so nominated are sent by the Secretary of the Commonwealth to the respective county commissioners and sheriffs

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2084 (Senate Bill No. 519), entitled:

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1491 (Senate Bill No. 261), entitled:

An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of fights regulating civil causes of action arising out of operation of aircfrat fixing the status of contracts crimes and forts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldemen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by providing that repeals of acts therein contained shall not be construed to revive acts theretofore repealed

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1159 (Senate Bill No. 86), entitled:

An Act to amend section one as reenacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws one hundred nineteen) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2135, entitled:

An Act to amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended establishing Saturday half holidays as regards the transaction of banking business

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1915 (Senate Bill No. 4), entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing

pwoers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Wilson G. Sarig) in the Chair,

## RESOLUTION

### RECALLING HOUSE BILL NO. 1023 FROM THE GOVERNOR

Mr. COLEMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 18, 1935.

Resolved (if the Senate concur), That House Bill No. 1023, Printer's No. 276, entitled "An act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1521, entitled:

An Act Imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all hospitals having seventy-five beds or more receiving any appropriation from the State shall at all times have in attendance at such hospital at least one licensed physician or resident interne who shall have graduated from an approved medical college

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Page 1, Section 1, Line 7, by inserting after the word "college" the following: "or approved osteopathic college if such hospital be an osteopathic hospital."

On the question,

Will the House agree to the amendment?

It was agreed to

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third and fourth sections and the title were separately read and agreed to as follows:

Section 2 The Department of Welfare shall enforce the provisions of this act and shall withhold the payment of all money or the unpaid balance thereof appropriated or allotted to any hospital failing to comply with the provisions of this act

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 The provisions of this act shall become effective on the first day of June one thousand nine hundred and thirty-five

An Act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1425, entitled:

An Act to amend section one thousand two hundred and seven of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended including townships of the first class among the recipients of certain fines

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and seven of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedstrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices

of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an apropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1207 Disposition of Fines and Forfeitures (a) All fines and penalties collected under the provisions of this act for violations of the same and all bail forfeited shall be paid to the department and transmitted to the State Treasury and credited to the "Motor License Fund" except those collected for violations of the provisions of sections nine hundred and three (903) nine hundred and five (905) one thousand and two (1002) one thousand and eleven (1011) one thousand and fifteen (1015) one thousand and eighteen (1018) one thousand and twenty (1020) one thousand and twenty-six (1026) one thousand and twenty-eight (1028) of this act committed within cities boroughs incorporated towns and townships which fines and penalties and all bail forfeited shall be paid to the treasurer of the city borough incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof Provided That all fines and penalties collected and all bail forfeited for violations of the provisions of section one thousand and sixteen (1016) committed within cities boroughs [and] incorporated towns or townships of the first class shall be paid to the treasury of the city borough [or] incorporated town or township of the first class wherein the violation occurred to be used by such city borough incorporated town or township of the first class for the construction repair and maintenance of the highways thereof

(b) Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate or other officer imposing or receiving the same to the secretary upon forms furnished by the department such reports shall be made monthly not later than the tenth (10th) day of the following month

Penalty Any magistrate or other officer who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of five hundred ($500.00) dollars and costs of prosecution or undergo imprisonment for not more than sixty (60) days or suffer both such fine and imprisonment

On the question,

Will the House agree to the section?

Mr. PETERS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, page 4, line 8 by inserting after the word "first" the words "and second"

Amend Section 1, page 4, line 10 by inserting after the word "first" the words "and second"

Amend Section 1, page 4, line 12 by inserting after the word "first" the words "and second"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one thousand two hundred and seven of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended including townships of the first class among the recipients of certain fines

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2046, as follows:

An Act to amend an act approved the fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws six hundred and eighty-one) entitled "An act authorizing the State Highways Commissioner to adopt and procure a seal for the State Highway Department and providing that certified copies of all records books papers documents and rulings of the department shall be received in evidence" by providing that the Secretary of Highways in addition to the certification fee of one dollar ($1.00) also may charge the cost of producing certified copies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the fifth day of July one thousand nine hundred seventeen (Pamphlet Laws six hundred eighty-one) entitled 'An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department and providing that certified copies of all records books papers documents and rulings of the department shall be received in evidence" as added thereto by the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred eight) is hereby amended to read as follows

Section 2 The Secretary of Highways may charge a certification fee of one dollar ($1.00) and in addition thereto the costs of material and preparation for each and every certified copy of records books papers documents and ruling requested Provided That no charge shall be made for certified copies of records books papers documents and rulings furnished any department board or commission of the Commonwealth of Pennsylvania or any municipal subdivision thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2044, as follows:

An Act to amend the act approved the twenty-third day of July one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street road or highway may be filed in the court of quarter sessions" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-third day of May one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street road or highway may be filed in the court of quarter sessions" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That petitions for the assessment of damages for the opening or widening of any street road or highway when the damages are not assessed by the view opening the road may be filed in the court of quarter sessions within the period of six years from the final confirmation of a report or the entry of a decree or order opening the said street road or highway or within six years from the date of notice of the intended opening of the same under an ordinance or resolution duly passed but not thereafter In the case of State highways or other highways or roads which the Secretary of Highways has authority to change alter or widen with the approval of the Governor such petitions shall be presented within six years from the date of the approval of the plan by the Governor but not thereafter All claims shall be forever barred after the expiration of the said period of six years

Section 2 In all cases involving damages for the opening or widening of any streets roads or highways in which no time limit for the presentation of petitions or the expiration of a right of action has heretofore been fixed by statute such petitions may be presented to the proper court of quarter sessions and the right of action for damages may be claimed within six years from the date of final enactment of this act and not thereafter in any manner

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time an agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1905, as follows:

An Act to amend sections six and seven of the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws six hundred sixty-one) entitled "An act relating to the maintenance of insane feeble-minded and other persons confined in the various institutions of the Commonwealth fixing the liability for their support providing for the collection of the moneys due the Commonwealth therefor and for proceedings relating thereto" by defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth for the maintenance and support of insane feeble-minded and other persons confined in various institutions of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections six and seven of the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws six hundred sixty-one) entitled "An act relating to the maintenance of insane feeble-minded and other persons confined in the various institutions of the Commonwealth fixing liability for their support providing for the collection of the moneys due the Commonwealth therefor and for proceedings relating thereto" are hereby amended to read as follows

Section 6 All claims by the Commonwealth for maintenance as herein provided in the distribution of any of the estate of any person [so maintained] liable under the provisions of this act shall take precedence and be paid after other claims which by law are now given precedence and before any claims of general creditors

Section 7 Where there is a claim against the estate of any person liable under the provisions of this act for the maintenance and support of any person maintained in any home hospital asylum or other institution both on behalf of the Commonwealth and on behalf of any county or poor district and there is not sufficient in the estate to pay the claim in full the same shall be paid pro rata to the State and the county or poor district in the proportion of the amount of maintenance legally recoverable by each

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2060, as follows:

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Secretary of Highways with the approval of the Governor shall have condemned property for highway purposes in the manner now or hereafter provided by law in such cases the condemnation aforesaid shall authorize the issuance and execution of a writ or writs of possession by the Court of Common Pleas of the county wherein the property so condemned shall be situated Such writs shall be issued by the aforesaid Court after petition by the Secretary of Highways or by the county commissioners for a rule returnable in ten days to show cause why the writ shall not be issued Such writ shall be served by the sheriff upon the respondents named in the petition and upon all other persons found in possession of any occupied dwelling house taken in whole or in part by such condemnation The prothonotary shall add the names of such other persons as respondents after service of the writ If no answer be filed or if an answer is filed and after such hearing as the Court shall direct it shall deem the same to be insufficient the Court shall upon motion order and direct the sheriff of the county or his deputy to execute such writ and deliver possession to the Commonwealth or the county as the case may be

Section 2 The procedure outlined in this act shall not be considered as in derogation of or in any manner affecting any other powers or procedure possessed by the Commonwealth or county in such cases

Section 3 No bond or other form of security shall be required to be filed by the Commonwealth or the county

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2057, as follows:

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases has failed to furnish the required protection through insolvency of the insurance carrier and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Department of Highways has heretofore procured or may hereafter procure liability insurance to protect employes of the Department from claims for personal injuries arising out of acts performed in the course of their official duties and the insurance carrier has become insolvent or gone into liquidation without making adequate provision for the protection required by the policy the Secretary of Highways is hereby authorized to pay subject to the approval of the Attorney General all or any portion of the amount of any valid final judgment together with costs which has been or may be recovered against such employe as aforesaid

Section 2 The sum of fifteen hundred dollars ($1500.00) or as much thereof as may be necessary is hereby appropriated to the Department of Highways out of the Motor License Fund for the purposes of this Act

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 104, as follows:

An Act to repeal the act approved the twenty-sixth day of June one thousand nine hundred and nineteen (Pamphlet Laws six hundred thirty-nine) entitled "An act defining sedition and prescribing the punishment therefor" and its amendments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-sixth day of June one thousand nine hundred and nineteen (Pamphlet Laws six hundred thirty-nine) entitled "An act defining sedition and prescribing the punishment therefor" and its amendments is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1772, entitled:

An Act to amend sections ten twelve and fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" prescribing additional grounds for divorce and providing for the annulment of additional void marriages

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve and fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 10 Grounds for Divorce from Bond of Matrimony

1 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons it shall be lawful for the innocent and injured spouse to obtain a divorce from the bond of matrimony whenever it shall be judged in the manner hereinafter provided that the other spouse

(a) At the time of the contract was and still is naturally and incurably imporent or incapable of procreation or

(b) Has knowingly entered into a second marriage in violation of the previous vows he or she made to the former spouse whose marriage is still subsisting or

(c) Shall have committee adultery or

(d) Shall have committed wilful and malicious desertion and absence from the habitation of the injured and innocent spouse without a reasonable cause for and during the term and space of two years or

(e) Shall have by cruel and barbarous treatment endangered the life of the injured and innocent spouse or

(f) Shall have offered such indignities to the person of the injured and innocent spouse as to render his or her condition intolerable and life burdensome or

(g) Shall have procured the marriage by fraud force or coercion and which has not been subsequently confirmed by the acts of the injured and innocent spouse or

(h) Shall have been convicted as principal or as accessory either before or after the facts within or without this Commonwealth of the crime of arson burglary embezzlement forgery kidnapping larceny murder either in the first or second degree assault with intent to kill voluntary manslaughter perjury rape robbery sodomy buggery treason or misprision of treason and be sentenced to imprisonment for any term of two years or more by a competent court having jurisdiction or

(i) Is hopelessly and incurably insane

2 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons within the prohibited degrees of consanguinity or affinity according to the tables established by law it shall be lawful for either of said parties to obtain a divorce from the bond of matrimony in the manner hereinafter provided or

3 If any spouse upon any false rumor in appearance well founded of the death of the other when such other has been absent for the space of two whole years hath married or shall marry again the party who has not married may at his or her return have his or her own marriage dissolved by divorce on the ground of bigamy leaving the other party to remain with the second husband or wife Any such action shall be instituted within six months after such return

Section 12 Annulment of [Bigamous] Void Marriages In all cases where a supposed or alleged marriage shall have been contracted which is absolutely void by reason of one of the parties thereto having a spouse living at the time or by reason of one of the parties thereto having been insane at the time such [the] supposed or alleged marriage may upon the application of either party be declared null and void in accord with the principles and form hereinafter prescribed for cases of divorce from the bond of matrimony

Section 15 Jurisdiction The several courts of common pleas of this Commonwealth shall have original jurisdiction of cases of divorce from the bonds of matrimony from bed and board and in the annulment of marriages under the provisions of this act The said courts shall have power to grant divorces and to annul marriages notwith standing the fact that the marriage of the parties and the cause for divorce occurred outside of this Commonwealth and that both parties were at the time of the occurrence of said cause domiciled without this Commonwealth and that the respondent has been served with the subpoena only by publication as provided by this act

All petitions or libels for divorce shall be exhibited to the court of the county where the libellant resides except where the husband and wife shall be resident in different counties of this Commonwealth and while so resident a cause of divorce shall arise in which cases the libellant may at his or her option institute and prosecute proceedings either in the county of his or her own residence or in the county wherein the respondent shall be resident and the cause for divorce shall have arisen

Petitions or libels for the annulment of [bigamous] void marriages may be exhibited to the court of common pleas of the county where the marriage was contracted or in the county where either the libellant or respondent resides and in such cases residence of the libellant within the county or State for any period shall not be required

On the question,

Will the House agree to the section?

## BILL POSTPONED

Mr. WICKERSHAM. Mr. Speaker, I move that this bill be placed upon the postponed calendar, for the reason that I wish to offer amendments which are not yet prepared.

The motion was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1741, entitled:

An Act to amend section nine of the act approved the thirty-first day of March one thousand eight hundred sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth" by defining and amplifying the meaning of the crime of common barratry

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the thirty-first day of March one thousand eight hundred sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth" is hereby amended to read as follows

Section 9 A Common Barratry shall consist of any one or more of the following practices

(1) The exciting and stirring up of suits either at law or in equity in at least three instances and with a corrupt or malicious intent to vex and annoy

(2) The direct or indirect solicitation for gain without existing relationship or interest in the issue of any person voluntary association or corporation to sue at law or in equity or to make a litigious claim or to retain one's own services or those of another in suing at law or in equity or in making a litigious claim

(3) The prosecution of a suit at law or in equity by an attorney-at-law or the making of a litigious claim by anyone whose services have been obtained as a result of solicitation either by himself or another provided the attorney-at-law or other person knows of such solicitation

(4) The institution or prosecution of any suit at law or in equity by an attorney-at-law or the making of any litigious claim by anyone for or on behalf of any person voluntary association or corporation without prior authority to do so

(5) The direct or indirect procuration by an attorney-at-law of any person to be employed as an expert witness or otherwise or any direct or indirect agreement by such attorney-at-law to procure any person to be so employed in consideration of the person so employed or agreed to be so employed soliciting or undertaking to solicit the filing of a suit at law or in equity or in making a litigious claim or paying or agreeing to pay another for so doing

(6) The solicitation by an attorney-at-law of the clientage of persons charged with offenses and crimes and awaiting hearing or trial without having first been sent for by such persons or by their friends or the solicitation of such clientage through any police officer sheriff constable or jailer or other person or the making of any agreement between an attorney-at-law and any police officer sheriff constable jailer or other person whereby the attorney-at-law is given advance information of the arrest of persons charged with such offenses or crimes

(7) The direct or indirect purchase or loan or agreement to lend or advance money or other goods or the promise of any valuable consideration whatsoever to any person as an inducement to place or in consideration of having placed in the hands of any attorney-at-law or other person any bond note book account debt or any right of action for collection with intent on the part of such attorney-at-law or other person to make any gain from the fees arising from such collection by legal procedings

(8) The advertising printing publishing distributing or circulating or the procuration thereof of any circular pamphlet card hand-bill advertisement printed paper book newspaper or notice of any kind offering to procure or obtain or to aid in the procuring or obtaining of any divorce or the annulment of any marriage or offering to engage or appear or act as attorney or master in any suit for divorce or the annulment of any marriage either within this Commonwealth or elsewhere provided that nothing herein contained shall be deemed to prohibit the printing or publishing of any notice or advertisement required or authorized by any law of this Commonwealth

B Upon a prosecution for common barratry the fact that the defendant was himself a party in interest upon the record to the action for legal procedings complained of shall not be a defense

C Nothing contained in this act shall impair or affect the disciplinary powers of the courts of this Commonwealth of attorneys-at-law appearing and practicing before such courts

D Common barratry is hereby declared to be a misdemeanor If any person shall be proved and adjudged [a common barrator vexing others with unjust and vexatious suits] guilty of common barratry he shall be [guilty of a misdemeanor and on conviction be] sentenced to pay a fine of not [exceeding] less than one hundred dollars ($100) nor more than five hundred dollars ($500) or to undergo an imprisonment not exceeding one year or both or either at the discretion of the court

E The provisions of this section are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. ZAPPALA. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of amendment.

The motion was agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1979, as follows:

An Act to amend section five of the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred ninety-eight) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" as amended providing for the removal of certain court clerks only with the approval of a majority of the judges of said court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred ninety-eight) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" as amended by the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred five) is hereby further amended to read as follows

Section 5 The prothonotary of Allegheny county shall be the clerk of the court hereby created and shall assume and perform all of the duties of clerk thereof At each place designated for the holding of said court there shall be established an office in charge of a clerk or clerks who shall be appointed or removed by the prothonotary with the approval of the majority of the judges of said court who shall have the custody of the seal to be kept in such place as well as of the docket of the court and of all papers pertaining to the business of the court at such place The number duties and compensation of said clerks to be fixed by a majority of the judges of said court and such compensation to be paid out of the treasury of Allegheny county in the manner in which other county expenses are now paid by law All other necessary assistants shall be appointed by a majority of the judges of said court and their number duties and compensation shall be fixed by a majority of the judges of said court and their compensation shall be paid out of the treasury of Allegheny County in the manner in which other county expenses are now paid by law

And sadi bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1237, as follows:

An Act to further amend article eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by adding a new section limiting the amount of liquid or motor fuel which may be carried

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand sixty-four) is hereby further amended by adding thereto a new section to read as follows

Section 825 Amount of liquid or motor fuel to be carried limited No motor vehicle shall be permitted to be operated on any of the highways of this Commonwealth with more than fifty gallons of liquid or motor fuel in the tank or tanks used to supply the engine propelling such motor vehicle

Penalty Any person operating a motor vehicle contrary to this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution and in default of the payment thereof shall be sentenced to undergo imprisonment for not more than ten (10) days

And said bill having ben read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2050, as follows:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and mainte-

nance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases' as amended extending the provisions of said act to highways in cities" as amended

Section 1 Be it enacted by the Senate and House of Representaitves of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as last amended by the Act approved the eighth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand six hundred fifty-one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That any county of this Commonwealth may appropriate and expend moneys and incur such indebtedness and issue bonds or other obligations therefor as may be necessary to pay all or any portion of the damages to property resulting from any widening or relocation made with the consent of the county or to pay for the improvement and maintenance of any State highway or State-aid highway or any public highway including sidewalk construction within its proper limits Provided however That no improvement can be made to any State highways or State-aid highways until the same has been submitted to and approved by the State Highway Department And provided further that no county shall appropriate and expend any of such moneys for the improvement and maintenance of any public highway other than a State highway or State-aid highway or county road where the highway is to be improved jointly by the township or borough or city and county until and unless the supervisors or commissioners of the township or council of the city or borough in which the highway proposed to be improved lies first petition the county commissioners of the county representing that any highway or section thereof lying within such township or borough or city on which it is proposed that said money shall be expended is in need of reconstruction or repair and particularly describing said highway and until and unless the said application has been submitted to and approved by the State Highway Department And provided further That when the improvement and maintenance of any public highway in the county is desired by the county without the intervention of the township or borough or city the commissioners of said county may make application for approval direct to the State Highway Department

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1976, as follows:

An Act to protect trade-mark owners distributors and the public against injuries and unenecomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no contract relating to the sale or resale of a commodity which bears or the label or content of which bears the trade-mark brand or the name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Pennsylvania by reason of any of the following provisions which may be contained in such contract

(a) That the buyer will not resell such commodity except at the price stipulated by the vendor

(b) That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not in turn resell except at the price stipulated by such vendor or such vendee

Such provisions in any contract shall be deemed to contain or imply conditions that such commodities may be resold without reference to such agreement in the following cases

(a) In closing out the owners stock for the purpose of discontinuing delivering any such commodity

(b) When the goods are damaged or deteriorated in quality and notice is given the public thereof

(c) By any officer acting under orders of any court or in the execution of any writ or distress

Section 2 Wilfully and knowingly advertising offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section one of this act whether the person so advertising offering for sale or selling is or is not a party to such contract is unfair competition and is actionable at the suit of any person damaged thereby

Section 3 This act shall not apply to any contract or agreement between wholesalers or between producers or between retailers as to sale or resale prices

Section 4 The following terms as used in this act are defined as follows

"Producer" means grower baker maker manufacturer or publisher

"Commodity" means any subject of commerce

Section 5 If any provision of this act is declared unconstitutional it is the intent of the Legislature that the remaining portions thereof shall not be affected but that such remaining portions shall remain in full force and effect

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2058, as follows:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following sections of public roads shall be adopted by the Commonwealth as a State highway and shall be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing State highways

Beginning at a point in Cameron Street Route 22023 about 300 feet south of the intersection of Cameron and Maclay Streets in the city of Harrisburg Dauphin County thence in a general easterly direction over an improved road through the city of Harrisburg and Susquehanna Township to Route 22043 at the intersection of Herr Street and Twentieth Street on the Susquehanna Town-

ship-Harrisburg City line thence continuing in an easterly direction over Herr Street along the said township-city line and through Susquehanna Township to the Susquehanna Township-Penbrook Borough line thence continuing easterly over Herr Street to Route 140 at the intersection of Herr and Walnut Streets in Penbrook Borough Dauphin County a distance of about 2.06 miles

Section 2 Those portions of the highway which are situated within the limits of the city of Harrisburg the township of Susquehanna and the borough of Penbrook shall be constructed reconstructed and maintained by the Department of Highways in accordance with present or future laws governing construction reconstruction and maintenance of State highways in the various municipal or political subdivisions in which they are or may be respectively located

Section 3 So much of the money in the Motor License Fund as may from time to time be needed to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for such purposes

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreebly to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 584, entitled:

An Act authorizing the recorder of deeds of any county of the second class to record or where re-recording is authorized by law to re-record by a photographic or photostatic process or method all papers required or authorized to be recorded or re-recorded by him and fixing the fees for such recording and re-recording providing that any such photographic or photostatic record or re-record or any photographic or photostatic exemplication thereof shall be legal evidence in all cases where such original paper would be competent authorizing the board of county commissioners of any such county to contract purchase and pay for out of the county funds such apparatus equipment and supplies as shall be necessary to enable such recorder to record and re-record such instruments by such photographic or photostatic process or method authorizing the employment of such skilled employes and assistants as shall be necessary to administer such process or method and providing for fixing the kind number and compensation of such skilled employes and assistants and providing that such compensation shall be paid only out of the fees of said office collected or earned

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be lawful for the recorder of deeds of any county of the second class within this Commonwealth to record by a photographic or photostatic process or method all deeds mortgages leases assignments satisfactions powers of attorney charters commissions plans and all other instruments and papers the recording of which by such recorder of deeds is required or authorized and to charge collect and receive for such recording the fees now or hereafter fixed by law for the recording of such instruments

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and amendment

The motion was agreed to.

## BILLS ON SECOND READING

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1090, as follows:

An Act relating to search warrants regulating their issuance execution and return prescribing the powers and duties of justices of the peace aldermen and magistrates issuing them and of officers executing them inflicting penalties for unlawfully procuring unlawfully executing and unlawfully resisting the execution of a search warrant

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no search warrant shall be issued in this Commonwealth except upon probable cause supported by affidavit naming or describing the person and particularly describing the property and the place to be searched

Section 2 The justice of the peace alderman or magistrate must before issuing the warrant examine on oath the complainant and any witness he may produce and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist

Section 3 If the justice of the peace alderman or magistrate is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence he must issue a search warrant to any officers authorized by the laws of this Commonwealth to execute the same stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof and commanding such officers forthwith to search the person or place named for the property specified and to bring it before the said justice of the peace alderman or magistrate

Section 4 A search warrant may in all cases be served by any of the officers mentioned in its direction but by no other person except in aid of the officer on his requiring it he being present and acting in its execution

Section 5 The officer may break open any outer or inner door or window of a house or any part of a house or anything therein to execute the warrant if after notice of his authority and purposes he is refused admittance He may break open any outer or inner door or window of a house for the purpose of liberating a person who having entered to aid him in the execution of the warrant is detained therein or when necessary for his own liberation

Section 6 The justice of the peace alderman or magistrate must insert a direction in the warrant that it be served in the daytime unless the affidavits are positive that the property is on the person or in the place to be searched in which case he may insert a direction that it be served at any time of the day or night

Section 7 A search warrant must be executed and returned to the justice of the peace alderman or magistrate who issued it within five days after its date after the expiration of this time the warrant unless executed is void

Section 8 When the officer takes property under the warrant he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him or in whose possession it was found or in the absence of any person he must leave it in the place where he found the property

Section 9 The officer must forthwith return the warrant to the justice of the peace alderman or magistrate and deliver to him a written inventory of the property taken made publicly or in the presence of the person from whose possession it was taken and of the applicant for the warrant if they are present verified by the affidavit of the officer at the foot of the inventory and taken before the justice of the peace alderman or magistrate at the time of the following effect "I the officer by whom this warrant was executed do swear that the above inventory contains

a true detailed account of all the property taken by me on the warrant"

Section 10 The justice of the peace alderman or magistrate must upon request deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant

Section 11 If the grounds on which the warrant was issued be contraverted the justice of the peace alderman or magistrate must proceed to take testimony in relation thereto and the testimony of each witness must be reduced to writing and subscribed by each witness

Section 12 If it appears that the property taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued the justice of the peace alderman or magistrate must cause it to be restored to the person from whom it was taken but if it appears that the property taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued then the justice of the peace alderman or magistrate shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law

Section 13 The justice of the peace alderman or magistrate must annex the affidavits search warrant return inventory and evidence and if he has not power to inquire into the offense in respect to which the warrant was issued or if for any reason said matter shall be heard before any court of record he must at once file the same together with a copy of the record of his proceedings with the clerk of the court before whom the said matter is to be heard

Section 14 Whoever shall knowingly and wilfully obstruct resist or oppose any such officer or person in serving or attempting to serve or execute a search warrant or shall assault beat or wound any such officer or person knowing him to be an officer or person so authorized shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars or be imprisoned for a term not exceeding one year or both

Section 15 Any person who maliciously and without probable cause procures a search warrant to be issued and executed shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than one hundred dollars or be imprisoned not more than one year or both

Section 16 Any officer who in executing a search warrant wilfully exceeds his authority or exercises it with unnecessary severity shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than one hundred dollars or be imprisoned not more than one year or both

Section 17 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1987, as follows:

An Act to amend section nine hundred and seven of article nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing citizens to petition the Attorney General to appoint an attorney to supersede the district attorney in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine hundred and seven of article nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 907 Special Attorneys in Criminal Cases When the president judge in the district having jurisdiction of any criminal proceedings before any court of oyer and terminer general jail delivery or quarter sessions in this Commonwealth or when at least twenty citizens of said county by petition declare that any law or laws of this Commonwealth have been and are being violated and the officials of the county have failed and neglected and are failing and neglecting to investigate or prosecute for such violation or violations of such law or laws shall request the attorney General to do so in writing setting forth that in his or their judgment the case is a proper one for the Commonwealth's intervention the Attorney General is hereby authorized and empowered to retain and eemploy a special attorney or attorneys as he may deem necessary propertly to represent the Commonwealth in such proceedings and to investigate charges and prosecute the alleged offenders against the law Any attorney so retained and employed shall supersede the district attorney of the county in which the case or cases may arise and shall investigate prepare and bring to trial the case or cases to which he may be assigned He shall take the oath of office required by law to be taken by district attorneys and shall be clothed with all the powers and subject to all the liabilities imposed upon them by law The compensation for services rendered and necessary expenses incurred by such attorney or attorneys shall be fixed by the Attorney General

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2056, entitled:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining commission hereinafter created upon application of the Secretary of Highways the county or [is hereby authorized to enter into agreements with] the owner of the coal underlying such lands or the person entitled to remove the same [specifying] is hereby authorized and empowered to determine and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing bother vertical and lateral support to such highway and the party or parties by whom the expense thereof shall be paid The Secretary of Mines the Attorney General and the President Judge of the Court of Common Pleas of the county in which the highway is situated are hereby constituted a special commission to be known as the Highway Mining Commission This Commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the Court of Common Pleas of the county in which the highway is situated All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of Courts of Common Pleas

On the question,

Will the House agree to the section?

Mr. BROWNFIELD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 29 by striking out the word "bother" and insert in lieu thereof the following: "both"

On the question,

Will the House agreed to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and the title were separately read and agreed to as follows:

Section 2 That section three of the said act is hereby amended to read as follows

Section 3 Any damages sustained by the owner of the coal of the person entitled to remove the same as a result of any obligation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligation did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of [laws relative to the determination and payment of damages for the relocating of State highways which were in force at the time of the original acquisition of such easement] this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway

Section 3 This act shall become effective immediately upon its final enactment

An Act To amend sections one and three of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An Act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2052 as follows:

An Act to amend section seven hundred fifty-five of the Act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An Act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury approval

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred fifty-five of the Act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An Act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and con-

solidating the laws relating thereto" be and the same is hereby amended to read as follows

Section 755 Assistance in Building Bridges Not Entered as County Bridges When it is found by the report of viewers by the court and by the Grand Jury that a bridge is necessary and that the erection of such bridge will require more expense than it is reasonable that the one or more adjoining townships boroughs or cities of the third class should bear or in lieu of such proceedings with the approval of the Secretary of Highways when the cost to the county will not exceed fifteen hundred dollars ($1500.00) and the county commissioners do not deem it advisable to enter such bridge on record as a county bridge but shall consider it proper to assist such township or townships or such city of the third class or such borough in building the same they may either build such bridge or any portion or portions thereof or furnish such township or townships or city of the third class or borough the whole or part of the money necessary to build it without entering such bridge on record as a county bridge

Section 2 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2061, as follows:

An Act relating to trees and other obstructions on State Highway Routes and intersecting roads providing for the removal thereof and the disposition of the logs or wood from such trees under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Highways shall have authority to cut alter or remove any trees shrubbery underbrush refuse or other obstructions within the legal limits of any State Highway Route or intersecting road improved in connection therewith in order to provide for the safety and convenience of the traveling public All logs or wood derived from such trees shall become the property of the abutting owners if such owners shall within ten days after notice from the Secretary of Highways remove such logs or wood from the highway Provided however that if the owners shall fail to do so they shall forfeit all interest therein and the same may be disposed of by the Secretary of Highways as surplus property

Section 2 The act approved the first day of April one thousand nine hundred nine (Pamphlet Laws ninety-seven) entitled "An Act to protect trees growing by the roadsides and within the road limits and providing a penalty for the unlawful killing the removal of or injury to the same" and all other acts or parts of acts inconsistent with this Act are hereby repealed

Section 3 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2113, as follows:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-five hundred dollars ($2,500) or so much thereof as may be necessary is hereby specifically appropriated to the Committee on Mines and Mining of the House of Representatives authorized by Resolution of the House (Number forty-two Serial Number fifty-one) to investigate the mine disaster at Gilberton on January twenty-first one thousand nine hundred and thirty-five for the payment of the expenses of the members of the committee for the payment of the compensation of reporters experts clerks and assistants employed by the committee and for all other necessary and proper expenses incurred by the committee in the discharge of its duties Payments from said appropriation shall be made on requisition of the chairman in the usual manner.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1712, as follows:

An Act to amend section one of the act approved the ninth day of April one thousand eight hundred and forty-nine (Pamphlet Laws five hundred thirty-three) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" by increasing the amount of exemption to five hundred dollars

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the ninth day of April one thousand eight hundred and forty-nine (Pamphlet Laws five hundred thirty-three) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in lieu of the property now exempt by law from levy and sale on execution issued upon any judgment obtained upon contract and distress for rent property to the value of [three hundred] five hundred dollars exclusive of all wearing apparel of the defendant and his family and all Bibles and school books in use in the family (which shall remain exempted as heretofore) and no more owned by or in possession of any debtor shall be exempt from levy and sale on execution or by distress for rent

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2054, entitled:

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase of condemnation the necessary land therefor" be and the same are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever in the construction widening or relocation of any State or county road highway bridge or tunnel or of any part thereof it becomes necessary in the opinion of the Secretary of Highways or of the county commissioners to occupy the whole or any part of the right of way of any public service company the State Department of Highways or the county commissioners as the case may be may enter upon and occupy the whole or any part of such right of way for the purpose of such road highway bridge or tunnel or part thereof Provided That [before such right of way or any part thereof is so occupied] in the case of State highways either the Department of Highways or the county [commissioners as the case may be] accordingly as the one or the other may be responsible for property damages under the provisions of present or future laws governing the payment of damages for property condemned for highway purposes or in the case of county highways the county commissioners shall at the expense of the State or county provide a substitute right of way on another and favorable location and shall provide for the transfer to or reconstruction upon in under or above said substitute right of way structures and facilities of said public service company located upon in under or above said original right of way at the time the same is so occupied The Department of Highways or the county commissioners of any county are hereby authorized to acquire [the] by purchase or by the exercise of the right of eminent domain in the same manner that property is now taken and condemned for highway and road purposes any necessary land or right of way for the relocation of any such public service right of way and facilities [by purchase or by the exercise of the right of eminent domain in the same manner that property is now taken and condemned for highway and road purposes] Provided however That the right of way of a railroad company shall not be acquired or occupied under this act without the consent of the company owning or operating or in possession of said railroad

On the question,

Will the House agree to the section?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 28, by inserting after the word "way" the following: "of any"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and the title were separately read and agreed to as follows:

Section 2 That section two of the said act is hereby amended to read as follows

Section 2 [All acts and parts of acts inconsistent herewith are hereby repealed] The authority given by this act to the Secretary of Highways and the county commissioners shall be in addition to and not in derogation of any powers possessed by them under the provisions of other laws

Section 3 This act shall become effective immediately upon its final enactment

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2055, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain' administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding to Section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two thousand four hundred nine of the Act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by the addition of the following paragraph at the end thereof

Whenever any contract for the furnishing of materials for use in the construction or maintenance of highways

exceed five hundred dollars ($500.00) in amount and includes the performance of labor or the use of other materials in the delivery of such material to the site of the work or in the incorporation thereof into the completed structure the Department of Property and Supplies shall require the contractor to furnish an additional bond conditioned for the payment of labor and materials in the same manner as is required by Paragraph (h) of Section 2408 of the Administrative Code to which this Act is an amendment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2027, as follows:

An Act to limit the jurisdiction of court in equity in issuing restraining orders or temporary or permanent injunctions in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no court nor any judge or judges thereof shall have jurisdiction to issue any restraining order or temporary or permanent injunction which in specific or general terms restrains or prohibits any person association or corporation from doing whether singly or in concert with others notwithstanding any promise undertaking contract or agreement to the contrary any of the following acts

(a) Ceasing or refusing to perform any work or to remain in any relation of employment

(b) Becoming or remaining a member of any labor or employe organization or of any employer organization

(c) Paying or giving to or witholding from any person any strike or unemployment benefits or unemployment insurance whether the same shall be moneys or other things of value

(d) By all lawful means aiding any person who is being proceeded against in or in prosecuting any action or suit in any court of the United States or of any state

(e) Giving publicity to and obtaining or communicating information regarding the existence of or the facts involved in any dispute whether by advertising speaking picketing patrolling any public street or place where any person or persons may lawfully be or by any other method not involving misrepresentation fraud violence breach of the peace or threat thereof

(f) Ceasing to patronize or to employ any person or persons

(g) Assembling peaceably to do or to organize to do any of the acts heretofore specified or to promote any other lawful interest

(h) Advising or notifying any person or persons of an intention to do or not to do any of the acts heretofore specified

(i) Agreeing with other persons to do or not to do any of the acts heretofore specified

(j) Advising urging or inducing without misrepresentation fraud or violence or threat thereof others to do or not to do the acts heretofore specified and

(k) Doing in concert with others any or all of the acts heretofore specified

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1184, as follows:

An Act to further amend section three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospitals for services to indigent victims of motor vehicle accidents

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as last amended by the acts approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand thirteen) and June third one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred eighty-four) is hereby further amended to read as follows

Section 3 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Department of Revenue for administering and enforcing the laws rules or regulations relating to the operation of aircraft landing fields or intermediate landing fields and for the proper conduct of its work in titling and registering motor vehicles trailers and tractors licensing the operators of vehicles and enforcing the laws regulating the registration titling and operation of vehicles upon the highways and for the collection of liquid fuels taxes as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Motor Vehicles or such other officer or officers of the department appointed by the secretary thereof to have charge of the foregoing activities of the department and such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts engineers draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required in the performance of the duties above mentioned and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

(b) For the payment of the salaries wages or other compensation board lodging uniforms arms and equipment and their maintenance and traveling and other necessary expenses of State Highway Patrolmen Provided That the provisions of this clause shall not authorize any appropriation for such purposes to the Department of Revenue if the State Highway Patrol is by law placed under the administration of the State Police but said appropriation shall be available for like purposes to the State Police but not in excess of the amount limited by any other law

(c) For the purchase maintenance storage and repair of furniture furnishings stationery supplies materials equipment fuel motor vehicles aircraft and printing and binding and for the payment of premiums on policies of insurance covering motor vehicles or aircraft operated by employes of the department and surety bonds for officers or employes of the department required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(d) For the payment of postage telegrams telephone

rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

(e) For the construction through the Department of Property and Supplies or the purchase and repair or maintenance of buildings for the use of the State Highway Patrol

(f) Through the Department of Property and Supplies to purchase or lease lands and to construct thereon highways and buildings suitable for the examination of applicants for operator's licenses or to purchase or lease lands for the use of the State Highway Patrol

(g) For the payment of rentals for branch buildings and repairs thereto

(h) For the payment of transportation medical attendance and hospital charges of employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(i) For the payment of traveling expenses and witness fees in the amount of two ($2) dollars per capita per diem to witnesses testifying for the Commonwealth at hearing and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five ($5) dollars shall be paid to any physician for such an examination

(j) For the payment of expenses in connection with traffic safety educational work exhibits photography models and other exhibition or educational accessories and for all other expense of every kind and description necessary effectively to carry on this work

(k) For the purchase of registration plates and any other expense incidental thereto

(l) For the payment of rewards for detection of fraud

(m) For the purpose of purchasing and acquiring in the name of the Commonwealth of Pennsylvania air navigation facilities and intermediate landing field equipment through the Department of Property and Supplies as agent

(n) For the purpose of installing conditioning improving equipping maintaining and operating any air navigation facilities intermediate landing field equipment beacon sites landing fields and intermediate landing fields leased or acquired by the Commonwealth and lands acquired within the Commonwealth suitable for landing fields intermediate landing fields beacon sites and air navigation facilities

[(n)] (o) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the aforesaid affairs of the Department of Revenue at such amounts as the Department of the Auditor General with the aproval of the Executive Board shall determine

[(o)] (p) For payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Revenue in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

[(p)] (q) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Revenue in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

(r) To the extent of a sum not to exceed forty-two cents for each motor vehicle registered for each year for reimbursement for hospitals on account of expenses for the care of indigent persons injured in motor vehicles accidents

[(q)] (s) For all other expenses of every kind and description necessary for the performance by the department of the aforesaid work

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2047, as follows:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred and ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where any section of a State highway route as now or hereafter defined by law shall be or has been relocated under the authority of existing laws the portion of the public road or highway thus abandoned as a State highway route shall be maintained by and at the expense of the authorities responsible for the maintenance of said public road or highway prior to its having been established as a State highway or a State aid highway and where any such abandoned section of State highway was at any time a part or portion of a turnpike or toll road the abandoned portion shall be maintained by and at the expense of the township wherein it is located

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1830, as follows:

An Act providing for one additional law judge of the court of common pleas of the Thirty-second judicial District

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the judges provided for by existing law one additional law judge is hereby authorized and provided for the Court of Common Pleas of the Thirty-second Judicial District who shall possess the same qualifications which are required by the Constitution and laws for the president judge of the said district and who shall hold his office for a like term and by the same tenure and shall have the same powers authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same

compensation provided by law for judges of the courts of said judicial district

Section 2 At the next municipal election after the passage of this act and thereafter at such time and times as may be prescribed by the Constitution and laws of the Commonwealth the qualified electors of the said Thirty-second Judicial District shall elect in the manner prescribed by law for the election of a president judge one competent person learned in the law to serve as additional law judge of the court of common pleas in said Thirty-second Judicial District from the first Monday of January next succeeding such election for a term of ten years

Section 3 The Governor shall upon the passage of this act appoint one competent person learned in the law as additional law judge for the Court of Common Pleas of the Thirty-second Judicial District to hold office until the first Monday of January one thousand nine hundred and thirty-six Any vacancy in the office hereby created whether caused by death resignation expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2053, as follows:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That route seven hundred and sixty of section one of an act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth" as amended by act of Assembly approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred and ninety-eight) is hereby further amended to read as follows

Route 760 Beginning at a point [the Pittsburgh and Lake Erie Depot] in the village of West Pittsburgh Lawrence County thence southerly to Route 77

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2059, as follows:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when the terminal point of one or more State Highway Routes is described as being at the boundary line of a county township or municipality and the highway continues beyond such point the Secretary of Highways shall have authority to relocate such State Highway Route or Routes in accordance with the provisions of present or future laws governing the relocation of State highways without limitation on account of such terminal point except that the new point of crossing of such line shall be properly referenced and shown on the plan by which the relocation is made

Section 2 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2045, as follows:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by adding a provision limiting the responsibility of the Commonwealth in the elimination of grade crossings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section sixty-nine of the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An Act establishing certain township roads as State highway authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" be and the same is hereby amended to read as follows

Section 69 This act is not intended and shall not be construed

(a) To authorize the Department of Highways to assume for the Commonwealth any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any township road described in the foregoing sections of this act except only drainage structures with a total spanned length not exceeding ten feet measured along the center line of the highway and which were the sole obligation of the townships prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the county township person association or corporation responsible therefor at the date of the approval of this act

(b) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or any highway described in this Act and no such assessment shall hereafter be made under any Act of Assembly heretofore enacted

(c) [or] To include or in any manner affect any private road county road or any road street or highway in any city borough or incorporated town of the Commonwealth

Section 2 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2049, as follows:

An Act to amend section one of act approved the fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred seventy-seven) entitled "An Act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" to include as State highways portions of the highway outside municipalities under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section One of the Act approved the fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred seventy-seven) entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That where the boundary line of any city borough or incorporated town [is located within] traverses longitudinally the legal limits of a highway and a portion only of such highway situate either outside of or within the municipality has been or may hereafter be established as a State highway the portion of the highway which the Act fails to include because of the presence of the boundary line whether such portion may be outside of or within the corporate limits of the city borough or incorporated town is hereby established as or shall hereafter automatically become a State highway and shall be constructed and maintained by the Department of Highways in accordance with the provisions of existing laws governing State highways in cities or boroughs or in townships as the case may be

Section 2 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1586, as follows:

An Act to establish as a State highway a certain section of public road in the County of Crawford and providing for its construction and maintenance at the expense of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a certain section of public road commencing at the western end of Rural Route 2007 thence in a westerly direction through North Shenango Township over the road built by the Water and Power Resources Board across the Pymatuning Reservoir to a point on the Pennsylvania-Ohio State line in Crawford County a distance of about 1 mile shall be adopted by the Commonwealth as a State highway and shall be constructed improved and maintained at the sole expense of the Commonwealth under existing laws

Section 2 The cost and expense of the construction improvement and maintenance of the highway herein described shall be paid out of any moneys appropriated to the Department of Highways for the construction improvement reconstruction or maintenance of State highways

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to inform the members that on page 34, House Bill No. 88 on final passage recalled from the Governor, and on page 35, House Bills Nos. 1885, 1749 and 306 on final passage, are not on file and, therefore, we cannot proceed with them.

## BILLS ON THIRD READING

The SPEAKER. By agreement House Bill No. 979, Printer's No. 698, will be passed over.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 950, as follows:

An Act withholding increases in rates by electric light gas telephone and water companies until after thirty days' notice thereof has been given to their customers and the same have been approved by the Public Service Commission and providing for the procedure thereunder

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no increase in rates or any change in or discontinuance of any classification rules regulations contracts or practices resulting in an increase in rates by any electric light gas telephone or water company shall become effective until thirty days after individual notices of such increase change or discontinuance have been given by the company to each of its customers and until such increase change or discontinuance has first been approved by the Public Service Commission Provided however That if the Commission fails to approve or disapprove such increase change or discontinuance within a period of ninety days after said notice then the public service company may put such increase change or discontinuance into effect by filing with the commission a bond in such reasonable amount, with such sureties, and of such form as shall be approved by the commission, conditioned upon the refund, in a manner to be prescribed by order of the commission, to the persons entitled thereto of the amount of the excess if the rate or rates so put into effect are finally determined to be excessive, and the payment of the penalties, costs, and fees in this act provided for; or there may be substituted for such bond other arrangements satisfactory to the commission for the protection of the parties interested. The commission shall have power to fix and determine the amount of the refund or reparation, if any, to be paid to the parties entitled thereto, either with or without a separate petition therefor, as the commission may determine in its order pertaining to the reasonableness or unreasonableness of such rate or rates, and shall make such further order, with respect to the said refund or reparation, as it may deem necessary and proper to expedite and to facilitate the payment or adjustment, by credits or otherwise, of the said refund or reparation. The commission shall regard and treat any complaint or petition for refund or reparation by one or more consumers, shippers, or patrons, or any proceeding initiated on its own motion, as made in a representative capacity and as if filed or instituted in behalf of all consumers, shippers or patrons affected by the rate or rates in question, and, in its order for refund or reparation, it shall fix and determine the amount or amounts of refund or reparation which shall

be awarded or credited to each consumer, shipper, or patron affected. If the public service company fails, after written demand, to make the refund or to give the proper credit, in accordance with the order of the commission, within ninety days after such final determination, any person entitled to such refund may sue therefor in any court of this Commonwealth of competent jurisdiction, and be entitled to recover, in addition to the amount of the refund, a penalty of fifty per centum of the amount of the said refund, together with all court costs and reasonable attorneys' fees; but no suit may be maintained for that purpose unless instituted within one year after such final determination. Any number of persons entitled to such refund may join as plaintiffs and recover their several claims in a single action, in which action the court will render a judgment severally for each plaintiff as his interest may appear."

Section 2 The individual notices provided for in section one of this act shall in each case be mailed or delivered to the same address of each customer as is used for mailing or delivering the bills for service Such notice shall not be a part of any bill for service but shall be plainly and conspicuously written or printed on a separate piece of paper and shall clearly show the old rate the new rate and the amount and effect of the increase

Section 3 Where a new schedule of rates or change in or discontinuance of any classification rule regulation contract or practice is filed under existing law by any electric light gas telephone or water company which contains or results in an increase in rates the procedure thereon shall be the same as if a complaint against such increase change or discontinuance had been filed

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. Speaker, I would like to have the sponsor of this bill explain just briefly what it means.

Mr. MOUL. I will, Mr. Speaker. This bill changes the present procedure that is followed when a rate increase is offered by a utility company. At the present time all that is necessary in order that a rate increase be put into effect is that the utility company notify the Commission that the company intends to put an increase into effect. Thirty days after that notice has been given to the Commission, if the Commission does not act, that rate becomes effective and immediately the utility company begins to charge it. That charge will continue until the Commission takes some action. In the past there have been cases where the Commission has not acted for a long, long time. In that case the consumer is forced to pay the rate without having had a proper hearing. This bill as it is amended at the present time changes that procedure to the following: If this bill becomes a law, it will require that the utility company notify each individual consumer that a rate increase is being proposed, showing the exact increase, so that the consumer will know what is about to happen. Thirty days after that notice has been sent, the Commission can act. In that respect it is similar to the present law. The Commission can act thirty days after the notice has been sent out. However, if the Commission does not act, then the rate can not become effective until sixty additional days. After sixty additional days, if the Commission does not act, then they can put the increased rate into effect, providing a bond is filed that will protect the consumer in case later on the Commission decides that it is an unjust increase.

Mr. SOWERS. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Moul.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. MOUL. Mr. Speaker, I will.

Mr. SOWERS. Mr. Speaker, does the gentleman have any objection to having this bill placed on the postponed calendar, so that it can be called up Monday night?

Mr. MOUL. Mr. Speaker, that will be satisfactory to me.

## BILL POSTPONED

Mr. SOWERS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2122, entitled:

An Act providing for the annual registration with the Department of Labor and Industry of establishments where persons are employed requiring certain statistical data relating to employment and accidents to be furnished the department authorizing the department to prescribe an annual registration fee and imposing a penalty for violation of the act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker, will the sponsor of this bill explain its provisions to the House?

Mr. COLEMAN. Mr. Speaker and members of the House, this bill is an administration measure that will, figuratively speaking, put the hand of the Secretary of Labor and Industry of this Commonwealth upon the industrial and business pulse of the state. It requires industrial and business establishments to furnish certain statistical information that heretofore has been rather difficult to obtain.

Mr. SOWERS. Mr. Speaker, how much does it cost the individuals and so on?

Mr. COLEMAN. Mr. Speaker, under the terms of this bill all business and industrial establishments of the state must register annually with the Department of Labor on or before the first of June. There is a sort of graduated scale of fees: one dollar is the minimum and five dollars is the maximum depending upon the number of employes and the fee, of course, to be determined by the Secretary of Labor.

Mr. SOWERS. Mr. Speaker and members of the House, the bill is House Bill 2122, Printer's No. 617. You will find that the bill provides for every establishment to register whether there are a few employes or many employes. You will find that a fee of one dollar is charged. You will also find that the bill provides for a penalty. Now, many businesses start and stop and many a man who starts a business may overlook the registering and thus may be subject to this penalty. A business may only last a month or two and it seems to me that the bill as drawn is too drastic and that it ought to exempt those people that are about to start in business and stop in a month or two.

I would ask you to vote "no" on this bill or to have it placed on the postponed calendar to be called upon Monday night.

Mr. REISING. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. I will, Mr. Speaker.

Mr. REISING. Mr. Speaker, are we to understand that illegitimate businesses, such as one-man clubs, speakeasies, gambling places and places of that sort will have to register under this bill?

Mr. COLEMAN. Mr. Speaker, in answer to the gentleman's question, it is my understanding that under the terms of this bill every industrial and every business establishment including of course every store in every little hamlet within the confines of the Commonwealth are obliged to register under the terms of this bill. The only ones excluded are the doctors, lawyers, dentists and professional men generally.

Mr. REISING. Mr. Speaker and members of the House, the explanation is entirely satisfactory to me and I am inclined to think that this is one of the real bills to exterminate crime and corruption from our midst and I will ask the members to vote "aye" on this bill.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the sponsor of this bill permit himself to be interrogated?

Mr. COLEMAN. Mr. Speaker, I will.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman where in the provisions of this bill he can find any exception for any person who employs help.

Mr. COLEMAN. Mr. Speaker, in answer to the gentleman's question, for the purpose of clarification it is my intention to put the bill on the postponed calendar and to offer amendments that will specifically exclude lawyers, doctors, dentists and professional men generally.

Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Sowers?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Sowers, permit himself to be interrogated?

Mr. SOWERS. I will, Mr. Speaker.

Mr. COLEMAN. Mr. Speaker, I have already said that I would agree to put the bill on the postponed calendar and offer the amendments suggested. If I do so, may I assume that when reciprocity presents itself it will come in full measure from the Republican side of the House and that they will support it one hundred per cent?

The SPEAKER. The interrogation is out of order at this time.

## BILL POSTPONED

Mr. COLEMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2086 (Senate Bill No. 631), entitled:

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agriculture exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—166

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Mason, | Shaw, |
| Alexander, | Falkenstein, | McCreary, | Shepard, |
| Altenburg, | Ferko, | McDermott, | Shortz, |
| Andrews, | Finnerty, | McElroy, | Shugarts, |
| Arnold, | Fitch, | McHenry, | Siegel, |
| Atkins, | Flanagan, | McKinney, | Simpson, |
| Aukerman, | Flinchbaugh, | Melchiorre, | Sinwell, |
| Baine, | Furman, | Mentzer, | Sloan, |
| Baker, F. T., | Gates, | Merrell, | Smith, J. A., |
| Baker, J J., | Gerard, | Moomaw, | Smith, W. G., |
| Baldi, | Gillette, | Mooney, | Snyder, J. L., |
| Barber, | Green, | Moore, | Sowers, |
| Barnhardt, | Habbyshaw, | Moran, | Stank, |
| Bernhard, | Hagerty, | Moul, | Stevens, |
| Boose, | Haluska, | Muir, | Stewart, |
| Boyd, R., | Hamilton, F. P., | Murrin, | Stockham, |
| Boyer, | Hamilton, R. S., | Nagel, | Sumney, |
| Bradley, | Harkins, | Nothnagle, | Surface, |
| Brancato, | Hart, | O'Keefe, | Terry, |
| Brown, H. S., | Hermansen, | O'Neill, | Tronzo, |
| Brown, J. E., | Hetrick, | Panton, | Trout, |
| Brownfield, | Hindman, | Parks, | Tumelty, |
| Brumbaugh, | Hirsh, | Patterson, C., | Turner, |
| Burke, | Holstrom, | Patterson, J. W., | Van Allsburg, |
| Cannon, | Hoopes, | Pearson, | Van Sickle, |
| Caputo, | Horst, | Perry, | Walker, |
| Carson, | Jackson, | Peters, | Wall, |
| Chervenak, | Jones, | Pfaff, | Weidemann, |
| Coakley, | Kane, | Phillips, | Weiss, |
| Cochran, | Kelder, | Piole, | Welliver, |
| Cohen, | Kelso, | Powers, | Welsh, |
| Coleman, | Kilroy, | Reising, | Westrick, |
| Coolahan, | Kinney, | Rhys, | White, |
| Cordier, | Klingler, | Roan, | Wickersham, |
| Davies, | Kobelak, | Robinson, | Wilson, |
| Decker, | LaRue | Ruffennach, | Woodside, |
| Diehl, | Linderman, | Ruth, | Yeakel, |
| Dilley, | Long, | Scanlon, | Yourishin, |
| Downey, G. E., | Longaker, | Schrock, | Zappala, |
| Downey, J. J., | Lovett, | Schrope, | Zimmerman, |
| Duffort, | Lynch, | Schwab, | Sarig, |
| Eberharter, | Male, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1923 (Senate Bill No. 710), entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. SOWERS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1906. as follows:

An Act to amend the act approved the nineteenth day of July one thousand nine hundred thirteen (Pamphlet Laws eight hundred forty-three) entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees and prescribing a penalty for non-compliance therewith" by further defining the duty of employers to make reports of injuries received by their employes requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so and clarifying the provisions of the act pertaining to the evidential value of such reports

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three four and five of the act approved the nineteenth day of July one thousand nine hundred thirteen (Pamphlet Laws eight hundred forty-three) entitled "An act requiring employers to make report to the Department of Labor and industry of accidents to employes and prescribing a penalty for non-compliance therewith" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That within [thirty] seven days after the [beginning of the disability of] date of any injury received by an employee [because of any personal injury caused by an accident occurring] in the course of or resulting from his employment and within forty-eight hours of the death of an employe occurring from an injury received in the course of or resulting from his employment the employer whether a person firm or corporation or the Commonwealth or any political subdivision thereof shall make report of such [accident] injury or death directly to the Department of Labor and Industry Such report shall be made in such form as the Department of Labor and Industry shall prescribe and shall set forth the name address and nature of the business of the employer name address sex age nationality wage or salary and occupation of the employee date day of week hour place cause and character of the [accident] injury or death and in the case of an injury the nature of the injury and the duration of the disability or probable disability as far as the same can be ascertained Such employer shall also upon request of the Department of Labor and Industry make such further report as may reasonably be required by it

Section 2 Any person firm or corporation having knowledge of the occurrence of such personal injury or death to an employee in the course of or resulting from his employment who shall fail to make report as aforesaid shall be liable to the Commonwealth for a penalty of one hundred dollars to be recovered by action brought by said department

Section 3 Reports made in accordance with this act shall not be evidence against the employer in any proceeding either under the Workmen's Compensation Law of one thousand nine hundred and [thirteen] fifteen or otherwise

Section 4 No employer who has made the report required by this act shall be required to make any other or further report of such [accident] injury or death to any other department of the government of the Commonwealth

Section 5 This act shall not apply to casual employments nor to [accidents] injuries resulting in disability continuing less than [two days] the day shift or turn in which the injury was received

Section 2 This act shall become effective thirty days after the date of its enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—169

| | | | |
|---|---|---|---|
| Achterman, | Duffort, | Lynch, | Shaw, |
| Alexander, | Eberharter, | Male, | Shepard, |
| Altenburg, | Eroe, | Mason, | Shortz, |
| Andrews, | Falkenstein, | McCreary, | Shugarts, |
| Arnold, | Ferko, | McDermott, | Siegel, |
| Atkins, | Finnerty, | McElroy, | Simpson, |
| Aukerman, | Fitch, | McKinney, | Sinwell, |
| Baine, | Flanagan, | Melchiorre, | Sloan, |
| Baker, F. T., | Flinchbaugh, | Mentzer, | Smith, J. A., |
| Baker, J J., | Furman, | Merrell, | Smith, W. G., |
| Baldi, | Gates, | Moomaw, | Snyder, J. L., |
| Barber, | Gerard, | Mooney, | Sowers, |
| Barnhardt, | Gillette, | Moore, | Stank, |
| Bernhard, | Green, | Moran, | Stevens, |
| Boose, | Habbyshaw, | Moul, | Stewart, |
| Boyd, R., | Haberlen, | Muir, | Stott, |
| Boyer, | Hagerty, | Murrin, | Sumney, |
| Bradley, | Haluska, | Nagel, | Surface, |
| Brancato, | Hamilton, F. P., | Nothnagle, | Terry, |
| Brennan, | Hamilton, R. S., | O'Keefe, | Tronzo, |
| Brown, H. S., | Harkins, | O'Neill, | Trout, |
| Brown, J. E., | Hart, | Panton, | Tumelty, |
| Brownfield, | Hermansen, | Parks, | Van Allsburg, |
| Brumbaugh, | Hetrick, | Patterson, C., | Van Sickle, |
| Burke, | Hindman, | Patterson, J. W., | Walker, |
| Cannon, | Hirsch, | Pearson, | Wall, |
| Caputo, | Holstrom, | Perry, | Weidemann, |
| Carson, | Hoopes, | Peters, | Weiss, |
| Castor, | Horst, | Pfaff, | Welliver, |
| Chervenak, | Jackson, | Phillips, | Welsh, |
| Coakley, | Jones, | Piole, | Westrick, |
| Cochran, | Kane, | Powers, | White, |
| Cohen, | Kelder, | Reising, | Wickersham, |
| Coleman, | Kelso, | Rhys, | Wilson, |
| Condon, | Kilroy, | Rinn, | Winner, |
| Coolahan, | Kinney, | Roan, | Witkin, |
| Cordier, | Klingler, | Robinson, | Woodside, |
| Davies, | Kobelak, | Ruffennach, | Yeakel, |
| Decker, | LaRue, | Ruth, | Yourishin, |
| Diehl, | Linderman, | Scanlon, | Zappala, |
| Dilley, | Long, | Schrock, | Zimmerman, |
| Downey, G. E., | Longaker, | Schrope, | Sarig, |
| Downey, J. J., | Lovett, | Schwab, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for thirty minutes. Are there objections? The Chair hears none and declares a recess for thirty minutes.

## AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The SPEAKER. The time of recess having expired the House will be in order.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

Unemployment relief will come to a halt in Pennsylvania on Saturday, April 20th, unless Pennsylvania immediately meets the demand of the Federal Emergency Relief Administration that this Commonwealth should contribute its fair share toward the present approximate $20,000,000 monthly costs of relief.

The Federal Emergency Relief Administration has fixed the sum of $5,000,000 as Pennsylvania's fair shade of the $20,000,000 monthly relief burden. The Federal Emergency Relief Administration made clear its position at conferences which were held at Washington with Federal Emergency Relief Administrator, Harry L. Hopkins, on March 25th and again on April 11th. In a message which I sent to the General Assembly on April 10th and in another message which I sent to the General Assembly on April 15th, I stressed the urgency of the passage of such tax legislation which would insure Pennsylvania's contribution of $5,000,000 monthly when the revenues from such tax legislation became available. I asked such action so that the Federal Government would be assured that the Commonwealth of Pennsylvania intends in good faith to provide its fair share of the burden of unemployment relief.

In addition, the State Emergency Relief Board, at a special meeting held Friday, April 12th, adopted a resolution requesting the Legislature to pass adequate tax legislation during the current week so that unemployment relief in this Commonwealth would not terminate on Saturday.

Despite the urgency of this situation, the Republican majority in the Senate has persistently refused to enact such tax legislation which would enable Pennsylvania to carry on unemployment relief, in acordance with the position taken by the Federal Emergency Relief Administration which has paid the entire cost of unemployment relief in Pennsylvania between January 1, 1935, and the present time, amounting to $68,000,000, without the State contributing one single dollar. The Federal Emergency Relief Administrator has asked that Pennsylvania pass a tax program which will insure that Pennsylvania will contribute $5,000,000 monthly as its fair share of the costs of unemployment relief for at least the next year. Despite the fact that on February 12, 1935, more than two months ago, I submitted in my Budget Message a program which would comply with the stand of the Federal Relief Administration, the Republican majority in the Senate has blocked the passage of such tax legislation without submitting its own tax program. When the Republican caucus finally submitted its budget and tax program to the Administration at a conference yesterday, April 17th, that program provided for an allocation of $57,000,000 for unemployment relief during the two-year period beginning June 1, 1935. When I requested the Chairman of the Republican caucus that its budget be so phrased that the $57,000,000 allocated under that program for unemployment relief be made available if necessary for expenditure during the first year of the biennium, my request was summarily rejected.

The tax program which I submitted on February 12th provided not only for unemployment relief for the two-year period beginning June 1st, but also for unemployment relief for the balance of the present biennium.

Avoiding its proper duty to enact tax legislation which would provide for adequate unemployment relief for the six week period between April 15th and June 1st, as it has for the following two year budget period, the Republican majority in the Senate has instead enacted four bills which provide for the taking of $5,000,000 from special funds which for the most part belong to counties and municipalities as their share of the liquid fuels tax and the liquor license fund. These counties and municipalities have included their probable receipts from these sources in setting up their own budgets for this year and will suffer, should these funds be taken by the State. These same counties and municipalities and various political subdivisions have already suffered through the action of the Legislature at its 1934 Special Session in transferring $13,843,000 from these special funds to unemployment relief instead of levying taxes as should have been done.

I find myself in the position today of having to make a choice between seeing two million unemployed Pennsylvanians face starvation, privation and indescribable hardship after midnight Saturday, or accepting the stop-gap program which has been offered by the Republican majority in the Senate. Rather than see these two million unemployed needy men, women and children suffer starvation and privation, I recommend to the Democratic majority in the House of Representatives that it enact the transfer measures sponsored by the Republican majority in the Senate. I make this recommendation, although I feel most strongly that this program of tapping special funds to evade the duty of taxation is wrong in principle and will inevitably impose increased taxation by the local communities which are being deprived of these special funds.

In a telephone conversation with Federal Emergency Relief Administrator Hopkins today, I apprised him of the situation and at my earnest request he agreed to continue unemployment relief to Pennsylvania from April 15 to May 15, 1935, upon the contribution of the $5,000,000 which will be made available by reason of these transfers.

In granting my request, however, the Federal Emergency Relief Administrator stressed the fact that it is imperative that Pennsylvania shall enact a tax program which will insure that Pennsylvania will contribute $5,000,000 a month for unemployment relief for at least the next year.

In view of the situation which I have just recited, I again make the request that Republican majority in the Senate immediately proceed to enact a tax program which will conform with the position taken by the Federal Emergency Relief Administration, so that Pennsylvania may be assured of receiving adequate relief for its 2,000,000 unemployed and needy.

The passage of the transfer bills referred to will insure unemployment relief in Pennsylvania until May 15th. The responsibility rests upon the Republican majority in the Senate as to whether unemployment relief will continue after May 15th.

GEORGE H. EARLE.

## TRANSFERRING OF FUNDS FOR RELIEF

Mr. RUTH asked and obtained unanimous consent to offer the following resolution which was twice read as follows:

In The House of Representativees, April 18, 1935.

Whereas, It is necessary that the Commonwealth of Pennsylvania contribute its share of the monies necessary for unemployment relief for the months of April and May; and

Whereas, The Federal Relief Administrator requires that the Commonwealth of Pennsylvania shall contribute as its share the sum of Five Million Dollars ($5,000,000) per month either in cash or by the enactment of proper tax legislation indicating the intention of the Commonwealth to contribute said share to relief for the State; and

Whereas, the unemployment relief needs for the year 1935 of the Commonwealth have been provided for up to and including the Fifteenth day of April, 1935, wholly by the National Government; and

Whereas, There is not sufficient money in the General Fund to provide for the Commonwealth's share for the balance of the month of April and May, 1935; and

Whereas, it is of paramount importance that the poor and needy of Pennsylvania shall not be permitted to go hungry or starve;

Therefore, Because no provision has been made by the majority in the Senate of Pennsylvania to meet the requirements of relief in this Commonwealth; it is hereby

Resolved, That the House of Representatives will pass Senate Bill No. 840, transferring One Million Dollars ($1,000,000) from the Liquor Licensee Fund to the General Fund; and Senate Bill No. 841, transferring One Million Dollars from the Motor License Fund to the General Fund; and Senate Bill No. 842, transferring Two Million Dollars ($2,000,000) from the Liquid Fuels Tax Fund to the General Fund; and Senate Bill No. 843, transferring

One Million Dollars ($1,000,000) from the State Stores Fund to the General Fund; and appropriating the total of the said money, to wit Five Million Dollars ($5,000,000) to the State Emergency Relief Board, and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Will the House adopt the resolution?

Mr. RUTH. Mr. Speaker and members of the House, the Democratic majority accepts this proposition, though believing that it is morally wrong to do so because the majority of this money belongs to the municipalities. It is not our money. We have no moral right to take it from them, but this is done in order to save the millions of people in Pennsylvania who will suffer if we do not concur in these bills. We are doing it just as if a gun were pointed at our heads. This is the last straw, the last thing we can do to keep our people for one month longer.

For a long time this House has passed sufficient and proper tax legislation and the majority in the Senate has refused to pass it or even to consider it. Therefore, this House has done its full duty. We are doing this today only because it is to save the suffering that will come to our people if it is not carried out. It is not our money, but we are taking it simply to save suffering in Pennsylvania.

Mr. FURMAN. Mr. Speaker, on account of the seriousness of the situation I ask for a roll call.

The yeas and nays were required by Mr. FURMAN and Mr. VanSICKLE.

The roll was called by the Clerk.

Mr. RUTH. Mr. Speaker, because of the importance of this resolution I think the roll should be verified. I, therefore, ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—152

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | Longaker, | Schrock, |
| Alexander, | Falkenstein, | Lovett, | Schrope, |
| Arnold, | Ferko, | Male, | Schwartz, |
| Atkins, | Finnerty, | Mason, | Shaw, |
| Aukerman, | Fitch, | McCreary, | Shepard, |
| Baine, | Flanagan, | McDermott, | Shortz, |
| Baker, F. T., | Furman, | McElroy, | Shugarts, |
| Baker, J. J., | Gerard, | McHenry, | Siegel, |
| Baldi, | Gillette, | McKinney, | Sinwell, |
| Barber, | Green, | Melchiorre, | Sloan, |
| Barnhardt, | Habbyshaw, | Mentzer, | Smith, J. A., |
| Bernhard, | Haberlen, | Merrell, | Smith, W. G., |
| Boose, | Hagerty, | Mooney, | Snyder, F. E., |
| Boyer, | Haluska, | Moore, | Snyder, J. L., |
| Bradley, | Hamilton, F. P., | Moran, | Sowers, |
| Brancato, | Hamilton, R. S., | Muir, | Stank, |
| Brennan, | Harkins, | Murrin, | Stewart, |
| Brown, H. S., | Harmuth, | Nagel, | Stockham, |
| Brown, J. E., | Hart, | Nothnagle, | Stott, |
| Brownfield, | Hartman, | O'Keefe, | Surface, |
| Brumbaugh, | Hermansen, | O'Neill, | Tronzo, |
| Burke, | Hetrick, | Patterson, C., | Tumelty, |
| Cannon, | Hindman, | Patterson, J. W., | Van Allsburg, |
| Caputo, | Hirsch, | Pearson, | Van Sickle, |
| Carson, | Holstrom, | Perry, | Walker, |
| Chervenak, | Hoopes, | Peters, | Weidemann, |
| Coakley, | Horst, | Pfaff, | Weiss, |
| Cochran, | Jackson, | Phillips, | Welliver, |
| Cohen, | Jones, | Piole, | Welsh, |
| Coleman, | Kane, | Powers, | Westrick, |
| Coolahan, | Kelder, | Reising, | White, |
| Davies, | Kelso, | Rhys, | Wickersham, |
| Decker, | Kilroy, | Roan, | Wilson, |
| Diehl, | Kinney, | Robinson, | Woodside, |
| Dilley, | Klingler, | Ruffennach, | Yeakel, |
| Downey, G. E., | Kobelak, | Ruth, | Yourishin, |
| Downey, J. J., | LaRue, | Sarraf, | Zappala, |
| Duffort, | Linderman, | Scanlon, | Sarig, |
| Eberharter, | Long, | | |

NAYS—9

| | | | |
|---|---|---|---|
| Andrews, | Lynch, | Moul, | Stevens, |
| Flinchbaugh, | Moomaw, | Simpson, | Sumney, |
| Gates, | | | |

So the question was determined in the affirmative and the resolution was adopted.

## PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. COHEN. Mr. Speaker, I move that the Committee on Appropriations be granted permission to meet in the Conference Room at the rear of the House during the session of the House.

The motion was agreed to.

## STATEMENT BY MR. FURMAN

Mr. FURMAN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, today, April 18, was the day set as the deadline for presenting bills to this House. The Legislative Reference Bureau has notified us and we have adopted a resolution in accordance with their wishes that bills that are now in the process of being drafted and which it is not physically possible to get completed today will be permitted to be presented here when we return. That same condition exists in the Attorney General's Department. I believe that it is the wish of this House that those bills that are now in the process of being drafted may be presented here on Monday, and I would like to know whether or not there are any objections to those bills going through the same course as the bills from the Legislative Reference Bureau.

The SPEAKER. Will the House give its unanimous consent as requested by the gentleman from Greene, Mr. Furman? Are there objections? The Chair hears none and consent is granted.

## STATEMENT BY MR. SOWERS

Mr. SOWERS asked and obtained unanimous consent to make the following statement:

Mr. SPEAKER and members of the House, it is very gratifying to the Republican party of this House to know that the Democrats have adopted the wisdom of the policy proposed by it and have joined with it in its efforts to save the needy from starving.

Speaking personally I want to reply to the statement made by the opposition leaders that five million dollars is the fair share of Pennsylvania. I submit that that amount is easily one hundred per cent too much. Pennsylvania sends to the National Treasury about seven dollars and fifty cents and from the National Treasury it receives back only about four dollars and fifty cents. It is my opinion that the national government is not generous with Pennsylvania, and it should cease sending Pennsylvania's money to other states to use and see to it that the needy of Pennsylvania are not left to starve.

## STATEMENT BY MR. ANDREWS

Mr. ANDREWS asked and obtained unanimous consent to make the following statement:

Mr. SPEAKER and members of the House, I was one of the very small minority that voted against the transfer resolution. I voted against the transfer resolution because I believed that today was the decisive day, I believed that

today was the day to take up the challenge of inaction that has characterized the opposition to the taxation program proposed, a program with which I am not in agreement but a program which must be met by suggestions of some sort. An opportunity to face the situation has been neglected. I am sorry that the Democratic majority did not accept the challenge and stay here in session with the general assembly, a going concern, and with the demands for relief of a going concern and settle this thing here and now.

STATEMENT BY MR. HOOPES

Mr. HOOPES asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I have remained silent during the barrage of statements that we have had from both the majority and the minority of this House during the past few weeks on the question of new taxation, but I feel that the time has come when I owe a duty to my constituents to make a statement.

We have heard a great deal about the chiselers on relief and about the waste of relief money and the alleged lack of necessity for expenditures for this purpose. I think it is time we stopped and considered the situation with which we are confronted.

In the report which the State Emergency Relief Board filed with this House in response to the resolution which I introduced at the beginning of the session, they set forth the figures on which they based their estimates for relief for the coming biennium. They estimated that the average number of cases on relief would be four hundred thousand. That report was filed, I believe, on March first and the figures for every week since that time have been substantially in excess of four hundred thousand, and are steadily increasing.

According to the figures that were placed upon every member's desk at the beginning of this week, the average weekly grant for direct relief is $7.33, and yet there are members of this House who have the temerity to get up on the floor and say that we should cut this in half. I should like to see some of those members live on half of $7.33 a week for a few weeks, and I guarantee that they would not believe that the appropriations for relief are excessive.

We cannot expect the Federal government to carry practically the entire burden of relief for the second richest state in the United States. We have the wealth; there is no reason why this Commonwealth should not contribute its just share.

Based upon figures used by the Emergency Relief Board, if we contribute five million dollars we will be only paying thirty-five per cent of the amount that will be necessary for direct relief in Pennsylvania during the coming biennium. Certainly we ought to pay one-third of the cost. I submit that those figures upon which they base their estimates are substantially less than the facts will show.

They are figuring on improved business conditions to make less relief necessary in the coming biennium.

Members of this House, this is my third term in this Assembly, and ever since I have been here the Relief Board and the members of this House in the majority at that time and in the minority now have been taking the position that you didn't need to appropriate very much for relief, and we went home after making insufficient appropriations and haxe come back here every six months during the past four years to make further appropriations.

I think it is about time that we look facts in the face and appropriate enough money to take care of the unemployed so that we do not have to spend half a million dollars that would be better used for relief than to hold a special session every six months. Of course the five hundred dollars comes in very handy for the relief of the members of the legislature, but I do not believe that any member of this House could vote conscientiously for a policy that will cause another special session for that reason.

I think we should study the situation very carefully and we should face the facts. The unemployed instead of getting too much, have been getting too little, and when they say that there is a large percentage of chiselers I submit that there is no evidence that has been submitted to this House to justify any such statement. There probably are a few; the best sort of administration will not be one hundred per cent perfect, and I am not here for one minute apologizing for the administration of relief in Pennsylvania. There is no doubt they have made their mistakes, but if there are some chiselers, there are far more who are not getting enough who will more than make up the difference, and we cannot afford to stand here and consider cutting relief unless we can see something else.

I believe all of us think work relief is better than direct relief, but if you are going to have work relief it is going to cost substantially more as the figures show that it has cost more. It is better, but if its costs more we will have to get money for it,

It is high time that we were facing the facts and stop dawdling around figuring on programs that are going to cut the relief in order to save the taxpayer. It is time for the members of this House to decide right here and now which they care the most for, the taxpayers or the starving unemployed. Their interests are directly conflicting; you must take from the one in order to give to the other.

I submit that it is the duty of this legislature if it is necessary to keep the people of Pennsylvania from starving, to take the last dollar of the rich man's wealth, that it is our duty to do it. Human rights must come before property rights, and I do hope that the investigating committee which has been appointed by the General Assembly will not only look into the question of chiseling and into the question of the persons who are employed on the administration of the relief, but that they will also study the question of the sufficiency of the allowance that has been made, and question of whether or not everybody who is entitled to relief is getting it, and also consider the problem as to whether or not it is likely that we will face inflation which will mean that anything that we do today will be substantially reduced in effect.

I say this again in the hopes that we will not repeat the mistakes that we have been making in the past four general and two special sessions and that we have been doing in the last four months, hoping that somebody else would take care of the problem. That is what we have been doing for four years. The problem is with us; it is up to us to look at it like men, like statesmen if you please, and try to solve it here and now.

## REPORTS OF COMMITTEE

Mr. COHEN asked and obtained unanimous consent of the House to report the following bills:

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2264 (Senate Bill No. 840), entitled:

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2265 (Senate Bill No. 841), entitled:

An Act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2266 (Senate Bill No. 842), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2267 (Senate Bill No. 843), entitled:

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board, and providing for the subsequent return from the General Fund of the transferred money.

## BILLS ON FIRST READING

Mr. COHEN asked and obtained unanimous consent to have the following bills read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2264 (Senate Bill No. 840), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2265 (Senate Bill No. 841), entitled:

An Act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2266 (Senate Bill No. 842), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2267 (Senate Bill No. 843), entitled:

An Act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 631.

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1021.

An Act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled "An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across lands at certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view" by providing for condemnation proceedings and assesment of damages

HOUSE BILL No. 1143.

An Act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws eighty-nine one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act appropriating the moneys in The State Stores Fund" making appropriations for the payment of refunds

HOUSE BILL No. 1606.

An Act Making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation frim the State Workmen's Insurance Fund

With the information that the Senate has passed the same without amendment.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1156.

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be neecessary to carry out the provisions of this Act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 11, page 9, line 2, by striking out after the word "shall" the word "due" and insert in lieu thereof the word "die".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161

| | | | |
|---|---|---|---|
| Achterman, | Eroe, | McDermott, | Shortz, |
| Alexander, | Falkenstein, | McDevitt, | Shugarts, |
| Altenburg, | Ferko, | McElroy, | Siegel, |
| Andrews, | Finnerty, | McHenry, | Simpson, |
| Arnold, | Fitch, | McKinney, | Sinwell, |
| Atkins, | Flanagan, | Melchiorre, | Sloan, |
| Aukerman, | Flinchbaugh, | Mentzer, | Smith, J. A., |
| Baine, | Furman, | Merrell, | Smith, W. G., |
| Baker, J J., | Gates, | Moomaw, | Snyder, J. L., |
| Baldi, | Gerard, | Mooney, | Sowers, |
| Barber, | Gillette, | Moore, | Stank, |
| Barnhardt, | Habbyshaw, | Moran, | Stevens, |
| Bernhard, | Haberlen, | Muir, | Stewart, |
| Boose, | Hagerty, | Murrin, | Stockham |
| Boyer, | Haluska, | Nagel, | Stott, |
| Bradley, | Hamilton, F. P., | Nothnagle, | Sumney, |
| Brancato, | Hamilton, R. S., | O'Keefe, | Surface, |
| Brennan, | Harkins, | O'Neill, | Terry, |
| Brown, H. S., | Hermansen, | Panton, | Tronzo, |
| Brown, J. E., | Hetrick, | Patterson, C., | Trout, |
| Brownfield, | Hindman, | Patterson, J. W., | Tumelty, |
| Brumbaugh, | Hirsch, | Pearson, | Van Allsburg |
| Burke, | Holstrom, | Perry, | Van Sickle, |
| Cannon, | Hoopes, | Peters, | Walker, |
| Caputo, | Horst, | Pfaff, | Wall, |
| Carson, | Jones, | Phillips, | Weidemann, |
| Chervenak, | Kane, | Piole, | Weiss, |
| Coakley, | Kelder, | Powers, | Welliver, |
| Cochran, | Kelso, | Reising, | Welsh, |
| Cohen, | Kilroy, | Rhys, | Westrick, |
| Coleman, | Kinney, | Roan, | White, |
| Condon, | Klingler, | Robinson, | Wickersham, |
| Coolahan, | Kobelak, | Ruffennach, | Wilson, |
| Davies, | LaRue, | Ruth, | Winner, |
| Decker, | Linderman, | Scanlon, | Woodside, |
| Diehl, | Long, | Schrock, | Yeakel, |
| Dilley, | Longaker, | Schrope, | Yourishin, |
| Downey, G. E., | Lovett, | Schwab, | Zappala, |
| Downey, J. J., | Lynch, | Shaw, | Zimmerman, |
| Duffort, | Male, | Shepard, | Sarig, |
| Eberharter, | McCreary, | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 18, 1935.

Resolved (if the Senate concur), that House Bill No. 1023, Printer's No. 276, entitled "An act prohibiting the sale and distribution of medicine drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines", be recalled from the Governor for the purpose of amendment.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 552.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 552, Printer's No. 54, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

## RECONSIDERATION OF VOTE

Mr. FURMAN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. FURMAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. FURMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting before the word "political" the following: "this Commonwealth" and "of the"

Amend title, page 1, line 2 of title, by striking out the words "of this Commonwealth" and insert in lieu thereof "thereof"

Amend Sec. 1, page 1, line 4, by striking out the words "any of" and insert in lieut thereof "this Commonwealth and"

Amend Sec. 1, page 1, line 5, by striking out the words "of the Commonwealth" and insert in lieu thereof "thereof"

Amend Sec. 1, page 1, line 5, by inserting before the word "any" the following: "the Commonwealth and"

Amend Sec. 1, page 1, line 12, by striking out the word "no" and insert in lieu thereof "neither the Commonwealth nor any"

Amend Sec. 1, page 1, line 13, by inserting after the word "subdivision" the following: "thereof"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 450.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 450, Printer's No. 100, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

## BILL LAID UPON THE TABLE

Mr. FURMAN. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. STOCKHAM. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. STOCKHAM. Mr. Speaker, a leave of absence was granted me for Monday evening and Tuesday. I am advised by the Clerk that at yesterday's and this morning's session I was recognized as not being present. On House Bill No. 340 and House Bill 1611, I voted in the negative, while all other abbreviated roll-calls I voted in spirit "aye," and so I desire to be recorded as being present and voting on all bills on the third reading calendar.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

## BILLS INTRODUCED AND REFERRED

By Mr. SHORTZ. HOUSE BILL No. 2492.

An Act regulating the mining of anthracite coal; prescribing duties for certain municipal officers; and imposing penalties.

Referred to the Committee on Mines and Mining.

By Mr. SHORTZ. HOUSE BILL No. 2493.

An Act regulating the mining of anthracite coal, for the protection of public highways, streets, roads and bridges from caving-in, collapsing, or subsiding; conferring powers and imposing duties on the Secretary of Mines, the Secretary of Highways and certain municipal officers; and prescribing penalties.

Referred to the Committee on Mines and Mining.

By Mr. WICKERSHAM. HOUSE BILL No. 2494.

An Act affecting marital relations; declaring the marriage of weakminded persons, habitual drunkards and lunatics, unlawful, and providing for the annulment of such marriages by proceedings brought in the several courts of common pleas of the Commonwealth of Pennsylvania, sitting in equity.

Referred to the Committee on Judiciary General.

By Mr. MELCHIORRE. HOUSE BILL No. 2495.

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions; and defining the powers and duties of said department in relation thereto.

Referred to the Committee on State Government.

By Mr. VanSICKLE. HOUSE BILL No. 2496.

An Act authorizing corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects.

Referred to the Committee on Judiciary General.

By Mr. SINWELL. HOUSE BILL No. 2497.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State Departments, commissions and officers; authorizing certain local public officers and State departments to collect fees for service rendered under this act providing penalties; and repealing certain acts and parts of acts," by providing for the licensing of secretaries of building and loan associations by the Department of Banking.

Referred to the Committee on Banking.

By Mr. SINWELL. HOUSE BILL No. 2498.

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties.

Referred to the Committee on Building and Loan Associations.

By Mr. FRANCIS T. BAKER. HOUSE BILL No. 2499.

An Act requiring the licensing of portable grinding mills by the respective counties; fixing fees therefor; and prescribing penalties.

Referred to the Committee on Agriculture.

By Mr. BAINE (By Request). HOUSE BILL No. 2500.

An Act to amend section ten of the act approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate and practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of the said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," as amended; by further regulating the preliminary educational requirements of candidates for a license.

Referred to the Committee on Education.

By Mr. KANE. HOUSE BILL No. 2501.

An Act providing for the utilization of labor of adult men who are unemployed and receiving relief through the State Emergency Relief Board in the construction and maintenance of airports and hangars for Boroughs Cities and Counties in which they reside.

Referred to the Committee on Aeronautics.

By Mr. KANE. HOUSE BILL No. 2502.

An Act to amend section eighty-seven of the act approved the thirty-first day of March, one thousand eight hundred sixty (Pamphlet Laws, three hundred eighty-two) entitled "Crimes Act of 1860", by providing that if it shall be found necessary for the saving of the life of a woman who is pregnant upon the certification of such fact by two licensed physicians it shall not be unlawful to procure her miscarriage provided that such operation is performed in state-aided hospital.

Referred to the Committee on Judiciary General.

By Mr. JOHN J. DOWNEY. HOUSE BILL No. 2503.

An Act to facilitate the collection of taxes, by permitting the attachment of wages and commissions of any employes for delinquent tax, penalties, costs and other legal charges due by such employe to any tax collector or tax receiver, requiring any person, firm, association, co-partnership or corporation to furnish a list of their employees to such tax collector or tax receiver, fixing the penalty for failure to comply herewith and allowing two per centum (2%) for cost of making attachment and extending the powers to all collectors and receivers of delinquent taxes.

Referred to the Committee on Municipal Corporations.

By Mr. BRADLEY. HOUSE BILL No. 2504.

An Act relating to the financing of motor vehicles; prohibiting certain practices, and imposing a penalty.

Referred to the Committee on Judiciary General.

By Mr. SOWERS. HOUSE BILL No. 2505.

An Act to amend section two of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," as amended; classifying for taxation purposes the transfer of property taxed by the act, and imposing additional taxes on a certain class of such transfers.

Referred to the Committee on Ways and Means.

By Mr. SOWERS. HOUSE BILL No. 2506.

An Act to amend section one of the act approved the twenty-second day of April, one thousand seven hundred and ninety-four (1794) (3 Sm laws 177) entitled "An act for the prevention of vice and immorality and of unlawful gaming, and to restrain disorderly sports and dissipation by making lawful the exhibitions of educational, moral and instructive slides, films, moving and sound pictures and lectures on Sunday after two P. M., and providing that none so employed, shall have worked more than five days of the preceding six days.

Referred to the Committee on Law and Order.

By Miss BRANCATO. HOUSE BILL No. 2507.

An Act establishing, creating and constituting an Investment Control and Advisory Board of the Commonwealth defining the powers and duties; providing for its organization and equipment, and making an appropriation for the operation and expenses of said Board for the two years ending May 31, 1937.

Referred to the Committee on Appropriations.

By Mr. MENTZER. HOUSE BILL No. 2508.

An Act requiring water companies to resume service of water upon notice from boards of health and health officers; requiring cities, boroughs, towns and townships to pay the water rents in certain cases, and giving them the right to recover therefor from the parties liable therefor; and prescribing penalties.

Referred to the Committee on Public Utilities.

By Mr. EBERHARTER. HOUSE BILL No. 2509.

An Act to amend section one of the act approved the twenty-first day of July, one thousand nine hundred and nineteen (P. L. 1064), entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties," as amended; by providing that each of said judges in counties of the second class may appoint a clerk, and providing for the compensation of said clerks.

Referred to the Committee on Judiciary General.

By Miss BRANCATO. HOUSE BILL No. 2510.

A Joint Resolution proposing an amendment to section one, article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. FITCH. HOUSE BILL No. 2511.

An Act to safeguard life health and property by providing for the registration of supervising electricians and journeymen electricians conferring certain powers and imposing certain duties upon the State Department of Public Instruction upon the court of common pleas of Dauphin County and providing penalties.

Referred to the Committee on Education.

By Mr. GATES. HOUSE BILL No. 2512.

An Act staying legal proceedings against banks, bank and trust companies and trust companies engaged in a fiduciary business, where any such corporation has guaranteed or otherwise obligated itself to pay, in cash, the amount or value of trust asssets placed with it for investment and the same have been invested in mortgages or participations in mortgages, or in pools or funds of mortgages; and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

Referred to the Committee on Banking.

By Mr. CHERVENAK. HOUSE BILL No. 2513.

An Act providing for the incorporation, as bodies corporate and politic, of "Authorities" for counties, defining the same, prescribing the rights, powers and duties of such authorities to acquire, construct, improve, maintain and operate subjects and to borrow money and issue bonds therefor, providing for the payment of such bonds, and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities, authorizing such Authorities to enter into contrats with and to accept grants from the Federal government or any agency thereof; and for other purposes.

Referred to the Committee on Counties.

By Mr. BRADLEY. HOUSE BILL No. 2514.

An Act creating the Commonwealth institutions authority; providing for its powers and duties; authorizing it to acquire hold and develop lands used or useful for or in connection with arsenals, armories, military reservations, airports, landing fields, hospitals, normal schools, teachers' colleges and penal or correctional institutions and related projects; authorizing it to construct buildings or improvements on such lands and to reconstruct, improve, alter, extend and maintain and to lease the same and to fix and collect fees, rentals and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the authority lands of the Commonwealth and interests therein and to acquire lands therefor.

Referred to the Committee on State Government.

By Mr. EBERHARTER. HOUSE BILL No. 2515.

An Act to amend the titled and to amend sections three, four, six, seven, eight, nine, eleven and fifteen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain cost on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel; revising certain penalties; imposing filing fees on distributors; eliminating certain discounts; changing date for reports and payment; further clarifying and defining the procedure under the act; and imposing certain duties on persons transporting liquid fuel.

Referred to the Committee on Ways and Means.

By Mr. EBERHARTER. HOUSE BILL No. 2516.

An Act requiring a license for the maintenance or operation of any pump, apparatus or appliance used for the purpose of raising, withdrawing or removing liquid fuels from any place of storage; and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. McELROY. HOUSE BILL No. 2517.

An Act to further amend section two hundred forty-six of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by further defining the qualifications of district attorneys.

Referred to the Committee on Judiciary General.

By Mr. COLEMAN. HOUSE BILL No. 2518.

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing and abandoning a portion of route Number 35018 in Township of South Abington in Lackawanna County.

Referred to the Committee on Highways.

By Mr. COLEMAN. HOUSE BILL No. 2519.

An Act making it unlawful for constables to wear certain types of uniforms.

Referred to the Committee on Judiciary General.

By Mr. POWERS. HOUSE BILL No. 2520.

An Act to amend the act approved the seventh day of May, one thousand nine hundred and twenty-seven (P. L. 859), entitled "A supplement to the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section two; authorizing the payment of estate taxes under protest without prejudicing rights, where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth.

Referred to the Committee on Ways and Means.

By Mr. POWERS. HOUSE BILL No. 2521.

An Act to amend section thirteen of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," as amended; authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents, without prejudice to the right of appeal.

Referred to the Committee on Ways and Means.

By Mr. COAKLEY. HOUSE BILL No. 2522.

An Act to further amend section four of the act approved the eighteenth day of June, one thousand nine hundred and nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for State aid for the transportation of pupils to and from consolidated schools," by providing a new method of ascertaining the amount contributed by the Commonwealth to joint or consolidated schools.

Referred to the Committe on Education.

By Mr. POWERS. HOUSE BILL No. 2523.

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to, and to amend section one thousand two hundred two of, the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of it sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; authorizing any person, association, corporation or public officer, against whom an account has been settled, or against whom an account may be settled on the basis of a report filed, to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement, without prejudice to the right of resettlement, review or appeal, and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal.

Referred to the Committee on Ways and Means.

By Mr. COAKLEY. HOUSE BILL No. 2524.

An Act to amend section one thousand two hundred three of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "For the protection of the public safety; regulating the use of the highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justice of the peace, the courts and clerks thereof, owners of vehicles, and garage keepers! providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds" by providing for the right of arrests on view by certain peace officers for summary offenses in certain cases, and regulating the procedure with respect thereto.

Referred to the Committee on Highways.

By Mr. DIEHL. HOUSE BILL No. 2525.

An Act to further amend sections one hundred two, five hundred eleven, five hundred twelve and six hundred ten of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, the cities, boroughs, incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forgeries, fees and miscellaneous receipts; making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle; imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight.

Referred to the Committee on Highways.

By Mr. FRANCIS T. BAKER. HOUSE BILL No. 2526.

An Act for the relief of owners and operators of motor vehicles from liability for injuries, death and loss suffered by guests, except in certain cases.

Referred to the Committee on Judiciary General.

By Mr. RUTH. HOUSE BILL No. 2527.

An Act providing for special vocational trade, industrial and commercial schools and classes, in cooperation with school districts and employment, reemployment and adjustment offices, for the training, re-training and instruction of certain persons in order to enable them to enter, re-enter or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction; and making an appropriation.

Referred to the Committee on Education.

By Mr. FLINCHHBAUGH. HOUSE BILL No. 2528.

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

Referred to the Committee on Insurance.

By Mr. COHEN. HOUSE BILL No. 2529.

An Act to amend the act approved the tenth day of March, one thousand nine hundred twenty-seven (P. L. 27), entitled "An act relating to the protection of agriculture and horticulture from plant pests, and amending, revising, consolidating, and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto; providing penalties, and repealing present laws," by providing for arrest on view, and clarifying the precedure to enforce the act.

Referred to the Committee on Agriculture.

By Mr. McHENRY. HOUSE BILL No. 2530.

An Act to establish as a State highway a certain section of public roads in the County of Columbia, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. HART. HOUSE BILL No. 2531.

An Act requiring State-aided medical and Surgical hospitals to make certain reports as to the General Assembly, and denying further aid to a hospital unless such report is made.

Referred to the Committee on Judiciary Local.

By Mr. COAKLEY. HOUSE BILL No. 2532.

An Act to amend paragraph nineteen of section one thousand two hundred and ten as amended, section one thousand four hundred and six as amended, and section one thousand seven hundred and eleven A as added, of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the establishment and disbursing of a State equalization fund for teachers' salaries; permitting Commonwealth contribution to the expense of boarding and lodging pupils in lieu of contributions to transportation expenses; providing a new method for ascertaining the Commonwealth's contribution to transportation costs for the fiscal biennium beginning June first, one thousand nine hundred and thirty-seven; and providing a method for contribution by the Commonwealth to certain school districts who are required to pay tuition for students during the biennium beginning June first, one thousand nine hundred and thirty-seven.

Referred to the Committee on Education.

By Mr. DECKER. HOUSE BILL No. 2533.

An Act to amend article five, and section five hundred and twelve as amended, of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals: and amending, revising, consolidating, and changing the law relating thereto," prohibiting the hunting for, and taking and killing of ground hogs during a certain period of each year.

Referred to the Committee on Game.

By Mr. MURRIN. HOUSE BILL No. 2534.

An Act making an appropriation to the Department of Military Affairs of the Commonwealth of Pennsylvania.

Referred to the Committee on Appropriations.

By Miss BRANCATO. HOUSE BILL No. 2535.

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further providing for the rights and powers of such associations.

Referred to the Committee on Building and Loan Associations.

By Miss BRANCATO. HOUSE BILL No. 2536.

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further providing for the rights and powers of such associations.

Referred to the Committee on Building and Loan Associations.

By Miss BRANCATO. HOUSE BILL No. 2537.

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), as amended, entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing insurance companies, associations, and exchanges to apply for and obtain insurance of mortgages, and to make further investments of capital, reserve, and surplus funds, pursuant to the National Housing Act; by adding a new section.

Referred to the Committee on Insurance.

By Miss BRANCATO. HOUSE BILL No. 2538.

An Act to amend further a part of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widows and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," by authorizing executors, administrators, guardians and trustees to invest moneys in their custody or possession eligible for investment in mortgages insured and in debentures issued by the Federal Housing Administrator pursuant to title two of the National Housing Act.

Referred to the Committee on Banking.

By Mr. PIOLE. HOUSE BILL No. 2539.

An Act to amend the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties; by adding a new section thereto authorizing the sale and providing for the use of the list of persons licensed under the provisions of the act; and providing for the payment of all moneys received thereby into the General Fund.

Referred to the Committee on Fisheries.

By Messrs. COHEN and MOUL. HOUSE BILL No. 2540.

An Act to amend that portion of section one relating to York County of the act approved the tenth day of May, one thousand nine hundred and twenty-one, (P. L. 455), entitled "An act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution," rearranging the legislative districts in York County.

Referred to the Committee on Legislative Apportionment.

By Mr. COCHRAN. HOUSE BILL No. 2541.

An Act providing that the Pennsylvania Rural Rehabilitation Corporation be recognized and designated as an agency of the Commonwealth to assist in the rehabilitation of individuals and families as self-sustaining citizens, and authorizing the various officers, boards, courts and governing bodies of the Commonwealth engaged in the relief of destitution and unemployment to cooperate with said corporation.

Referred to the Committee on State Government.

By Mr. KILROY. HOUSE BILL No. 2542.

An Act to further amend section five of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by authorizing the sale and providing for the use of the list of persons procuring licenses under the provisions of this act.

Referred to the Committee on Agriculture.

By Mr. KANE. HOUSE BILL No. 2543.

An Act to amend clause fifty-three of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, exempting certain additional contracts from the contractual provisions; and raising the yearly maximum of contracts in which borough officials may be interested.

Referred to the Committee on Boroughs and Townships.

By Mr. KOBELAK. HOUSE BILL No. 2544.

An act to amend the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), as amended, entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by authorizing the State Workmens' Insurance Board to pay dividends in such proportion as it may determine; by giving the said board the right to reject any risk; and by authorizing the State Fund to write any form of workmen's compensation or employers' liability insurance.

Referred to the Committe on Insurance.

By Mr. HOLSTROM. HOUSE BILL No. 2545.

An Act to further amend section one thousand two hundred and one of, and to add a new section to the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," by authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act; and providing for the payment of all moneys received thereby into the General Fund.

Referred to the Committee on Game.

By Mr. SCANLON. HOUSE BILL No. 2546.

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" as amended, by changing the financial and other requirements for companies, exchanges, and associations writing workmen's compensation insurance; by restricting investment of the surplus of such insurers; by requiring such insurers and the State Fund to accept certain rejected risks; and by adding new sections.

Referred to the Committee on Insurance.

By Messrs. MURRIN and ROAN.
HOUSE BILL No. 2547.

An Act to amend section nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties, providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant.

Referred to the Committee on Military Affairs.

By Mr. FURMAN. HOUSE BILL No. 2548.

An Act to amend sections two, three and four of the act, approved the fifth day of June, one thousand nine hundred and thirteen (P. L. 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflamation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof," by imposing duties on public health nurses, social workers, county medical directors and physicians, and increasing penalties for violation of said act.

Referred to the Committee on Public Health and Sanitation.

By Mr. BAINE (By request). HOUSE BILL No. 2549.

An Act providing for and regulating the assessment and collection of township per capita tax, in townships of the first class, in lieu of the tax on trades, occupations and professions; and defining the powers and duties of assessors, assistant and registry assessors, and township tax collector in connection therewith.

Referred to the Committee on Boroughs and Townships.

By Mr. FURMAN. HOUSE BILL No. 2550.

An Act to amend section ten and to repeal section four of the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 282, 1933-34), entitled "An act providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to, and the burial of, certain aged indigent persons, and the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, and others; making counties liable for certain expenses; providing penalties; and making an appropriation," by providing for liens on the estates of deceased aged recipients; and authorizing payments to certain relatives of deceased aged recipients.

Referred to the Committee on Pensions and Gratuities.

By Mr FURMAN. HOUSE BILL No. 2551.

An Act to amend sections six and nine of the act, approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties," by changing the qualifications for, and amount of, assistance.

Referred to the Committee on Pensions and Gratuities.

By Mr. FURMAN. HOUSE BILL No. 2552.

An Act to amend sections four and ten of the act, approved the seventeenth day of January, one thousand nine hundred and thirty-four (P. L. 246, 1933-34), entitled "An act providing for and regulating, subject to certain restrictions, limitations and liabilities, pensions for certain blind persons, and the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; and providing penalties," by changing the qualifications for pensions; and permitting payments to certain relatives of deceased pensioners.

Referred to the Committee on Pensions and Gratuities.

By Mr. FURMAN. HOUSE BILL No. 2553.

An Act to amend sections one, five, six and ten, to repeal section four of, and to add section sixteen to, the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 282, 1933-34), entitled "An act providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to, and the burial of, certain aged indigent persons, and the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, and others; making counties liable for certain expenses; providing penalties; and making an appropriation," by further regulating such assistance.

Referred to the Committee on Pensions and Gratuities.

By Mr. KANE. HOUSE BILL No. 2554.

An Act providing for the utilization of labor of adult men who are unemployed and receiving relief through the State Emergency Relief Board in the construction and maintenance of streets and alleys of boroughs and cities in which they may reside.

Referred to the Committee on Municipal Corporations.

By Mr. KANE. HOUSE BILL No. 2555.

An Act providing for the utilization of labor of adult men who are unemployed and receiving relief through the State Emergency Relief Board in the construction and maintenance of township roads in the townships in which they may reside.

Referred to the Committee on Boroughs and Townships.

By Mr. MOUL. HOUSE BILL No. 2556.

An Act to amend section eighteen of the act approved the third day of May, one thousand nine hundred and thirty-three, (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed, and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees; and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter session courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts;" as amended, by limiting surety liability to actual pecuniary loss sustained by Commonwealth.

Referred to the Committee on Law and Order.

By Mr. MOUL. HOUSE BILL No. 2557.

An Act to amend section four hundred six of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three, (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferrring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties;" by limiting surety liability to actual pecuniary loss sustained by Commonwealth.

Referred to the Committee on Law and Order.

By Mr. COAKLEY. HOUSE BILL No. 2558.

An Act to further amend section two hundred and eighty-five of, and to add a new section to the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act; and providing for the payment of all moneys received thereby into the General Fund.

Referred to the Committee on Fisheries.

By Mr. PEARSON. HOUSE BILL No. 2559.

An Act to repeal section four of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 273), entitled "An act for the registration and regulation of certain individuals and entities selling, offering for sale on delivery, soliciting subscriptions to, or order for, or undertaking to dispose of, inviting offers for, or inquiries about, or dealing in any manner in securities defined herein, including securities issued by them; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the court of common pleas of Dauphin County to the Supreme Court of Pennsylvania; prescribing penalties and making appropriations."

Referred to the Committee on Banking.

By Mr. PEARSON. HOUSE BILL No. 2560.

An Act relating to the manufacture, storage, transportation and sale of pyrotechnics, otherwise known as fireworks and providing penalties for all violations of this act.

Referred to the Committee on Public Health and Sanitation.

By Mr SIEGEL. HOUSE BILL No. 2566.

An Act to further amend section fifteen of the act approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1311), entitled "An act providing for the establishment of a State Industrial Home for Women; authorizing the purchase of a site, and the erection thereon and equipment of necessary buildings; providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years, convicted of, or pleading guilty to, the commission of any criminal offense; and providing for the government and management of said institution; and making an appropriation to carry out the purposes of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age.

Referred to the Committee on Judiciary General.

By Mr. RINN. HOUSE BILL No. 2567.

An Act to amend section seventy-one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by fixing the minimum width of such highways, and specifying the type of constrution thereof.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2568.

An Act to amend section three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 831), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth; prescribing the qualifications, defining the powers and duties, and fixing the compensation of such examiners; providing for the appointment and removal of inspectors of anthracite mines; prescribing their qualifications, and regulating their salaries and term of office; and abolishing the terms of office of the present mine inspectors of the antracite mines," by changing the age qualifications for applicants for examination as mine inspectors in certain cases.

Referred to the Committee on Mines and Mining.

By Mr. FLANAGAN. HOUSE BILL No. 2569.

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of com-

panies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection and payment of the State tax on the stock of title insurance and trust companies; and by changing the manner of determining the value of the shares of stock of title insurance and trust companies.

Referred to the Committee on Ways and Means.

By Mr. MOUL. HOUSE BILL No. 2570.

An Act to establish as a State highway a certain section of public road in the County of York, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. HABERLEN. HOUSE BILL No. 2571.

An Act to establish as a State highway a certain section of public road in the County of Westmoreland, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. FLANAGAN. HOUSE BILL No. 2572.

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended; requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

Referred to the Committee on State Government.

By Mr. FLANAGAN. HOUSE BILL No. 2573.

An Act to amend paragraph (h) of section two thousand four hundred and eight of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; directing the Department of Property and Supplies to require bonds from State contractors conditioned on the payment of rental for construction and dirt removing equipment and tools.

Referred to the Committee on State Government.

By Mr. ANDREWS. HOUSE BILL No. 2574.

A Supplement to the act approved the twenty-third day of April, one thousand nine hundred and twenty-seven, (P. L. 360), entitled "An act providing for the opening of ballot boxes after general, municipal, special, or primary elections, upon petition to the court of common pleas, or a judge thereof, under certain circumstances, and imposing certain duties in connection therewith upon the court, the prothonotary, and the county treasurer;" providing for the opening of ballot boxes by the court on petition where the court is of the opinion that by reason of the closeness of the vote the recount may change the result; and providing the procedure in such cases.

Referred to the Committee on Education.

By Mr. JAMES W. PATTERSON. HOUSE BILL No. 2575.

An Act providing for the collection of delinquent real estate taxes for years prior to one thousand nine hundred and thirty-five, by installments, and for a discount for prompt payment of such taxes, provided current taxes are paid when due in all counties of the second class, and cities of the second class.

Referred to the Committee on Municipal Corporations.

By Mr. HALUSKA. HOUSE BILL No. 2576.

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to acquire, maintain, and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

Referred to the Committee on Boroughs and Townships.

By Mr. KOBELAK. HOUSE BILL No. 2577.

An Act fixing the maximum millage which may be levied, for all purposes except as hereinafter expressly provided, by the several taxing authorities having power to levy taxes upon real estate in the Commonwealth.

Referred to the Committee on Municipal Corporations.

By Mr. EROE. HOUSE BILL No. 2578.

An Act making an appropriation to the Department of Forests and Waters for the purpose of cleaning and dredging a portion of the channel of Jamison Run in Plan Grove and Scott Townships, Lawrence County.

Referred to the Committee on Appropriations.

By Mr. WESTRICK. HOUSE BILL No. 2579.

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, defining the purposes for which such monies may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

Referred to the Committee on Appropriations.

By Mr. ACHTERMAN. HOUSE BILL No. 2580.

An Act to further amend section one of the act approved the nineteenth day of August one thousand nine hundred thirty-two (Special Session Pamphlet Laws, page eighty-eight), entitled "An act creating the State Emergency Relief Board, consisting of the Governor, the Lieutenant Governor, the Auditor General, State Treasurer, and the Speaker of the House of Representatives; prescribing its powers and duties; empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed, in accordance with plans adopted by the board; and making an appropriation," by empowering the State Emergency Relief Board to utilize means and agencies which will facilitate the securing of cooperation and financial assistance from the Government of the United States.

Referred to the Committee on Appropriations.

By Mr. SUMNEY. HOUSE BILL No. 2581.

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, during the biennium ending the thirty-first of May, one thousand nine hundred thirty-five, defining the purposes for which such monies may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

Referred to the Committee on Appropriations.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 581. (HOUSE BILL No. 2561).

An Act creating a Local Government Commission to study and report on functions of local government, their allocation and elimination, the cost of local government and means of reducing it and the consolidation of local government; and making an appropriation.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 730. (HOUSE BILL No. 2562).

An Act to amend section one of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred eighteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" extending said act to issues where any of the bonds thereof has matured

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 879. (HOUSE BILL No. 2563.)

An act making an appropriation to the Western Pennsylvania Hospital Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 880. (HOUSE BILL No. 2564.)

An act making an appropriation to the Montefiore Hospital Association of Western Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 881. (HOUSE BILL No. 2565.)

An act making an appropriation to the Pittsburgh Homeopathic Medical and Surgical Hospital Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

## RESOLUTIONS INTRODUCED AND REFERRED

By Miss BRANCATO. (Concurrent).

RESOLUTION No. 133.

In the House of Representatives, April 18, 1935.

Whereas, The President and Congress, in order to alleviate unemployment, in developing various public works; and

Whereas, In the city of Philadelphia, Pennsylvania, there has been constructed an extension to the Broad Street subway, which extension runs from South Street to Snyder Avenue in the city of Philadelphia, and which was built at a cost of $4,000,000; and

Whereas, The said subway extension was completed several years ago, it never was equipped for operation, because the authorities of the city of Philadelphia could not, or would not, secure the necessary funds for such equipment, all to the great loss and inconvenience to the citizens of Philadelphia; and

Whereas, The work of equipping said subway extension would give employment to many persons now unemployed; and

Whereas, The equipping of said subway extension would result in the full completion of a self-liquidating public enforcement of great importance and usefulness to the citizens of Philadelphia; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President and Congress of the United States to consider the advisibility and feasibility of including within the public works program the equipping of the South Broad Street subway extension; and be it further

Resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House and the Chief Clerk of the Senate, to the President of the United States, the Vice President, and the President of the Senate, and to the speaker of the House of Representatives, and to all the Senators and Representatives in the Congress of the United States from the Commonwealth of Pennsylvania.

Referred to the Committee on Judiciary Special.

By Mr. JONES. (Concurrent). RESOLUTION No. 134.

In the House of Representatives, April 18, 1935.

Whereas, His Excellency, the Governor, has represented to the General Assembly that the sum of two hundred and three millions of dollars in excess of the customary needs of this Commonwealth will be required for the coming biennium; and

Whereas, One hundred and twenty million dollars of that amount is estimated to be necessary for unemployment relief; and

Whereas, The F. E. R. A. Administrator has warned Pennsylvania that no more relief moneys will be advanced to this Commonwealth from Federal sources unless the furnishing of at least five millions per month be provided from State sources; and

Whereas, Regardless of political recriminations between parties, it is a stupendous undertaking to provide the revenue so stipulated to be necessary; and

Whereas, Members of both houses, under their constitutional oaths and with an honest desire to represent their constituents fairly and well, must study and weigh with caution the various proposed measures to accomplish this purpose; now, therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania memorialize the F. E. R. A. Administrator to continue contributions, as before, to unemployment relief in Pennsylvania, at least until the first day of June, 1935; and, be it further

Resolved, That a copy of this resolution be sent by the Chief Clerk of the House of Representatives to his Excellency, the President of the United States, and to the Hon. Harry Hopkins, Federal Relief Administrator.

Referred to the Committee on Judiciary Special.

Miss BRANCATO. RESOLUTION No. 135.

In the House of Representatives, April 18, 1935.

Whereas, The President of the United States shall have the administration of Four Billion Eight Hundred Million Dollars ($4,800,000,000), for the purpose of erecting certain public structures and improvements as a means of alleviating unemployment, and

Whereas, In the City of Philadelphia, there are many crowded areas in which the children have no means of playing except upon the streets and in the alleys, and

Whereas, It is agreed by all that part of the public works program shall include the elimination of slums. It is suggested that as a part of that program, the establishment of play-grounds in these various areas be undertaken; therefore be it

Resolved, That the Mayor and Council of the City of Philadelphia petition the President to allocate a portion of the Four Billion, Eight Hundred Million Dollars, ($4,800,000,000), for the purpose of establishment of playgrounds in the crowded and congested districts of the City of Philadelphia; and be it further

Resolved, That the Chief Clerk of the House of Representatives send a copy of this Resolution to the Mayor and Council of the City of Philadelphia.

Referred to the Committee on Cities.

## USE OF HALL OF HOUSE GRANTED

Mr. SHUGARTS. Mr. Speaker, I move that the use of the Hall of the House be granted to the Committee on Public Utilities for a public hearing on House Bill Nos. 1897 and 2023 on Wednesday, April 24th, from 2:30 p. m. to 4:00 p. m.

The motion was agreed to.

## ADJOURNMENT

Mr. RUFFENNACH. Mr. Speaker, I move that this House do now adjourn until Monday, April 22, 1935, at 9:00 p. m.

The motion was agreed to, and (at 4:29 p. m.) the House adjourned until Monday, April 22, 1935, at 9:00 p. m.

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